



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4347

DATE FILMED 4-16-97 CAMERA NO. 1

CAMERAMAN JmH

97043792084

CLARK, THOMAS & WINTERS

A PROFESSIONAL CORPORATION

TELEPHONE (512) 472-8800

POST OFFICE BOX 1148
AUSTIN, TEXAS 78707

FAX (512) 474-1129

1200 TEXAS COMMERCE BANK BUILDING
700 LAVACA STREET
AUSTIN, TEXAS 78701

April 4, 1996

Federal Elections Commission
Office of General Counsel
999 E. Street NW
Washington, DC 20463

RECEIVED
FEDERAL ELECTIONS
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 8 11 03 AM '96

Re: Request for Investigation

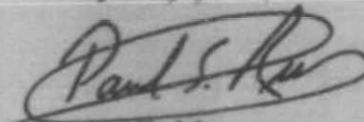
Dear Sirs:

Mr. Wesley Roberts has asked that we formally request from the Federal Elections Commission an investigation into the facts and circumstances surrounding the release and distribution of a political newsletter, called "The Roberts Report," containing allegations concerning Dr. Brian Babin, a candidate for Congress from the Second District of Texas. The newsletter purports to be from Mr. Roberts, although, as the enclosed sworn affidavit states, Mr. Roberts had no knowledge of the letter and did not originate it or authorize its release. The letter was mailed to an undetermined number of residents of the Second Congressional District. As stated in the affidavit, the letter is a fraud and a forgery.

Enclosed is a copy of one of the newsletters sent to Mr. Jerome Owens of Woodville, Texas. You will note that there is no signature or return address on the newsletter. The letter was folded, addressed on the back and mailed. The stamp and postmark are on the back of the letter.

Please review the facts as stated herein with a view toward initiating a formal investigation by your agency. If you need further information, please contact one of the undersigned at (512) 472-8800.

Very truly yours,



James E. Mann
Paul S. Ruiz

PSR:sb
Enclosures
cc: Wesley Roberts

97043792035

AFFIDAVIT

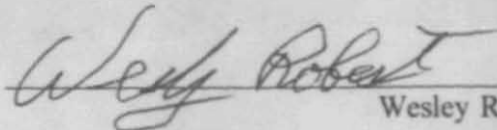
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Wesley Roberts, who, having been placed under oath by me, did depose as follows:

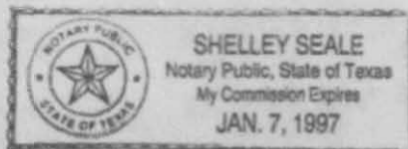
"My name is Wesley Roberts. I am a government affairs consultant representing various clients at the Texas State Legislature. Years ago, a friend and I contemplated launching a political newsletter called 'The Roberts Report.' To that end, we designed letterhead for the planned newsletter and had the letterhead printed. However, only one newsletter was ever printed and mailed out.

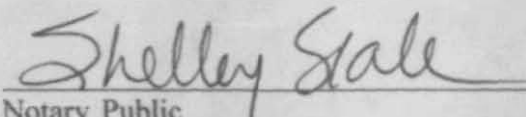
"On February 28, 1996, I was informed that a letter entitled 'The Roberts Report' had been mailed to voters in the Second Congressional District of Texas. The letter, a copy of which is attached, contains potentially damaging information about Dr. Brian Babin, one of the Republican candidates in the race for Congress.

"Prior to this incident, I had never met Dr. Brian Babin. I have never received any information concerning Dr. Babin, nor had I ever, prior to this incident, spoken to anyone about him or his campaign. I did not author the attached letter, nor did I authorize its release or dissemination. The attached letter is completely fictitious in nature and is both a fraud and a forgery."


Wesley Roberts

SUBSCRIBED AND SWORN TO BEFORE ME by the said Wesley Roberts this 2nd
day of April, 1996.




Notary Public
State of Texas

97043792086

THE ROBERTS REPORT

Wesley Roberts, Government Affairs Consultant, 11212 Pinehurst, Austin, Texas 78747, (512) 282-3325

February 26, 1996

Dear Concerned Texan:

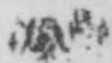
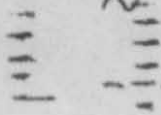
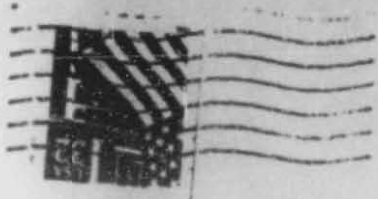
9 7 0 4 3 7 9 2 0 8 7
The Roberts Report, a watchdog information source, is focusing on Dr. Brian Babin of Woodville, Texas. Dr. Babin is seeking the Congressional seat in the second district in Texas. Dr. Babin has made several campaign appearances stating that he is Pro-Life. We at the Roberts Report have received information that in 1989 Dr. Babin served on the Woodville Independent School District School Board. At the time Dorman Jackson served as superintendent. Our source informed us that Dorman Jackson secured the help of Dr. Babin in arranging for an abortion for a 16 year old Woodville High School student.

As a result of Dr. Babin's and Dorman Jackson's actions both men resigned from their positions. We would like to stress that no laws were broken, although the Roberts Report believes that a candidate should not do one thing and say another. This information was freely given to us from Pastor Charles (Chet) Haney of the First Baptist Church of Woodville, Texas.

AN INFORMED VOTER IS A GOOD VOTER.

100 Courthouse
Woodville, TX 75479

Jerome Owens



97043792038



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 12, 1996

Paul S. Ruiz, Esquire
Clark, Thomas and Winters
P.O. Box 1148
Austin, Texas 78767

Dear Mr. Ruiz:

This is in response to your letter dated April 4, 1996, in which you request, on behalf of your client, Mr. Wesley Roberts, that the Commission conduct an investigation into the release and distribution of a political newsletter called "The Roberts Report."

The 1976 Amendments to the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that a complaint meet certain requirements. One of these requirements is that a complaint contain the address of the complainant. 11 C.F.R. § 111. Insofar as Wesley Roberts has signed the affidavit submitted with your letter, meeting the requirement that a complaint be signed and sworn to before a notary, he is considered to be the complainant in this matter. Consequently, the Commission can take no action at this time unless the allegations are refiled containing the complainant's address.

Enclosed is a Commission brochure entitled "Filing a Complaint" which should be helpful to you. If you have any questions concerning this matter, please contact Maura Callaway at 202-219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "Lois G. Lerner", is written over the typed name.

BY: Lois G. Lerner
Associate General Counsel

97043792089

CLARK, THOMAS & WINTERS

A PROFESSIONAL CORPORATION

TELEPHONE (512) 472-8800

POST OFFICE BOX 1148
AUSTIN, TEXAS 78707

FAX (512) 474-1120

1200 TEXAS COMMERCE BANK BUILDING
700 LAVACA STREET
AUSTIN, TEXAS 78701

April 16, 1996

MUR 4347

APR 22 10 24 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Ms. Lois G. Lerner
Associate General Counsel
Federal Elections Commission
999 E. Street N.W.
Washington, DC 20463

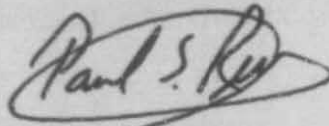
Re: Complaint filed on behalf of Mr. Wesley Roberts

Dear Ms. Lerner:

In response to your letter dated April 12, 1996, please find enclosed an affidavit signed by Mr. Roberts that includes his address. I am also enclosing a copy of my April 4, 1996 letter to you and another copy of the newsletter that is the basis of this complaint.

If I can be of further assistance in this matter, please call me at (512) 472-8800. Thank you for your consideration.

Very truly yours,



Paul S. Ruiz

PSR:sb
Enclosures
cc: Wesley Roberts

97043792000

AFFIDAVIT

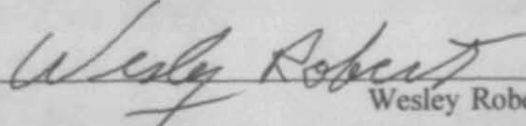
STATE OF TEXAS §
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COUNTY OF TRAVIS §

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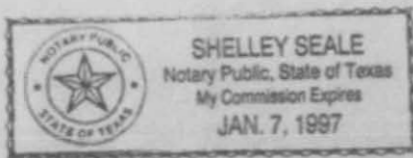
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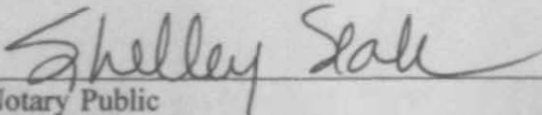
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Wesley Roberts

11212 Pinehurst Drive
Austin, Texas 78747

SUBSCRIBED AND SWORN TO BEFORE ME by the said Wesley Roberts this 2nd
day of April, 1996.




Notary Public
State of Texas

CLARK, THOMAS & WINTERS

A PROFESSIONAL CORPORATION

TELEPHONE (512) 472-8800

POST OFFICE BOX 1140
AUSTIN, TEXAS 78767

FAX (512) 474-1120

1200 TEXAS COMMERCE BANK BUILDING
700 LAVACA STREET
AUSTIN, TEXAS 78701

April 4, 1996

Federal Elections Commission
Office of General Counsel
999 E. Street NW
Washington, DC 20463

Re: Request for Investigation

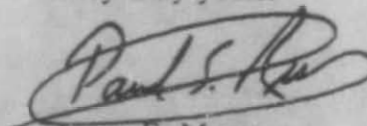
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Very truly yours,



James E. Mann
Paul S. Ruiz

PSR:sb
Enclosures
cc: Wesley Roberts

97043792002

THE ROBERTS REPORT

Wesley Roberts, Government Affairs Consultant, 11212 Pinehurst, Austin, Texas 78747, (512) 282-3325

February 26, 1996

Dear Concerned Texan:

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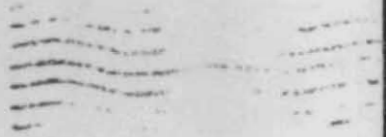
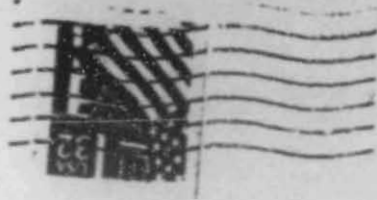
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AN INFORMED VOTER IS A GOOD VOTER.

100 Courthouse
Woodville, TX 75479

Jerome Owens



9704379204



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 26, 1996

Wesley Roberts
11212 Pinehurst Drive
Austin, Texas 78747

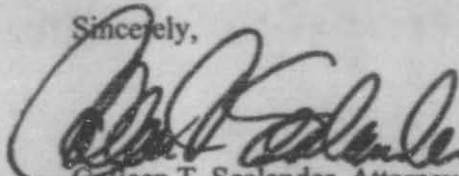
RE: MUR 4347

Dear Mr. Roberts:

This letter acknowledges receipt on April 22, 1996, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

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 4347. 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,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043792095

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)
)
)

MAR 5 11 40 AM '97

ENFORCEMENT PRIORITY

SENSITIVE

GENERAL COUNSEL'S REPORT

MAR 11 1997

EXECUTIVE SESSION

I. INTRODUCTION

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing such cases permits the

Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 25 cases which do

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not warrant further action relative to other pending matters.¹ Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more remote and consequently more difficult to develop. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community.

¹ These cases are: MUR 4332 (*Bill Thomas Campaign Committee*); MUR 4347 (*Anonymous Respondent*); MUR 4354 (*Brian Steel for Congress*); MUR 4367 (*Philipstown Republicans*); MUR 4371 (*Employment Group*); MUR 4373 (*Cannon for Congress*); MUR 4374 (*Mark Stodola for Congress Primary Committee*); MUR 4375 (*Westchester County Conservative Party*); MUR 4377 (*Braxton for Congress*); MUR 4379 (*Teamsters Local Union No. 135*); MUR 4383 (*Pauken for Congress*); MUR 4384 (*Willie Colon for U.S. Congress*); MUR 4388 (*Bill Witt for Senate and Congress*); MUR 4390 (*Kolbe 96*); MUR 4391 (*Pat Roberts for Congress Committee*); MUR 4393 (*Cecil J. Banks*); MUR 4397 (*AFL-CIO*); MUR 4405 (*Katz for Congress Committee*); MUR 4411 (*First Evangelical Presbyterian Church*); MUR 4414 (*Turietta-Koury for Congress Committee*); MUR 4418 (*Bell Atlantic*); MUR 4421 (*Buller for Mayor*); MUR 4448 (*Friends for Jim Rapp*); Pre-MUR 334 (*Kinnamon for Congress*); and Pre-MUR 335 (*Davis for Congress*).

We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale 12 are not worthy of further action, and merit closure.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective April 1, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴These cases are: MUR 4139 (*Enid 94*); MUR 4150 (*Frank Fasi*); MUR 4257 (*DSCC*); MUR 4258 (*NRSC*); MUR 4260 (*Packwood & Auto Dealers*); MUR 4261 (*NRA Institute for Legis.*); MUR 4262 (*Oregon Republican Party*); MUR 4265 (*NRSC; Sen. Phil Gramm*); MUR 4272 (*Bishop for Congress*); MUR 4279 (*Russ Berrie Co.*); MUR 4284 (*United We Stand America*); and Pre-MUR 322 (*Royal Hawaiian Country Club*).

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III. RECOMMENDATIONS.

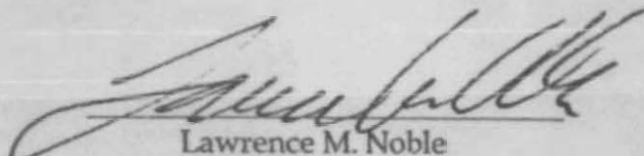
A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 322
2. Pre-MUR 334
3. Pre-MUR 335.

B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:

- | | | |
|--------------|--------------|--------------|
| 1. MUR 4139 | 13. MUR 4347 | 25. MUR 4390 |
| 2. MUR 4150 | 14. MUR 4354 | 26. MUR 4391 |
| 3. MUR 4257 | 15. MUR 4367 | 27. MUR 4393 |
| 4. MUR 4258 | 16. MUR 4371 | 28. MUR 4397 |
| 5. MUR 4260 | 17. MUR 4373 | 29. MUR 4405 |
| 6. MUR 4261 | 18. MUR 4374 | 30. MUR 4411 |
| 7. MUR 4262 | 19. MUR 4375 | 31. MUR 4414 |
| 8. MUR 4265 | 20. MUR 4377 | 32. MUR 4418 |
| 9. MUR 4272 | 21. MUR 4379 | 33. MUR 4421 |
| 10. MUR 4279 | 22. MUR 4383 | 34. MUR 4448 |
| 11. MUR 4284 | 23. MUR 4384 | |
| 12. MUR 4332 | 24. MUR 4388 | |

3/5/97
Date


Lawrence M. Noble
General Counsel

97043792099

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document #X97-16

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 11, 1997, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matter:

- A. Decline to open a MUR, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:
1. Pre-MUR 322;
 2. Pre-Mur 334;
 3. Pre-MUR 335.
- B. Take no action, close the file effective April 1, 1997, and approve the appropriate letters in the following matters:
- | | |
|--------------|---------------|
| 1. MUR 4139; | 10. MUR 4279; |
| 2. MUR 4150; | 11. MUR 4284; |
| 3. MUR 4257; | 12. MUR 4332; |
| 4. MUR 4258; | 13. MUR 4347; |
| 5. MUR 4260; | 14. MUR 4354; |
| 6. MUR 4261; | 15. MUR 4367; |
| 7. MUR 4262; | 16. MUR 4371; |
| 8. MUR 4265; | 17. MUR 4373; |
| 9. MUR 4272; | 18. MUR 4374; |

(continued)

97043792100C

Federal Election Commission
Certification: Enforcement Priority
March 11, 1997

Page 2

19. MUR 4375;	27. MUR 4393;
20. MUR 4377;	28. MUR 4397;
21. MUR 4379;	29. MUR 4405;
22. MUR 4383;	30. MUR 4411;
23. MUR 4384;	31. MUR 4414;
24. MUR 4388;	32. MUR 4418;
25. MUR 4390;	33. MUR 4421;
26. MUR 4391;	34. MUR 4448.

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

Attest:

3-12-97
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

97043792101



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wesley Roberts
11212 Pinehurst Drive
Austin, TX 78747

RE: MUR 4347

Dear Mr. Roberts:

On April 22, 1996, 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 April 1, 1997. 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,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043792102

MUR 4347
ANONYMOUS

In his complaint, Wesley Roberts, a government affairs consultant in Texas, requested that the Commission investigate the distribution of a newsletter called "The Roberts Report" which contains unfavorable information about Dr. Brian Babin, a candidate for Congress in the Second District of Texas. Mr. Roberts asserts that this newsletter was wrongfully and fraudulently attributed to him; he disavows any involvement whatsoever in its creation or distribution. Mr. Roberts had published one volume of a newsletter entitled "The Roberts Report" some time ago.

There were no identified respondents.

This matter is less significant relative to other matters pending before the Commission.

97043792103



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4347

DATE FILMED 4-16-97 CAMERA NO. 1

CAMERAMAN Jm N

97043792104