



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3827

DATE FILMED 6-15-94 CAMERA NO. 2

CAMERAMAN S.E.G.

94043524302

FEDERAL ELECTION COMMISSION

- - - - -x
In the Matter of :
William D. Powers, as Chairman :
of the New York Republican :
State Committee :
against :
Al Gordon, as the Chairman of :
the New York Democratic :
State Committee :
and :
the New York Power Authority :
- - - - -x

Complaint MUR 3827

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

Williams D. Powers, being duly sworn, deposes and says
as follows:

1. I am the Chairman of the New York Republican State
Committee and I reside at 1624 New York Post Road, Castleton, New
York 12033. I submit this complaint because I believe the New
York Democratic State Committee may have violated federal
election law during their activities in the 1992 campaign on
behalf of the Clinton for President and the Abrams for U.S.
Senate campaigns.

2. Upon information & belief, all activities
conducted by the New York Democratic State Committee on behalf of
the Clinton for President & Abrams for U.S. Senate campaigns were
conducted under the Democratic State Committee banner of
Democratic Victory '92.

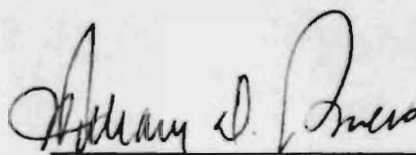
94043524303

3. Pursuant to section 1002 of the New York State Public Authorities Law, the Power Authority of the State of New York is a " body corporate and politic, a political subdivision of the state, exercising governmental & public powers...".

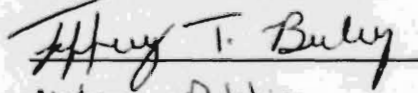
4. Upon information & belief, the New York Power Authority headquarters in New York City was used in the fall of 1992 to tape an election campaign commercial for Democratic Victory '92.

5. My knowledge of this information derives from a September 17, 1993 article which appeared in New York Newsday (article attached). If the allegations which appear in this article are true, a governmental entity of the State of New York has been used to the partisan benefit of the New York State Democratic Party in order to promote their 1992 federal campaigns.

6. I respectfully request an immediate investigation of the allegations raised in the New York Newsday article to determine whether any federal election laws have been violated.


William D. Powers

Sworn to and subscribed
before me this 25th
day of October 1993


Notary Public
Albany County N.Y.
Registration # 4981972
term expires 5/30/95

94043524304

NEW YORK REPUBLICAN STATE COMMITTEE

WILLIAM B. POWERS
Chairman

EMBARGOED RELEASE
PLEASE HOLD FOR SATURDAY,
OCTOBER 23, 1993, 6:30 P.M.

CONTACT: LONNI MILLER
(516) 463-2601

NY GOP CHAIR CALLS FOR FEDERAL AND STATE PROBE INTO DEMOCRATIC STATE COMMITTEE PRACTICES

ALBANY -- New York Republican State Committee Chairman William Powers today announced that Monday morning he is filing federal and state complaints against the New York Democratic State Committee.

The complaints, which will be filed with the Federal Election Commission (FEC) and the New York State Board of Elections, ask that charges -- that the State Democratic Committee used state agency facilities to tape a campaign commercial last year -- be investigated.

"I read a newspaper article last month that charged that the State Democratic Committee used studios in the Manhattan headquarters of the New York Power Authority to tape a campaign ad. That's a serious charge -- one I believe should be looked into," Powers said.

The story Powers spoke of ran September 17, 1993 in New York Newsday and alleged that the ad was part of the Democratic Victory '92 program -- the coordinated state campaign to elect Bill Clinton, Robert Abrams and others.

"This seems to be an emerging pattern of the Democrats' total disregard for the law," said Powers referring to recent revelations that the New York Democratic State Committee conspired with the Dinkins campaign in New York City to violate Public Campaign Finance laws.

Earlier in the week, the Dinkins campaign was ordered by the New York City Public Campaign Finance Board to repay \$226,000 to the Democratic State Committee. In direct violation of the law, the Democratic State Committee spent \$226,000 -- of the \$500,000 they had originally earmarked for an anti-Rudy Giuliani media blitz.

The Dinkins campaign was also ordered to add the \$226,000 spent by the Democratic State Committee to the total amount of money spent by the campaign.

The Dinkins campaign was also fined \$320,000 -- the largest fine levied by the Public Campaign Finance Board to date -- for violating spending limits in the September 1993 primary.

The New York City Public Campaign Finance laws: prohibit any group for contributing more than \$6,500 to a candidate; limit the total amount of money a campaign can spend; and provide public matching funds to candidates.

"The Democrats violated the law this year. And they violated the law last year too. In fact, we need Mario Cuomo, his campaign committee, and the Democratic State Committee last year for using Department of Economic Development funds to produce an anti-Republican piece of campaign literature," Powers said.

"There seems to be a disturbing pattern here. And I can only wonder if this is just the tip of the iceberg," said Powers.

"How many other times have David Dinkins and the Democrats blatantly broken the law? These alarming election law transgressions raise questions about the integrity of the Democratic State Committee, Mario Cuomo, David Dinkins and the rest of the Democrats who control New York State," Powers said.

"Can we really trust people who intentionally break the laws which are in place to ensure that New York has honest and fair elections? I don't think so," said Powers.

"David Dinkins and the Democrats can't be trusted to run a fair and honest campaign -- can they be trusted to run New York City?" Powers asked.

Attached are copies of the Newsday article "Powerful Plug" and a letter from the FEC stating the New York Republican State Committee's Victory 92 program was in compliance, unlike the Democratic State Committee's program. Copies of the complaints and 1992 lawsuit are available.

35

315 STATE STREET

ALBANY, NEW YORK 12210

(516) 463-2001

Powerful Plug

NEWSDAY NYC

By Michael Moss
STAFF WRITER

The New York Power Authority headquarters in Manhattan was used last fall to tape an election campaign commercial for the state Democratic Party.

Voices of agency employees were used in the political advertisement, which was taped in the agency's recording studio for Democratic Victory '92 — the coordinated state campaign to elect Bill Clinton, Robert Abrams and others, sources said.

The political ad was produced by a New Jersey based consultant recommended to Victory '92 by James Cunningham, the Power Authority's senior vice president for public affairs, Democratic officials said.

Cunningham's office subsequently arranged for the consultant to meet with agency employees, who were taped in

State agency used facilities to tape election ad for Dems

the agency's sound proof recording studio.

Cunningham denied having any involvement or advance knowledge of the taping, and said that once he learned of it he instructed studio personnel to ensure that the consultant use his own recording equipment, which he did.

"If we had known that was his intention, we would have stopped him," Cunningham said.

Blair Horner, legislative director of the New York Public Interest Research Group criticized the authority for allowing its facilities to be used for partisan

activity.

"The public has a right to expect that its nonpartisan governmental entities are not to be used for partisan activities, and this is a clear example where that expectation was ignored," Horner said.

"This was not a Power Authority effort," said Power Authority spokesman Stephen Shoenholz. "It was not sanctioned by the Power Authority. It was done by these people voluntarily on their lunch hours."

Shoenholz declined to name any of the employees so that they could be interviewed.

The ad — intended for radio usage before last November's election — was deemed technically inadequate and never aired, according to Glyn Georges, executive director of the state Democratic Party. Victory '92 subsequently paid the consultant, Robin Raj, \$12,000 for work on another ad that did not involve the Power Authority, Georges said.

Georges said Victory '92 officials were unaware that Power Authority facilities were used. The consultant made the arrangements with Power Authority to use the facilities, Shoenholz said.

"We would never tolerate any such action," Georges said. "Had we even had a hint we would never have allowed the taping to proceed."

Her predecessor, John Marino, said he was aware Cunningham had recom-

mended Raj, but said he did not know the Power Authority became involved in the taping.

Raj has moved to California and did not return calls seeking comment.

Power Authority records show that the agency began spending large sums of public money to boost its image in the mid-1980s when Richard Flynn became chairman.

In 1987, the agency paid a consultant \$141,477 to "provide assistance on NYPA viability," according to contract records. The next year it paid \$4,364 for a "seminar on advertising and its role in corporate public affairs."

The Power Authority created an audio and a separate video taping studio at the Manhattan headquarters it moved into four years ago.

Since 1990, the agency has spent more than \$370,000 on video editing equipment and nearly \$500,000 on editing consultants. Cunningham said the goal is to stir public interest in energy.

Other state agencies wanting to promote their interests use the low-cost, nonprofit facility run by the State University of New York in Albany.

William Snyder, executive director of New York Network / SUNYSAT, said numerous state agencies use its studio and services to produce public service announcements and paid ads at rates significantly below commercial charges.

Asked if the Network would allow a political party to use its facilities, Snyder said, "We would not do political commercials here. It becomes problematic, where an agency of state government is producing for the political sector. We have to maintain our independent stance. When it comes to political use of state property, we demur."



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-K

John Sweeney, Treasurer
November Salute '92 Committee
315 State Street
Albany, NY 12210

JUL 30 1993

Identification Number: C00276386

Reference: Mid-Year Termination Report (1/1/93-6/30/93)

Dear Mr. Sweeney:

Your committee's filing has been accepted as a valid termination because it meets the conditions set forth in 2 U.S.C. §433(d) and 11 CFR §102.3. Your committee is no longer required to file reports on a periodic basis. However, 2 U.S.C. §432(d) and 11 CFR §§102.9(c) and 104.14(b)(3) require that you maintain your records and copies of reports for inspection for at least three (3) years. In addition, you may be required to respond to Commission requests for information regarding your committee's federal election activity and previously filed reports.

If your committee again becomes active in federal elections, it will be required to re-register with the Commission in accordance with the Federal Election Campaign Act and applicable Regulations. Your committee will be treated as a new entity by the Commission and should register as a new committee on FEC FORM 1, pursuant to 2 U.S.C. §§432(g) and 433(a).

Political committees and separate segregated funds which once attained multicandidate committee status and subsequently terminated will, upon re-registration, again be required to meet the criteria set forth in 2 U.S.C. §401a(a)(4).

If you have any questions concerning your status and requirements, please contact the Reports Analysis Division at the toll-free number, (800) 424-9530. My local number is (202) 219-3586.

Sincerely,

Jan McBride
Jan McBride
Reports Analyst
Reports Analysis

94043524307



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

William D. Powers
New York State Republican Committee
315 State Street
Albany, NY 12210

RE: MUR 3827

Dear Mr. Powers:

This letter acknowledges receipt on October 26, 1993, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Clinton for President, Inc. and Robert A. Farmer, as treasurer, Abrams '92 and Ethan M. Geto, as treasurer, Al Gordon, Chairman of the New York State Democratic Committee, the New York State Democratic Committee and Rosemary Conway, as treasurer, Democratic Victory '92 and its treasurer, Gigi Georges, Executive Director of the New York State Democratic Committee, John Marino, James Cunningham and the Power Authority of the State of New York. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3827. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

94043524308



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

Anthony S. Harrington, Esq.
Hogan and Hartson
Columbia Square
555 Thirteenth Street, N.W.
Washington, D.C. 20004

RE: MUR 3827

Dear Mr. Harrington:

The Federal Election Commission received a complaint which indicates that your clients, Clinton for President, Inc., and Robert A. Farmer, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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 your clients 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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

94043524309

Anthony S. Harrington, Esq.
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

94043524310



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

Ethan M. Geto, Treasurer
Abrams '92
20 Broad Street, 27th Floor
New York, N.Y. 10005

RE: MUR 3827

Dear Mr. Geto:

The Federal Election Commission received a complaint which indicates that Abrams '92 ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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 the Committee and you, as treasurer, 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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

94043524311

Ethan M. Geto, Treasurer
Abrams '92
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

94043524312



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Al Gordon
Chairman
New York State Democratic Committee
60 East 42nd Street, Suite 631
New York, N.Y. 10165

NOVEMBER 3, 1993

RE: MUR 3827

Dear Mr. Gordon:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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94043524313

Al Gordon
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

94043524314



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

Rosemary Conway, Treasurer
New York State Democratic Committee
60 East 42nd Street, Suite 631
New York, N.Y. 10165

RE: MUR 3827

Dear Ms. Conway:

The Federal Election Commission received a complaint which indicates that the New York State Democratic Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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 the Committee and you, as treasurer, 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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24043524315

Rosemary Conway, Treasurer
New York State Democratic Committee
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

94043524316



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

Treasurer
Democratic Victory '92
New York State Democratic Committee
60 East 42nd Street, Suite 631
New York, N.Y. 10165

RE: MUR 3827

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Democratic Victory '92 ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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 the Committee and you, as treasurer, 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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94043524317

Treasurer
Democratic Victory '92
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary d. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

Gigi Georges
Executive Director
New York State Democratic Committee
60 East 42nd Street, Suite 631
New York, N.Y. 10165

RE: MUR 3827

Dear Ms. Georges:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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94043524319

Gigi Georges
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

94043524320



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

John Marino
c/o New York State Democratic Committee
60 East 42nd Street, Suite 631
New York, N.Y. 10165

RE: MUR 3827

Dear Mr. Marino:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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94043524321

John Marino
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

James Cunningham
Senior Vice President for Public Affairs
New York Power Authority
1633 Broadway
New York, N.Y. 10019

RE: MUR 3827

Dear Mr. Cunningham:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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94043524323

James Cunningham
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
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9 4 0 4 3 5 2 4 3 2 4



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

NOVEMBER 3, 1993

Charles M. Pratt
Senior Vice President and General Counsel
Power Authority of the State of New York
1633 Broadway
New York, N.Y. 10019

RE: MUR 3827

Dear Mr. Pratt:

The Federal Election Commission received a complaint which indicates that the Power Authority of the State of New York ("Power Authority") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3827. 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 the Power Authority 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. If no response is received within 15 days, the Commission may take further action based on the available information.

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94043524325

Charles M. Pratt
Page 2

If you have any questions, please contact me at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
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94043524326

94043524327



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

NOVEMBER 23, 1993

Issac D. Corre, Esq.
Paul, Weiss, Rifkind,
Wharton & Garrison
1285 Avenue of the Americas
New York, NY 10019-6064

MUR 3827

Dear Mr. Corre:

This is in response to your letter dated November 15, 1993, which we received on that same date, requesting an extension of 15 days to respond to the above referenced matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on December 3, 1993.

If you have any questions, please contact Joan McEnery at (202) 219-3690.

Sincerely,

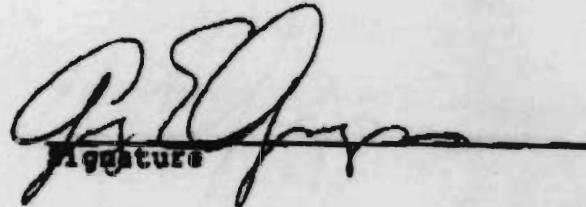
Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

94043524328

STATEMENT OF DESIGNATION OF COUNSELMUR 3827
6252NAME OF COUNSEL: Gerard E. Harper/Isaac D. CorreADDRESS: _____
1285 Avenue of the Americas
New York, New York 10019-6064TELEPHONE: (212) 373-3000

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.

11-17-93
Date
SignatureRESPONDENT'S NAME: New York State Democratic CommitteeADDRESS: 60 East 42nd Street, Suite 631
New York, New York 10165

TELEPHONE: HOME() _____

BUSINESS(212) 986 2955RECEIVED
FEDERAL ELECTION COMMISSION
93 NOV 17 PM 2:09

94043524329

NOV 19, 1993

OGIC 0465

HOGAN & HARTSON

COLUMBIA SQUARE
555 THIRTEENTH STREET NW
WASHINGTON DC 20004-1109
(202) 637-5600

L. ANTHONY SUTIN
PARTNER
DIRECT DIAL (202) 637-6273

BRUSSELS
LONDON
PARIS
PRAGUE
WARSAW
BALTIMORE, MD
BETHESDA, MD
McLEAN, VA

November 19, 1993

BY HAND DELIVERY

Mary L. Taksar, Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 3827

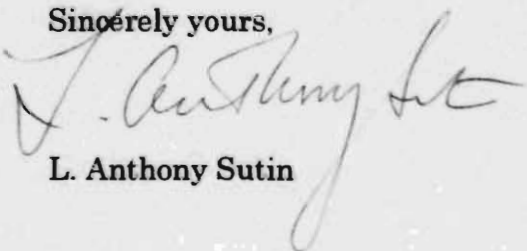
Dear Ms. Taksar:

Enclosed please find the Response of the Clinton for President Committee, Inc. and Robert A. Farmer, as Treasurer, to the complaint in the above-captioned matter. As the Response indicates, it also is submitted on behalf of the Clinton/Gore '92 Committee, Inc., which appears to be the more appropriate respondent insofar as the allegations of the complaint relate to the 1992 general election.

A blanket Designation of Counsel for all matters has been filed previously with your office.

Please call me if you have any questions.

Sincerely yours,


L. Anthony Sutin

Enclosure

94043524330

UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

WILLIAM D. POWERS,

Complainant

v.

AL GORDON, et al.,

Respondents.

MUR 3827

RESPONSE OF CLINTON FOR PRESIDENT COMMITTEE
AND ROBERT A. FARMER, AS TREASURER

The Clinton for President Committee, Inc. and Robert A. Farmer, as treasurer, 1/ submit this response to the complaint filed by William D. Powers, as Chairman of the New York Republican State Committee. As Mr. Powers' spirited press release attached to the complaint demonstrates, this complaint was a partisan and eleventh-hour attempt to influence the 1993 New York City mayoral race between David Dinkins and Rudolph Giuliani. The complainant expressly disclaims any personal knowledge of the alleged violations, and has articulated no factual or legal theory to support any conceivable violation of the federal election

1/ The November 3, 1993 correspondence from the Commission is directed to the Clinton for President Committee. As an initial matter, the circumstances referred to in the complaint allegedly took place during the 1992 general election campaign. Accordingly, the Clinton for President Committee, the primary campaign committee for then-Governor Clinton, is not a proper party to this matter. However, in the interest of an expeditious dispatch of this groundless complaint, this response is submitted on behalf of the Clinton/Gore '92 Committee (the general election committee) as well.

law by the Clinton/Gore campaign. ^{2/} These respondents request that the Commission determine that there is no reason to believe that any such violation transpired and that this matter promptly be closed as to them.

I. ASSUMING THAT THE NEWS STORY IS TRUE, IT DOES NOT DEMONSTRATE THE RECEIPT OF A PROHIBITED CONTRIBUTION

These respondents have no knowledge of the alleged facts underlying the complaint, or of the truth or falsity of the September 17, 1993 Newsday story. No assertion is made that Clinton/Gore personnel were involved in any way in the alleged use of a recording studio on the premises of the New York Power Authority by a consultant to tape a presumably generic radio advertisement for the New York State Democratic Party. Nevertheless, taking the statements in the article as true, the circumstances described reveal no violation of federal election law by anyone, much less by the Clinton/Gore campaign.

A. Based on the News Story, No Political Committee Received Anything of Value

The Newsday article states that the disputed radio ad was produced by an independent "consultant," who appears to have been produced radio advertisements for presentation to and possible purchase by the state Democratic party. There is no suggestion that the consultant was an employee of the party, or that he received any compensation in connection with the challenged ad. There is no allegation that state party officials were aware that the disputed ad was being

^{2/} Respondents submit that this complaint would be insufficient to meet the minimum standards for complaints premised on news stories, set forth in proposed regulation 11 C.F.R. § 111.4(e).

94043524332

recorded at the Power Authority; indeed, the article contains express denials of such knowledge.

It is common for vendors or consultants to produce wares in the hopes of selling them to political committees. See, e.g., Advisory Opinion No. 1989-21. Where such offers are declined and the goods or services are not utilized by the committee, there can be no argument that the committee has received a "contribution" because the committee has received nothing at all. Even where such offers are accepted, the proper analysis of whether a contribution has been made would focus on whether the sale to the committee by the vendor or consultant was an arms-length transaction for full value, rather than an examination of whether the vendor or consultant paid full price for the component parts of the product. See Advisory Opinion No. 1988-17.

B. Based on the News Story, Use of the Recording Studio Was Permissible Incidental Use in Connection with Volunteer Activities.

The Newsday article also reports that (1) the consultant used his own recording equipment, and (2) Power Authority employees that participated in the taping did so "voluntarily on their lunch hours."

Based on this report, the only Power Authority resource used in connection with the production of the aborted advertisement was a sound-proof room in which volunteer Power Authority employees recorded statements, apparently about the Democratic ticket. Such a use would be lawful under Commission regulations, which permit employees of a corporation to make "incidental use" of corporate facilities in connection with volunteer activities related to a federal election. The article recites that the use of the studio was during the

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volunteer employees' "lunch hours." One hour per week of use is specifically identified in the regulations as an "incidental" use. 11 C.F.R. § 114.9(a) and (b). ^{3/}

C. In Any Event, No Impermissible Contribution Was Received by Clinton/Gore

Even if one assumes that a contribution by the Power Authority was made because the state party received something "of value" from a rejected radio ad and the "incidental use" regulations did not authorize lunch-hour use of the Power Authority recording studio by employee volunteers, any resulting prohibited in-kind contribution would have been made to the New York State Democratic Party, the entity to which the rejected radio ad allegedly was presented, and not to Clinton/Gore. ^{4/} Although state parties are permitted to make certain expenditures directly or indirectly benefiting the candidacies of the party's presidential and vice-presidential nominees, see generally 2 U.S.C. §§ 431(8)(B)(x), 431(9)(B)(viii), 11 C.F.R. § 106.1, the state party committee and presidential campaign committee retain their distinct, separate and unaffiliated existences for purposes of contribution and expenditure attribution. 11 C.F.R. §§ 100.5(g); 110.3; 110.7(a)(7). Thus, a contribution -- legal or otherwise -- to a state party or a state party coordinated campaign account is not a contribution to the general election campaign committee of that party's nominee for president.

^{3/} Again, assuming the news story to be accurate, respondents do not condone the use of the Power Authority facilities for volunteer political purposes. Respondents merely state that, based on the Newsday description, no violation of the federal election law is presented.

^{4/} The radio advertisement never aired and thus nothing "of value" was received by Clinton/Gore. See 2 U.S.C. § 431(8).

Even if the radio ad had been broadcast, it would not have constituted a contribution to Clinton/Gore. As described in the Newsday article, the ad was a "commercial for the state Democratic Party" in connection with the November 1992 general election. No contention is made that the radio ad expressly advocated the election of Bill Clinton or any other federal candidate. Such a generic media broadcast, even when aired solely in connection with a federal election, does not constitute a contribution by the state party to the federal candidates seeking election. See Advisory Opinion Nos. 1984-15, 1985-14; MUR 1844; 11 C.F.R. § 106.1(d).

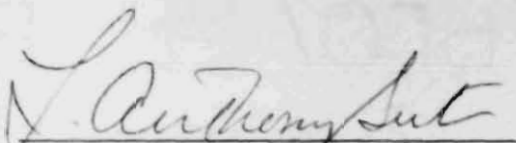
II. CONCLUSION

For the foregoing reasons, the Clinton for President Committee and Robert A. Farmer, as Treasurer, on behalf of themselves and the Clinton/Gore '92 Committee, request that the Federal Election Commission promptly find no reason

to believe that any violation of law has been committed by these respondents and close this matter as to them.

Respectfully submitted,

Dated: November 19, 1993



Anthony S. Harrington
L. Anthony Sutin
HOGAN & HARTSON
Columbia Square
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
(202) 637-5600

Attorneys for Clinton for President
Committee, Inc. and Robert A. Farmer,
as Treasurer, and Clinton/Gore '92
Committee, Inc.

94043524336

002 0543

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2107

(202) 371-7000

FAX (202) 393-5760

DIRECT DIAL
(202) 371-7007

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NOV 30 1993
PM 4:40

November 30, 1993

VIA FAX

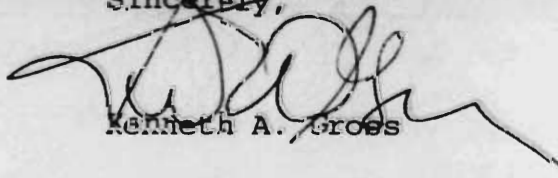
Mary Taksar, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3827 James Cunningham

Dear Ms. Taksar:

Per our discussion, enclosed is a Designation of Counsel for James M. Cunningham. Also, I request an extension of time to coincide with the request for extension that I submitted on behalf of New York Power Authority (copy enclosed). If the extension is granted the response will be due on December 23, 1993.

Sincerely,


Kenneth A. Gross

Enclosure

94043524337

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3827

NAME OF COUNSEL: Kenneth A. Gross

ADDRESS: Skadden, Arps, Slate, Meagher & Flom

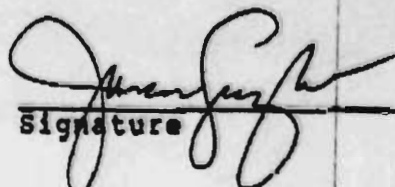
1440 New York Avenue, N.W.

Washington, DC 20005

TELEPHONE: (202) 371-7007

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.

November 12, 1993
Date


Signature

RESPONDENT'S NAME: James M. Cunningham

ADDRESS: New York Power Authority

1633 Broadway

New York, NY 10019

TELEPHONE: HOME()

BUSINESS(212) 468-6301

94043524338

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2107

FAX (202) 393-5760

DIRECT DIAL
(202) 371-7007

(202) 371-7000

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PARIS
PRAGUE
SYDNEY
TOKYO
TORONTO

November 18, 1993

VIA FAX

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

Re: MUR 3827 New York Power Authority

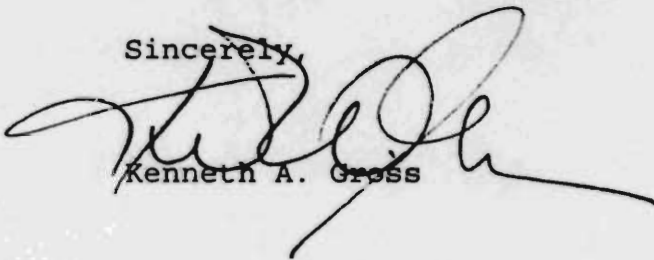
Dear Mr. Noble:

On November 18, 1993, the New York Power Authority ("NYPA") designated me as counsel in the above referenced matter. Enclosed is the Designation of Counsel form. As I am new to this case, I have not had an opportunity to review the file. NYPA received the complaint on November 8, 1993, which would make its response due on November 23, 1993.

In order to provide adequate time to review the file and determine what occurred in this matter, I request a 30 day extension of time to respond to the complaint. If the extension is granted, the response will be due on December 23, 1993.

Thank you for your consideration of this request.

Sincerely,


Kenneth A. Gross

Enclosure

94043524339

STATEMENT OF DESIGNATION OF COUNSELMUR 3827NAME OF COUNSEL: Kenneth A. GrossADDRESS: Skadden, Arps, Slate, Meagher & Flom1440 New York Avenue, N.W.washington, DC 20005TELEPHONE: (202) 371-7000

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.

November 18, 1993
Date
SignatureRESPONDENT'S NAME: New York Power AuthorityADDRESS: 1633 BroadwayNew York, NY 10019TELEPHONE: HOME()BUSINESS(212) 468-6101

94043524340



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DECEMBER 6, 1993

Kenneth A. Gross, Esq.
Skadden, Arps, Slate,
Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 3827
New York Power Authority
and James Cunningham

Dear Mr. Gross:

This is in response to your letter dated November 30, 1993, which we received on December 1, 1993, requesting an extension until December 23, 1993 to respond to the above referenced matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, the responses are due by the close of business on December 23, 1993.

If you have any questions, please contact me at
(202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

94043524341



60 East 42nd Street, Suite 631
New York, New York 10165
212-986-2955
212-986-0742 (Fax)

307 Hamilton Street
Albany, New York 12210
518-462-7407
518-462-5621 (Fax)

December 2, 1993

Ms. Joan McEnery
Federal Election Commission
Washington, D.C. 20463

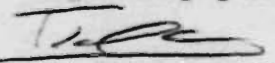
Re: MUR 3827

Dear Ms. McEnery:

Enclosed is an affidavit of Gigi Georges in response to the Complaint in the above-referenced matter.

Please feel free to call me at (212) 373-3403 if I can be of any assistance to you in this matter.

Very truly yours,


Isaac D. Corré

IDC/kcw
Enclosure

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FEDERAL ELECTION COMMISSION

In the Matter of

William D. Powers, as Chairman of the
New York Republican State Committee,

-against-

Al Gordon, as the Chairman of the New
York Democratic State Committee

-and-

The New York Power Authority.

MUR 3827

AFFIDAVIT

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

GIGI GEORGES, being duly sworn, deposes and says:

1. I am the executive director of the New York State Democratic Committee, one of the respondents in the above-captioned matter. I submit this affidavit in response to the November 3, 1993 letter from Mary L. Taksar offering the State Democratic Committee the opportunity to respond to the complaint filed by the New York State Republican Chairman, William Powers. As I explain below, the complaint is frivolous and should be summarily dismissed.

2. The Republican complaint is insufficient on its face to justify the Commission's attention. The complaint is based solely on an article published in New York Newsday. The Newsday article asserts that Robin Raj,

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an independent contractor, used facilities and employees of the New York Power Authority to prepare a radio advertisement ostensibly for the State Democratic Committee's 1992 campaign. Nothing in the article suggests wrongdoing by the State Democratic Committee. The article nowhere asserts that the State Democratic Committee authorized or was aware of Mr. Raj's alleged use of Power Authority facilities, and the article says that the State Democratic Committee did not buy, use or otherwise benefit from the advertisement that Mr. Raj supposedly prepared there. The article thus supplies no basis for an inquiry by the Commission.

3. No such basis exists in any event. The truth is that, as far as the State Democratic Committee was aware, Mr. Raj was a self-employed advertising consultant. To this day, apart from the assertions in *Newsday*, the State Democratic Committee has no knowledge to suggest that Mr. Raj misused any government facilities or personnel in the conduct of his business. And as the *Newsday* article says, the one radio advertisement that the State Democratic Committee bought from Mr. Raj was apparently not prepared with facilities or personnel of the Power Authority.

4. Here are the facts: I first met Mr. Raj in or about September 1992, at which time I worked with the staff of the State Democratic Committee. Among other

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things, I was in charge of coordinating a radio advertising campaign in support of the Democratic Party. I was told that Mr. Raj had been recommended to the State Democratic Committee by James Cunningham, a Power Authority official, who said that Mr. Raj might be of help in preparing our radio advertising campaign. It was my understanding from Mr. Raj that he was an award-winning, independent consultant experienced in devising radio campaigns for private companies. Mr. Raj told me that he maintained an office in New Jersey where he conducted his consulting business, and gave me a New Jersey telephone number at which he could be reached. To the best of my recollection, all of my contacts with Mr. Raj were either in meetings at the State Committee's offices or telephone conversations with him at his New Jersey office.

5. At my initial meeting with Mr. Raj, I told him that we were not in a position to hire him as a consultant, and in fact the State Democratic Committee never did so. I told him, however, that he was free to work on "spec": that is, the State Democratic Committee would consider any ideas or proposed advertisements that Mr. Raj developed, and if the State Democratic Committee liked what he did we would pay him for the use of it. Such arrangements are common in this field. I made it plain to

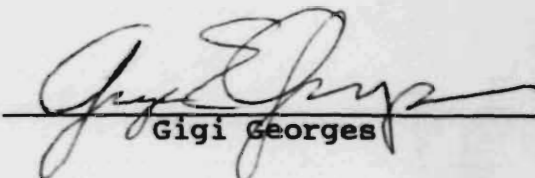
Mr. Raj that the State Democratic Committee would be under no obligation to buy anything he developed.

6. A few weeks after our initial meeting, Mr. Raj provided the State Democratic Committee with a number of taped advertisements that he wished us to consider. The State Democratic Committee purchased one of the advertisements, a sixty-second radio spot called "Single Voice." The decision to buy that one ad was made solely by me in consultation with the State Chair at the time (John Marino). As is evident from the script (Ex. A), the radio ad was a purely generic promotion of the Democratic Party and made no reference by name to any candidate. To the best of the State Democratic Committee's knowledge, neither the Power Authority nor any other public agency was involved in preparing this advertisement. The State Democratic Committee paid Mr. Raj the sum of \$12,000 for the ad, which we understood to cover costs that he incurred in producing it. The State Democratic Committee fully disclosed this expenditure in accord with Commission regulations.

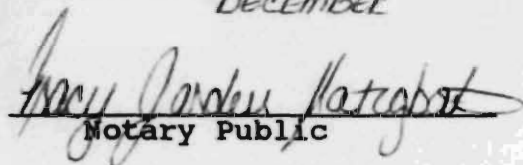
7. The State Democratic Committee did not buy, use, or otherwise benefit from any other work done by Mr. Raj. The first time that I heard about his alleged use of the facilities or employees of the Power Authority in connection with radio advertisements was when a Newsday reporter mentioned the allegation to me a day or so before

the story appeared. The advertisement that the reporter described to me, and that was supposedly prepared at the Power Authority, was among those that the State Democratic Committee declined to purchase from Mr. Raj. Mr. Raj did not inform anyone at the State Democratic Committee that he had used public facilities to prepare that advertisement, if indeed he did.

8. In sum, the State Democratic Committee committed no violation of the Commission's rules and regulations in regard to the transactions to which the complaint refers. The complaint is a Republican publicity stunt. The Commission should dismiss it.


Gigi Georges

Sworn to before me this
2nd day of ~~November~~, 1993
DECEMBER


Notary Public

THACY JARDEN KATIGBAK
Notary Public, State of New York
No. 41-4998429
Qualified in Queens County
Commission Expires June 29, 1994

Sept was aired

Exhibit A

"SINGLE VOICE"/:60 radio

New York State Democratic Committee 10.7.92

A CHAIN OF PEOPLE OF ALL TYPES AND BACKGROUNDS
RECITE PHRASES THAT ARE CONNECTED TO FORM A CO-
HERANT MONOLOGUE ABOUT PULLING THE COUNTRY TO-
GETHER UNDER A UNIFIED STRATEGY FOR THE FUTURE.

We are a house divided.

Because we've allowed our government
to divide us

For years, we've allowed our government
to confuse us

to ignore us

to isolate our agendas

to pass blame and point fingers

to be accountable

to only part of the people

It's time again for

all the people to have a voice

And demand better of our leaders

Why can't we have a foreign policy

that supports our domestic policy

our energy policy

our environmental policy

9 4 0 4 3 5 2 4 3 4 8

our education policy

our economic policy.

The Japanese get it

The Germans understand it

Why can't we?

When we put our hearts and minds together

we are the most powerful nation on earth

A unified vision for the

United States of America.

That's something the Democratic ticket

not only supports but is

at the root of their plan

a well-drawn plan

for our future.

On November 3rd

we can make it a reality.

Please vote for the Democratic ticket

and give America back

its voice.

Sponsored by

the New York State

Democratic Committee.

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HOGAN & HARTSON

Dec 7 10 15 AM '93

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555 THIRTEENTH STREET NW
WASHINGTON DC 20004-1109
(202) 637-5600

L. ANTHONY SUTIN
PARTNER
DIRECT DIAL (202) 637-6273

BRUSSELS
LONDON
PARIS
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WARSAW
BALTIMORE, MD
BETHESDA, MD
MCLEAN, VA

November 29, 1993

Mary L. Taksar, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

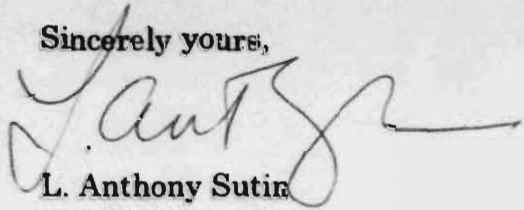
Re: MURs 3827 and 3830

Dear Ms. Taksar:

Pursuant to our telephone conversation, I am enclosing for your records a copy of the Designation of Counsel on behalf of Clinton/Gore '92 Committee, Inc., President Clinton and Vice President Gore. This designation was submitted to your office on October 8, 1992.

Christine Varney, one of the attorneys listed, now works in the White House. However, communications may continue to be directed to either Tony Harrington or me. Please feel free to call me if you have any questions.

Sincerely yours,



L. Anthony Sutin

Enclosure: Designation of Counsel Form

93 DEC -7 PM 2:20

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94043524350

HOGAN & HARTSON

COLUMBIA SQUARE
355 THIRTEENTH STREET NW
WASHINGTON DC 20004-1109
(202) 637-5600

BRUSSELS
LONDON
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PRAGUE
WARSAW
BALTIMORE, MD
BETHESDA, MD
MCLEAN, VA

Direct line
202/637-8273

October 8, 1992

BY HAND

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

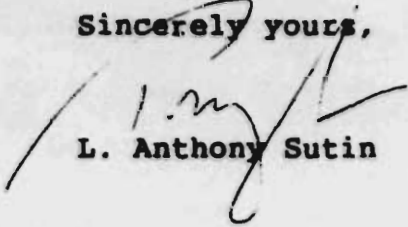
Re: Clinton/Gore '92

Dear Mr. Long:

In response to your request to Christine Varney, Esq., enclosed please find blanket statements of designation of counsel for Governor Clinton, Senator Gore and the Clinton/Gore '92 Committee. We would appreciate your distributing these statements to all appropriate personnel in your office.

Thank you for your assistance.

Sincerely yours,


L. Anthony Sutin

Enclosures

bcc: C. Varney w/attachments
T. Harrington w/attachments

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL:

Anthony S. Harrington
Christine A. Varney
L. Anthony Sutin
HOGAN & HARTSON
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
(202) 637-5600

The above named individuals are hereby designated as
my counsel and are authorized to receive any notifications and
other communications and to act on my behalf.

October 6, 1992
Date

[Signature]

RESPONDENTS' NAMES:

GOVERNOR BILL CLINTON

ADDRESS:

112 West Third Street
Little Rock, AR 72201

PHONE:

501-372-1992

94043524352

STATEMENT OF DESIGNATION OF COUNSEL

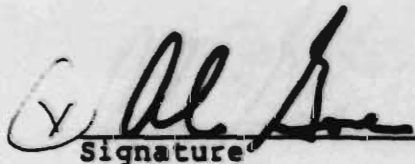
MUR _____
NAME OF COUNSEL: Anthony S. Harrington, Christine A. Varney,
L. Anthony Sutin

ADDRESS: Hogan & Hartson
555 Thirteenth Street, NW
Washington, DC 20004-1109

TELEPHONE: (202) 637-5600

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.

Oct. 6, 1992
Date


Signature

RESPONDENT'S NAME: SENATOR AL GORE

ADDRESS: 112 West Third Street
Little Rock, AR 72201

TELEPHONE: HOME() 501 372 1992
BUSINESS()

94043524353

59
STATEMENT OF DESIGNATION OF COUNSEL

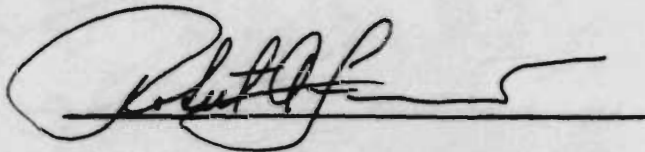
NAME OF COUNSEL:

Anthony S. Harrington
Christine A. Varney
L. Anthony Sutin
HOGAN & HARTSON
555 Thirteenth Street, NW
Washington, DC 20004
(202) 637-5600

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The above named individuals are hereby designated as
my counsel and are authorized to receive any notifications and
other communications and to act on my behalf.

October 6, 1992

Date



RESPONDENTS' NAMES:

CLINTON/GORE '92 COMMITTEE, INC.
Robert Farmer, Treasurer

ADDRESS:

112 West Third Street
Little Rock, AR 72201

PHONE:

501-372-1992

06c 0637

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

FAX (202) 393-5760
DIRECT DIAL
(202) 371-7007

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SYDNEY
TOKYO
TORONTO

December 20, 1993

BY HAND

Mary L. Taksar, Esq.
Federal Election Commission
Central Enforcement Docket
999 E Street, Northwest
Washington, D.C. 20463

Re: Designation of Counsel by Abrams '92
MUR 3827

Dear Mary:

Enclosed please find an executed Statement of Designation of Counsel for Abrams '92 and Ethan M. Geto, as Treasurer, in the matter of MUR 3827. I will endeavor to file a response on behalf of these respondents by December 23, 1993.

Please date-stamp the extra copy for our records.

Sincerely,

Kenneth A. Gross

Kenneth A. Gross

Enclosure

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94043524355

STATEMENT OF DESIGNATION OF COUNSEL

NUR 3827

NAME OF COUNSEL: Kenneth A. Grass

ADDRESS: Skadden, Arps, Slate, Meagher + Flom
1440 New York Ave NW
Washington, DC 20005

TELEPHONE: (202) 371-7007

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.

12/16/93
Date

[Signature]
Signature

RESPONDENT'S NAME: Abrams '92

ADDRESS: 15th Floor
20 Broad St
New York, NY 10005

TELEPHONE: HOME()

BUSINESS()

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SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107

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FAX (202) 393-5760

DIRECT DIAL
(202) 371-7007

(202) 371-7000

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SAN FRANCISCO
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LONDON
MOSCOW
PARIS
PRAGUE
SYDNEY
TOKYO
TORONTO

December 23, 1993

VIA FAX AND FEDERAL EXPRESS

Mary-Loretta Taksar, Esq.
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

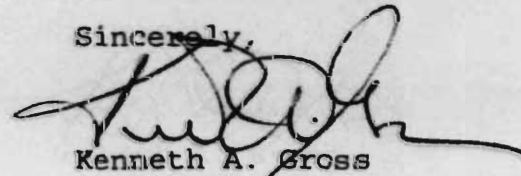
Re: MUR 3827

Dear Ms. Taksar:

Please find enclosed the response by Abrams '92
and Ethan M. Geto, as Treasurer, to the complaint filed
in MUR 3827.

If you have any questions, please call me.

Sincerely,


Kenneth A. Gross

Enclosure

93 DEC 27 PM 12:16

RECEIVED
FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION COMMISSION

-----X
In the Matter of

William D. Powers, as Chairman
of the New York Republican
State Committee

against

Al Gordon, as the Chairman of
the New York Democratic
State Committee

and

the New York Power Authority
-----X

MUR 3827

RESPONSE OF ABRAMS '92 AND ETHAN M. GETO, AS TREASURER

Abrams '92 and Ethan M. Geto, as Treasurer,¹
submit this response to the complaint filed by William D.
Powers, as Chairman of the New York Republican State
Committee. Abrams' 92 has no knowledge whatsoever of the
facts alleged in the complaint, and it has not received
anything of value in relation to such facts.

In order for there to have been a contribution,
Abrams '92 must have received something of value. 11
C.F.R. § 114.1(a)(1). However, it did not receive any-
thing in relation to the allegations made in the com-
plaint. No Abrams '92 personnel were involved in the
making of the alleged recordings, and the advertising
consultant who visited the New York Power Authority
("NYPA") had no relationship whatsoever with Abrams '92.

¹ Ethan M. Geto is the former Treasurer and is no
longer affiliated with Abrams '92.

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Abrams '92 did not and still does not know of the advertising consultant or his activities on NYPA premises.

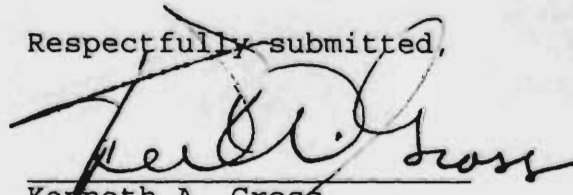
Furthermore, the advertising material allegedly gathered by the consultant was never used in any commercial by Abrams '92. In other words, Abrams '92 did not receive anything at all. It would be ludicrous to say that there was a contribution when nothing was given to or received by Abrams '92.

Ethan M. Geto had no involvement or knowledge, personal or otherwise, of the facts alleged in the complaint. Moreover, he is no longer the Treasurer for Abrams '92.

For the foregoing reasons, Abrams '92 and Ethan M. Geto, as Treasurer, request that the Federal Election Commission promptly find no reason to believe that a violation occurred and take no further action in this matter as it relates to them.

Dated: December 23, 1993
Washington, D.C.

Respectfully submitted,



Kenneth A. Gross
Ki P. Hong
Skadden, Arps, Slate, Meagher
& Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202)371-7000

Attorneys for Abrams '92 and Ethan
M. Geto, as Treasurer.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107

(202) 371-7000

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COMMISSION
MAIL ROOM

DEC 27 10 47 AM '93

FAX (202) 393-5760

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WILMINGTON

BEIJING
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BUDAPEST
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LONDON
MOSCOW
PARIS
PRAGUE
SYDNEY
TOKYO
TORONTO

December 23, 1993

VIA FAX AND FEDERAL EXPRESS

Mary-Loretta Taksar, Esq.
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

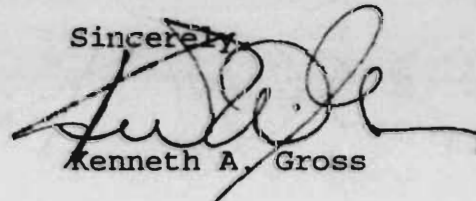
Re: MUR 3827

Dear Ms. Taksar:

Please find enclosed the joint response by the
New York Power Authority and James Cunningham, the Senior
Vice President for Public Affairs, to the complaint filed
in MUR 3827.

If you have any questions, please call me.

Sincerely,



Kenneth A. Gross

Enclosure

94043524360

93 DEC 27 PM 12:19

FEDERAL ELECTION COMMISSION

-----X
:
In the Matter of :
:
William D. Powers, as Chairman : MUR 3827
of the New York Republican :
State Committee :
against :
Al Gordon, as the Chairman of :
the New York State Democratic :
Committee and :
and :
the New York Power Authority :
:
-----X

RESPONSE OF THE NEW YORK POWER AUTHORITY
AND JAMES CUNNINGHAM

The New York Power Authority ("NYPA") and James Cunningham, the Senior Vice President for Public Affairs, submit this response to the complaint filed by William D. Powers, as Chairman of the New York Republican State Committee. The complaint is factually as well as legally unfounded. Simply stated, no contribution of any kind was made by NYPA.¹ NYPA employees' involvement in the

¹ Even if one could somehow imagine this to be a contribution of some sort, it would not be an impermissible contribution. The Federal Election Commission's regulations explicitly allow, as "incidental use," the use of corporate facilities for voluntary activity which does not exceed one hour per week. 11 C.F.R. § 114.9(a)(1)(iii). In the present case, the independent advertising consultant was on NYPA premises for only about 1/2 hour. See Attachments 1 and 2.

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present audio recording was purely voluntary and took place during their non-working lunch time. No NYPA officer or employee responsible for the taping room, including Mr. Cunningham, sanctioned or knew of the alleged use of NYPA facilities by an independent advertising consultant ("Consultant"). Furthermore, the advertising material at issue in the complaint was never used in any commercial which was aired. NYPA did not transfer value of any kind in connection with an election. Therefore, NYPA and Mr. Cunningham request that the Federal Election Commission find no reason to believe that a violation occurred and take no further action in this matter as it relates to NYPA and Mr. Cunningham.

**I. THE INVOLVEMENT OF NYPA EMPLOYEES
WAS PURELY VOLUNTARY**

It is well settled that an employee's voluntary activity which he performs during his non-working time is not considered a contribution from the employer-corporation. 11 C.F.R. § 100.7(b)(3). In the present case, NYPA employees' participation in the audio recording was unquestionably such volunteer activity.

The Consultant called Mr. Cunningham in order to offer interested NYPA employees an opportunity to

participate in a possible advertisement featuring a "melange of New York City voices." Attachment 1. Mr. Cunningham informed a NYPA employee of this opportunity to participate in the advertisement. That employee had earlier expressed an interest in volunteering her own time to the Clinton campaign. See Attachment 1. She, in turn, told her friends of the news. Some of her friends agreed and others did not agree to join her in participating in the recording. She and her friends who had agreed voluntarily decided to participate in the recording without any coercion or other pressure from any person affiliated with NYPA. See Attachments 1 and 2; see also Newsday article submitted with complaint.

In compliance with the arrangement made between the Consultant and Mr. Cunningham, the voluntary activity took place during the employees' lunch hour, which is the employees' own non-working time. Furthermore, this activity lasted for no more than 40 minutes. See Attachments 1 and 2; see also Newsday article submitted with complaint. Therefore, NYPA did not make a contribution simply because a few of its employees participated in the audio recording.

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II. **THE ALLEGED USE OF NYPA FACILITIES
WAS NOT SANCTIONED OR KNOWN BY ANY
NYPA OFFICER**

At issue in the present case is the mere unauthorized use, for no more than 40 minutes, of the space in an audio-taping room by the Consultant. Because the Consultant brought in his own recording equipment, he did not use any of NYPA's recording equipment. Instead, like any other room, only the space within the room was utilized. See Attachments 1 and 2; see also Newsday article submitted with complaint.

This insignificant use of the taping room was not sanctioned or even known by any officer or responsible employee of NYPA, including Mr. Cunningham. See Attachments 1 and 2. After his arrival at NYPA's premises, the Consultant saw the unattended taping room, which is on the way to the lunch room, and decided to move the meeting there. See Attachments 1 and 2. The taping room was unattended, because the manager of the taping facility had stepped out in order to buy a sandwich. See Attachment 1. The Consultant did not tell anyone, other than the voice volunteers, of his decision to move the recording session to the taping room. See Attachments 1 and 2. Therefore, the decision to use the taping room was a spontaneous and unilateral one on the

part of the Consultant, of which no NYPA officer or employee responsible for the taping room was aware.

In fact, if any officer had known of such use, he would have prevented it. This is exemplified by Mr. Cunningham's instructions to the manager of the audio-taping facility to prevent the consultant's use of any NYPA audio equipment. See Attachment 1. Furthermore, when the manager came back and discovered the consultant and his group in the taping room, he immediately asked them to leave. See Attachment 1.

Without permission or knowledge of NYPA officers or other responsible NYPA employees, the use of the space in the taping room cannot be considered a contribution coming from NYPA or anyone else. The privilege of using the taping room was never given to or received by the Consultant. Instead, he merely decided on his own to use the room without telling anyone or getting any permission.

As for Mr. Cunningham, he did not violate any law, because he never consented to any contribution by NYPA. 11 C.F.R. § 114.2(d). He could not have possibly consented to the Consultant's use of the taping room given the fact that he did not know about it. Furthermore, the participation by NYPA employees was

voluntary and therefore not a contribution. Mr. Cunningham merely informed an interested employee of the opportunity to participate in the recording on her own time if she wished.

III. THE ADVERTISING MATERIAL OBTAINED FROM NYPA EMPLOYEES WAS NEVER USED IN ANY COMMERCIAL WHICH WAS AIRED

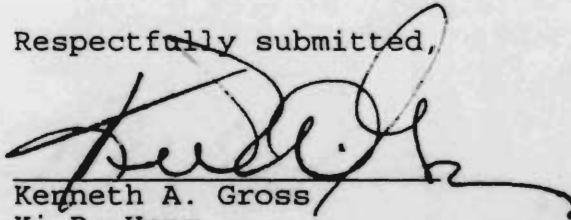
In order for there to have been a contribution, something of value must have been received by the New York State Democratic Committee, the Clinton for President campaign, or the Abrams '92 campaign. 11 C.F.R. § 114.1(a)(1). However, in the present case, nothing at all was received by any of these entities. The recordings in question were never used in any commercial which was aired. See Attachment 1. The independent Consultant's advertising material was, therefore, rejected and never utilized by anyone. A contribution could not have resulted when nothing was transferred to any of the above mentioned political entities.

IV. CONCLUSION

For the foregoing reasons, NYPA and James Cunningham request that the Federal Election Commission promptly find no reason to believe that a violation occurred and take no further action in this matter as it relates to NYPA and Mr. Cunningham.

Dated: December 23, 1993
Washington, D.C.

Respectfully submitted,



Kenneth A. Gross
Ki P. Hong
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Attorneys for the New York Power
Authority and James Cunningham, the
Senior Vice President for Public
Affairs.

94043524367

ATTACHMENT 1

9 4 0 4 3 5 2 4 3 6 8

FEDERAL ELECTION COMMISSION

-----X
:
In the Matter of :
:
William D. Powers, as Chairman :
of the New York Republican :
State Committee :
against :
Al Gordon, as the Chairman of : MUR 3827
the New York Democratic :
State Committee :
and :
the New York Power Authority :
:
-----X

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

AFFIDAVIT OF JAMES CUNNINGHAM

I, JAMES CUNNINGHAM, being duly sworn, depose and
say:

1. I am employed by the New York Power Authority ("NYPA") as Senior Vice President for Public Affairs, and I live at 147 Wellington Road, Garden City, New York 11530. NYPA is a public benefit corporation that generates and transmits electricity, principally as a wholesaler, to customers throughout New York State.

2. In the fall of 1992, I was asked by John Marino, the then Chairman of the New York State Democratic Committee and a personal friend, to provide him with names of top flight advertising agencies who would be able to provide consulting services. I gave him names of three agencies. I understand he and his staff met with a number of agencies and eventually chose "Imagine That," a firm from the group that I recommended. The principal of

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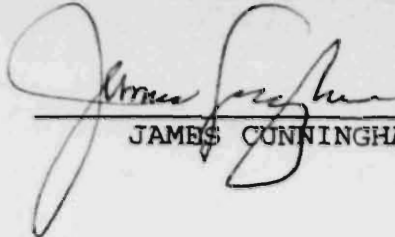
"Imagine That" is Robin Raj. At the time, the firm was headquartered in New Jersey.

3. Mr. Raj, who also has done work for NYPA, called to thank me for the recommendation and told me that one of the spots he intended to do required a mélange of New York City voices. He said that if I knew of any people who might "get a kick out of hearing their own voices on a radio commercial," to let him know of their interest. I informed one person who works at NYPA and had earlier expressed an interest in getting involved on her own time as a volunteer in the Clinton campaign of this opportunity. She mentioned the search for New York voices to a few friends and some agreed to have their voices, not their names, used in a possible commercial. At no point was any coercion or other pressure exerted by anyone affiliated with NYPA. On the contrary, these volunteers were merely informed of an opportunity to participate in something that they might have been interested in doing on their own time.


4. Sometime in early October, Mr. Raj called my office. I was not in at that time, but arrangements were made for him to meet that day with people who volunteered "to do the voices." His brother arrived at approximately 12:00 noon. About that time, I called into the office and was informed that Mr. Raj's brother would be meeting the voice volunteers at lunch time. I instructed the manager of our audio-taping facility to be sure this group did not use our audio equipment. I was assured it would not be used.

5. I understand that when Mr. Raj arrived, he had a tape recorder in his possession. Upon seeing the radio-taping facility, which is on the way to the lunch room, he decided to move the meeting to the unattended taping room (the manager of the taping room stepped out to buy a sandwich). When the manager of the facility returned, he asked the group to leave. The group responded by immediately exiting the taping room. I understand that Mr. Raj was on our premises for approximately 1/2 hour and that he did not use any of the equipment in our taping room. Furthermore, none of the volunteers' voices taped at NYPA on Raj's equipment were ever used in any political advertisement.

6. I wish to emphasize that this alleged use of facilities was not officially sanctioned or known by me or any other officer of NYPA and that none of the material gathered at our facilities was ever used in any commercial which was aired.


JAMES CUNNINGHAM

Sworn to before me this
20th day of December 1993


Notary Public

EILEEN C. YOUNG
Notary Public, State of New York
No. 01-YO 4905797
Qualified in Suffolk County
Certificate Filed in New York County
Commission Expires Sept. 23, 1995

94043524371

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ATTACHMENT 2

FEDERAL ELECTION COMMISSION

-----X
In the Matter of :
William D. Powers, as Chairman :
of the New York Republican :
State Committee :
against :
Al Gordon, as the Chairman of : MUR 3827
the New York Democratic :
State Committee :
and :
the New York Power Authority :
-----X

STATE OF CALIFORNIA)
COUNTY OF MARIN) SS.:

AFFIDAVIT OF ARNAZ RAJ

I, ARNAZ RAJ, being duly sworn, depose and say:

1. I am the brother of Robin Raj, and I presently work at Dawg located at 151 Bay View Drive, Mill Valley, California 94941. In the fall of 1992, I was employed by Imagine That, an independent advertising consulting firm headquartered in New Jersey.

2. One day during the fall of 1992, I visited the premises of the New York Power Authority ("NYPA") in order to make audio recordings of volunteers during their lunch hours which Imagine That intended to offer to the New York State Democratic Committee. To the best of my knowledge, the NYPA employees present that day were volunteers who came during their lunch time. I brought my own recording equipment and did not use any of NYPA's equipment.

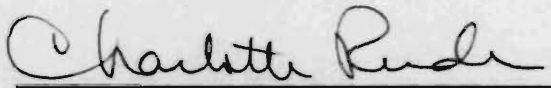
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3. When I arrived, I noticed NYPA's recording room which was empty and unattended. I decided then and there to use the recording room, but not the equipment within it, instead of the lunch room. I did not prearrange with nor have permission from any NYPA officer or employee to use the recording room. Furthermore, no NYPA officer or employee responsible for the recording room knew of my use of the recording room. I was on NYPA's premises for about 40 minutes.

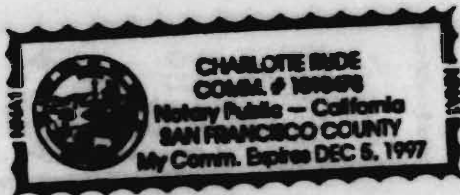


ARNAZ RAJ

Sworn to before me this 22
day of December 1993



Notary Public



94043524374

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of Marin

On 12/22/93 before me, Charlotte Rude, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Arnaz Raj
NAME(S) OF SIGNER(S)

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Charlotte Rude
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

Himself

DESCRIPTION OF ATTACHED DOCUMENT

AFFIDAVIT OF ARNAZ RAJ

TITLE OR TYPE OF DOCUMENT

2

NUMBER OF PAGES

12/22/93

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

94043524375

GENERAL COUNSEL'S REPORT, DATED APRIL 5, 1994,
AND CERTIFICATION OF COMMISSION VOTE, DATED MAY 5, 1994,
ARE FILED AT THE FOLLOWING MICROFILM LOCATION:

MUR ROLL: 352

FRAMES: 2832-2847

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

William D. Powers
New York State Republican Committee
315 State Street
Albany, NY 12210

RE: MUR 3827

Dear Mr. Powers:

On October 26, 1993, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524377

MUR 3827

STATE OF NEW YORK POWER AUTHORITY

The complainant, William D. Powers, Chairman of the New York Republican State Committee, alleges that the State of New York Power Authority, Inc. made an in-kind contribution to the New York State Democratic Committee because it allowed the use of facilities and personnel to tape radio advertisements for Democratic Victory '92, the coordinated state campaign to benefit the Clinton/Gore '92 Committee, the Abrams '92 Committee, and other campaigns.

The Power Authority responded that the taping room was used without authorization, state equipment was not utilized for the taping, and the personnel involved were volunteers who participated during their lunch hour. The New York State Democratic Committee responded that the commercials were produced by a political consultant and that because the commercials were never purchased or aired, nothing of value was given to or received by the Clinton/Gore '92 or Abrams '92 Committees. The consultant's assistant stated that he used the Power Authority facilities at lunch time, had no authorization to use the taping room, and utilized his own equipment. Both the Clinton/Gore '92 Committee and the Abrams '92 Committee indicated that they had no knowledge of the taping at the Power Authority and received nothing of value in regard to the activity.

This matter had little or no impact on the process and involves insubstantial amounts of money.

94043524378



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

Anthony S. Harrington, Esq.
Hogan and Hartson
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004

RE: MUR 3827
Clinton for President, Inc. and
Robert A. Farmer, as treasurer

Dear Mr. Harrington:

On November 3, 1993, the Federal Election Commission notified you of a complaint alleging certain violations by your clients, Clinton for President, Inc. and Robert A. Farmer, as treasurer, of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

94043524379

Anthony S. Harrington, Esq.
MUR 3827
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524380

MUR 3827

STATE OF NEW YORK POWER AUTHORITY

The complainant, William D. Powers, Chairman of the New York Republican State Committee, alleges that the State of New York Power Authority, Inc. made an in-kind contribution to the New York State Democratic Committee because it allowed the use of facilities and personnel to tape radio advertisements for Democratic Victory '92, the coordinated state campaign to benefit the Clinton/Gore '92 Committee, the Abrams '92 Committee, and other campaigns.

The Power Authority responded that the taping room was used without authorization, state equipment was not utilized for the taping, and the personnel involved were volunteers who participated during their lunch hour. The New York State Democratic Committee responded that the commercials were produced by a political consultant and that because the commercials were never purchased or aired, nothing of value was given to or received by the Clinton/Gore '92 or Abrams '92 Committees. The consultant's assistant stated that he used the Power Authority facilities at lunch time, had no authorization to use the taping room, and utilized his own equipment. Both the Clinton/Gore '92 Committee and the Abrams '92 Committee indicated that they had no knowledge of the taping at the Power Authority and received nothing of value in regard to the activity.

This matter had little or no impact on the process and involves insubstantial amounts of money.

94043524381



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

Kenneth A. Gross, Esq.
Skadden, Arps, Slate,
Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C.

RE: MUR 3827
New York Power Authority, James
Cunningham, Abrams '92 and Ethan M.
Getos, as treasurer

Dear Mr. Gross:

On November 3, 1993, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

94043524382

Kenneth A. Gross, Esq.
MUR 3827
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524383

MUR 3827

STATE OF NEW YORK POWER AUTHORITY

The complainant, William D. Powers, Chairman of the New York Republican State Committee, alleges that the State of New York Power Authority, Inc. made an in-kind contribution to the New York State Democratic Committee because it allowed the use of facilities and personnel to tape radio advertisements for Democratic Victory '92, the coordinated state campaign to benefit the Clinton/Gore '92 Committee, the Abrams '92 Committee, and other campaigns.

The Power Authority responded that the taping room was used without authorization, state equipment was not utilized for the taping, and the personnel involved were volunteers who participated during their lunch hour. The New York State Democratic Committee responded that the commercials were produced by a political consultant and that because the commercials were never purchased or aired, nothing of value was given to or received by the Clinton/Gore '92 or Abrams '92 Committees. The consultant's assistant stated that he used the Power Authority facilities at lunch time, had no authorization to use the taping room, and utilized his own equipment. Both the Clinton/Gore '92 Committee and the Abrams '92 Committee indicated that they had no knowledge of the taping at the Power Authority and received nothing of value in regard to the activity.

This matter had little or no impact on the process and involves insubstantial amounts of money.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

Isaac D. Corre, Esq.
1285 Avenue of the Americas
New York, NY 10019-6064

RE: MUR 3827
New York State Democratic Committee and
Rosemary Conway, as treasurer,
Al Gordon, and Gigi Georges

Dear Mr. Corre:

On November 3, 1993, the Federal Election Commission notified your clients, the New York State Democratic Committee and Rosemary Conway, as treasurer, Al Gordon, and Gigi Georges, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

94043524385

Issac D. Corre, Esq.
MUR 3827
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524386

MUR 3827

STATE OF NEW YORK POWER AUTHORITY

The complainant, William D. Powers, Chairman of the New York Republican State Committee, alleges that the State of New York Power Authority, Inc. made an in-kind contribution to the New York State Democratic Committee because it allowed the use of facilities and personnel to tape radio advertisements for Democratic Victory '92, the coordinated state campaign to benefit the Clinton/Gore '92 Committee, the Abrams '92 Committee, and other campaigns.

The Power Authority responded that the taping room was used without authorization, state equipment was not utilized for the taping, and the personnel involved were volunteers who participated during their lunch hour. The New York State Democratic Committee responded that the commercials were produced by a political consultant and that because the commercials were never purchased or aired, nothing of value was given to or received by the Clinton/Gore '92 or Abrams '92 Committees. The consultant's assistant stated that he used the Power Authority facilities at lunch time, had no authorization to use the taping room, and utilized his own equipment. Both the Clinton/Gore '92 Committee and the Abrams '92 Committee indicated that they had no knowledge of the taping at the Power Authority and received nothing of value in regard to the activity.

This matter had little or no impact on the process and involves insubstantial amounts of money.

94043524387



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

John Marino
c/o New York State Democratic Committee
60 East 42nd Street, Suite 631
New York, NY 10165

RE: MUR 3827
John Marino

Dear Mr. Marino:

On November 3, 1993, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

94043524388

John Marino
MUR 3827
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3690.

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524389

MUR 3827

STATE OF NEW YORK POWER AUTHORITY

The complainant, William D. Powers, Chairman of the New York Republican State Committee, alleges that the State of New York Power Authority, Inc. made an in-kind contribution to the New York State Democratic Committee because it allowed the use of facilities and personnel to tape radio advertisements for Democratic Victory '92, the coordinated state campaign to benefit the Clinton/Gore '92 Committee, the Abrams '92 Committee, and other campaigns.

The Power Authority responded that the taping room was used without authorization, state equipment was not utilized for the taping, and the personnel involved were volunteers who participated during their lunch hour. The New York State Democratic Committee responded that the commercials were produced by a political consultant and that because the commercials were never purchased or aired, nothing of value was given to or received by the Clinton/Gore '92 or Abrams '92 Committees. The consultant's assistant stated that he used the Power Authority facilities at lunch time, had no authorization to use the taping room, and utilized his own equipment. Both the Clinton/Gore '92 Committee and the Abrams '92 Committee indicated that they had no knowledge of the taping at the Power Authority and received nothing of value in regard to the activity.

This matter had little or no impact on the process and involves insubstantial amounts of money.

94043524390



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1994

Treasurer
Democratic Victory '92
New York State Democratic Committee
60 East 42nd Street, Suite 631
New York, NY 10165

RE: MUR 3827
Democratic Victory '92 and its
treasurer

Dear Sir or Madam:

On November 3, 1993, the Federal Election Commission notified Democratic Victory '92 ("Committee") and you, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Committee and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on June 3, 1994.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

94043524391

Treasurer, Democratic Victory '92
MUR 3827
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3690.

Sincerely,

Mary d. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

94043524392

MUR 3827

STATE OF NEW YORK POWER AUTHORITY

The complainant, William D. Powers, Chairman of the New York Republican State Committee, alleges that the State of New York Power Authority, Inc. made an in-kind contribution to the New York State Democratic Committee because it allowed the use of facilities and personnel to tape radio advertisements for Democratic Victory '92, the coordinated state campaign to benefit the Clinton/Gore '92 Committee, the Abrams '92 Committee, and other campaigns.

The Power Authority responded that the taping room was used without authorization, state equipment was not utilized for the taping, and the personnel involved were volunteers who participated during their lunch hour. The New York State Democratic Committee responded that the commercials were produced by a political consultant and that because the commercials were never purchased or aired, nothing of value was given to or received by the Clinton/Gore '92 or Abrams '92 Committees. The consultant's assistant stated that he used the Power Authority facilities at lunch time, had no authorization to use the taping room, and utilized his own equipment. Both the Clinton/Gore '92 Committee and the Abrams '92 Committee indicated that they had no knowledge of the taping at the Power Authority and received nothing of value in regard to the activity.

This matter had little or no impact on the process and involves insubstantial amounts of money.

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THIS IS THE END OF MUR # 3827

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3827

DATE FILMED 6-15-94 CAMERA NO. 2

CAMERAMAN S.E.G.

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