



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4457

DATE FILMED 6-9-87 CAMERA NO. 4

CAMERAMAN Jm H

97043820493

Wayne D. Shows
4520 E-140 Williams Boulevard
Kenner, Louisiana 70065
(504) 467-8304

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

AUG 20 10 00 AM '96

August 15, 01996

CERTIFIED MAIL

Lee Ann Elliott, Chairwoman
Federal Election Commission
999 E Street NW
Washington, D.C. 20473

Dear Ms. Elliott:

This letter is to register a formal complaint against Donna E. Shalala, Secretary of the Department of Health and Human Services, Bruce C. Vladeck, Administrator, Health Care Financing Administration, the Current Democratic Administration and other officials responsible for the content, publication and distribution of the official U. S. Government publication entitled "Your Medicare Handbook 1996".

I am astonished by the partisan, tacit, subliminal political manipulation ingrained in the "Message from the Secretary" which appears on the first page inside the cover. (Copy attached) It was distributed to millions of Social Security beneficiaries and well could be an illegal political contribution.

This "handbook", an official U. S. Government manual, was written, edited, printed and distributed at government expense and is not an appropriate vehicle for political advocacy.

Arrogance and poor taste may not be illegal, but when self serving political appointees bend, flout and break federal election law to benefit politicians who appointed them, sever penalties are in order.

It is sinister to deliberately mislead and intimidate Medicare recipients but distribution of a partisan publicity in official government publications is unlawful and should be investigated.

Yours very truly;

Wayne D. Shows
WAYNE D. SHOWS

Enclosure

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

AUG 20 9 32 AM '96

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Message from the Secretary:

For three decades, Medicare has helped pay medical bills for millions of older Americans, providing them with comprehensive health benefits they can count on. Today, Medicare serves more than 38 million older and disabled Americans. Few programs, public or private, have such a positive impact on so many Americans.



Before the introduction of Medicare in 1966, only 50 percent of the Nation's elderly population had any health insurance. In 1996, 30 years later, only about 1 percent of the elderly are uninsured. Medicare has evolved into one of the world's best health insurance programs, delivering essential services that have improved the quality of life for many of our most vulnerable citizens.

We in the federal government, from President Clinton to the employees of the Department of Health and Human Services, are determined to continue to provide you with the first-rate health care and peace of mind which have always been Medicare's hallmark. If you are a new enrollee, we want to welcome you to Medicare. If you have been part of the Medicare beneficiary "family," we want to reassure you of our commitment to keep Medicare working for you.

A handwritten signature of Donna E. Shalala in dark ink.

Donna E. Shalala
Secretary, Department of Health and Human Services

Message from the Administrator:

It is with pride that the Health Care Financing Administration (HCFA) issues the 1996 edition of *Your Medicare Handbook* during this 30th anniversary year of the Medicare program.



This handbook was created to be a readable, easy to understand reference tool for Medicare beneficiaries. It provides information about benefits and answers the most frequently asked questions about Medicare. You'll find a summary of your Medicare benefits, rights and obligations, and a list of organizations that you can contact if you need assistance with a Medicare-related matter.

At HCFA, serving you is our top priority. That means providing you with world-class service and making sure that you have the information you need to best use your Medicare benefits. As the administrator of HCFA, the federal agency within the Department of Health and Human Services that administers Medicare, I can assure you that we take these commitments seriously. We're proud of Medicare's accomplishments, and want to be sure that you are satisfied with our service.

A handwritten signature of Bruce C. Vladeck in dark ink.

Bruce C. Vladeck
Administrator, Health Care Financing Administration



FEDERAL ELECTION COMMISSION
Washington, DC 20463

August 23, 1996

Wayne D. Shows
4520 E-140 Williams Blvd.
Kenner, Louisiana 70065

Dear Mr. Shows:

This is to acknowledge receipt on August 20, 1996, of your letter dated August 15, 1996. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

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If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,

Retha Dixon by Kes

Retha Dixon
Docket Chief

Enclosure

cc: Donna E. Shalala
Bruce C. Vladeck

97043820497

Wayne D. Shows
4520 E-140 Williams Boulevard
Kenner, Louisiana 70065
(504) 467-8304

August 30, 1996

CERTIFIED MAIL

MUR 4457

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 11 11 55 AM '96

Retha Dixon, Docket Chief
Federal Election Commission
999 E Street NW
Washington, D.C. 20463

Dear Ms. Dixon:

This letter is to register a formal complaint against Donna E. Shalala, Secretary of the Department of Health and Human Services, Bruce C. Vladeck, Administrator, Health Care Financing Administration, the Current Democratic Administration and other officials responsible for the content, publication and distribution of the official U. S. Government publication entitled *Your Medicare Handbook, 1996*.

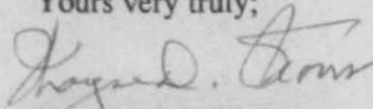
The partisan, tacit, subliminal political manipulation encoded in the "Message from the Secretary" on the first page inside the cover is contemptible. (Copy attached) This publication was mailed to the homes of millions of Social Security beneficiaries and might well be deemed an illegal political contribution.

This "handbook", an official government publication, was edited, printed and distributed at government expense and is an inappropriate vehicle for any political advocacy.

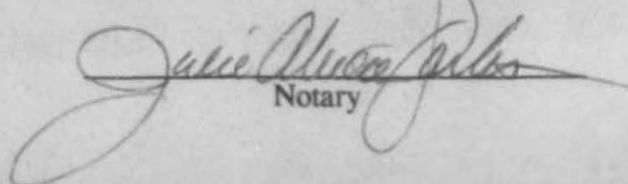
Arrogance and poor taste may not be illegal, but when self serving political appointees bend, flout and break federal election laws to benefit the politicians who appointed them, sever sanctions are obligatory.

It is sinister to deliberately mislead and frighten the elderly but using politically partisan propaganda in an official government publication is shameful, illegal and begs for justice.

Yours very truly;


WAYNE D. SHOWS

Subscribed and sworn to before me on this 1st day of September 1996.


Notary

Enclosure

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Message from the Secretary:

For three decades, Medicare has helped pay medical bills for millions of older Americans, providing them with comprehensive health benefits they can count on. Today, Medicare serves more than 38 million older and disabled Americans. Few programs, public or private, have such a positive impact on so many Americans.



Before the introduction of Medicare in 1966, only 50 percent of the Nation's elderly population had any health insurance. In 1996, 30 years later, only about 1 percent of the elderly are uninsured. Medicare has evolved into one of the world's best health insurance programs, delivering essential services that have improved the quality of life for many of our most vulnerable citizens.

We in the federal government, from President Clinton to the employees of the Department of Health and Human Services, are determined to continue to provide you with the first-rate health care and peace of mind which have always been Medicare's hallmark. If you are a new enrollee, we want to welcome you to Medicare. If you have been part of the Medicare beneficiary "family," we want to reassure you of our commitment to keep Medicare working for you.

A handwritten signature in dark ink, reading "Donna E. Shalala".

Donna E. Shalala

Secretary, Department of Health and Human Services

Message from the Administrator:

It is with pride that the Health Care Financing Administration (HCFA) issues the 1996 edition of *Your Medicare Handbook* during this 30th anniversary year of the Medicare program.



This handbook was created to be a readable, easy to understand reference tool for Medicare beneficiaries. It provides information about benefits and answers the most frequently asked questions about Medicare. You'll find a summary of your Medicare benefits, rights and obligations, and a list of organizations that you can contact if you need assistance with a Medicare-related matter.

At HCFA, serving you is our top priority. That means providing you with world-class service and making sure that you have the information you need to best use your Medicare benefits. As the administrator of HCFA, the federal agency within the Department of Health and Human Services that administers Medicare, I can assure you that we take these commitments seriously. We're proud of Medicare's accomplishments, and want to be sure that you are satisfied with our service.

A handwritten signature in dark ink, reading "Bruce C. Vladeck".

Bruce C. Vladeck

Administrator, Health Care Financing Administration



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 17, 1996

Wayne D. Shows
4520 E-140 Williams Blvd.
Kenner, LA 70065

RE: MUR 4457

Dear Mr. Shows:

This letter acknowledges receipt on September 11, 1996, of the complaint you filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4457. 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

97043820500C



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 17, 1996

Donna E. Shalala, Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

RE: MUR 4457

Dear Madam Secretary:

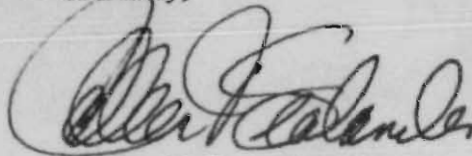
The Federal Election Commission received a complaint which indicates that the Department of Health and Human Services, and you, as Secretary, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4457. 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 Department of Health and Human Services, and you, as Secretary, 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.

If you have any questions, please contact a member of the Central Enforcement Docket at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written over a horizontal line.

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043820502



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 17, 1996

Bruce C. Vladeck, Administrator
Health Care Financing Administration
200 Independence Avenue, SW
Washington, DC 20201

RE: MUR 4457

Dear Mr. Vladeck:

The Federal Election Commission received a complaint which indicates that the Health Care Financing Administration, and you, as administrator, 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 4457. Please refer to this number in all future correspondence.

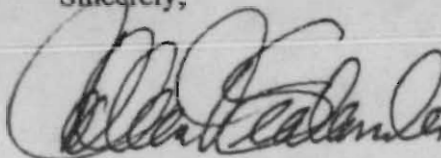
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Health Care Financing Administration, and you, as administrator, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this 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.

97043820503

If you have any questions, please contact a member of the Central Enforcement Docket at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

97043820504



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 17, 1996

White House Counsel's Office
1600 Pennsylvania Ave., NW
Washington, DC 20500

RE: MUR 4457

Dear Counsel:

The Federal Election Commission received a complaint which indicates that the Clinton Administration 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 4457. Please refer to this number in all future correspondence.

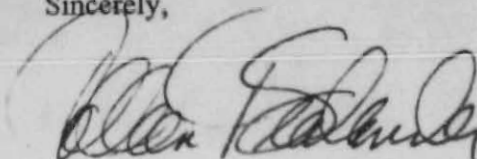
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Clinton Administration in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should 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.

97043820505

If you have any questions, please contact a member of the Central Enforcement Docket at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures

97043820506



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

The General Counsel
Washington, D.C. 20201

OCT 15 1996

Colleen T. Sealander
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4457

Dear Ms. Sealander:

I am replying to your September 17, 1996, letters (received September 23) to Secretary Shalala and Health Care Financing Administrator Bruce Vladeck regarding the above numbered complaint.

The complaint, filed by Mr. Wayne D. Snows, alleges that Secretary Shalala, Administrator Vladeck and others engaged in prohibited political activity by including foreword messages in *Your Medicare Handbook, 1996*. The *Handbook* is published annually by the Health Care Financing Administration, and it was mailed to all Medicare beneficiaries earlier this year. It contains information about Medicare benefits and procedures, as well as a listing of pertinent resources for Medicare information and assistance.

Neither your letter nor Mr. Snows' complaint states which, if any, provision of the Federal Election Campaign Act of 1971, as amended, may have been violated in this instance and we believe there was no violation. The foreword messages contain no partisan political statements and no statements intended to influence an election. Accordingly, we urge that the Commission dismiss the complaint as unfounded.

If you need further information or assistance, please call Timothy White of this Office. You may reach Mr. White at (202) 619-2155.

Sincerely,

Harriet S. Rabb

OCT 21 1 05 PM '96

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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BEFORE THE FEDERAL ELECTION COMMISSION

MAY 3 2 45 PM '97

In the Matter of

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ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

SENSITIVE

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 28 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.

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¹ These cases are: MUR 4419 (Weinzapfel for Congress); MUR 4423 (Davis for Congress); MUR 4424 (Nevadans for "Spike" Wilson); MUR 4429 (Delahunt for Congress); MUR 4430 (Jean Leising for Congress); MUR 4431 (Engel for Congress); MUR 4433 (Delahunt for Congress); MUR 4437 (DiNicola for Congress Committee); MUR 4440 (Sue Kelly for Congress); MUR 4450 (National Treasury Employees); MUR 4452 (Mid-Suffolk N.O.W.); MUR 4455 (City of Milwaukee); MUR 4456 (Jackson Mint Ltd.); MUR 4457 (U.S. Department of Health and Human Services); MUR 4458 (KMA-AM Radio); MUR 4461 (Americans For Freedom Of Choice PAC); MUR 4462 (Ellen O. Tauscher); MUR 4464 (Norwood for Congress); MUR 4465 (Lincoln for Congress); MUR 4469 (Moseley-Braun for Senate); MUR 4475 (Manpower Temporary Services, Inc.); MUR 4479 (Owens for Congress Committee); MUR 4482 (Mike McCormack for Congress); MUR 4487 (Citizens for A Strong America); MUR 4488 (Ortiz for Congress); MUR 4489 (Gill for Congress); MUR Pre-MUR 338 (Richard Chrysler Inc.); and Pre-MUR 339 (Mammel & Associates, Inc.).

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective May 19, 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.

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III. RECOMMENDATIONS.

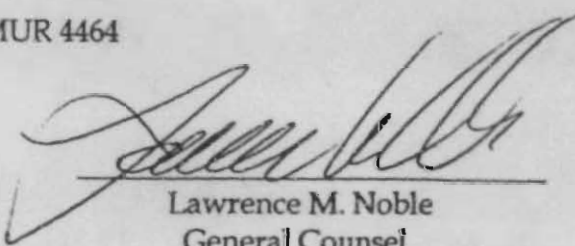
A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 338
2. Pre-MUR 339

B. Take no action, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- | | | |
|-------------|--------------|--------------|
| 1. MUR 4419 | 10. MUR 4450 | 19. MUR 4465 |
| 2. MUR 4423 | 11. MUR 4452 | 20. MUR 4469 |
| 3. MUR 4424 | 12. MUR 4455 | 21. MUR 4475 |
| 4. MUR 4429 | 13. MUR 4456 | 22. MUR 4479 |
| 5. MUR 4430 | 14. MUR 4457 | 23. MUR 4482 |
| 6. MUR 4431 | 15. MUR 4458 | 24. MUR 4487 |
| 7. MUR 4433 | 16. MUR 4461 | 25. MUR 4488 |
| 8. MUR 4437 | 17. MUR 4462 | 26. MUR 4489 |
| 9. MUR 4440 | 18. MUR 4464 | |

5/6/97
Date


Lawrence M. Noble
General Counsel

97043820511

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that the Commission decided by a vote of 5-0 on May 12, 1997, to take the following actions with respect to the General Counsel's May 6, 1997 report on enforcement priority:

A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 338
2. Pre-MUR 339

B. Take no action, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- | | | |
|-------------|--------------|--------------|
| 1. MUR 4419 | 10. MUR 4450 | 19. MUR 4465 |
| 2. MUR 4423 | 11. MUR 4452 | 20. MUR 4469 |
| 3. MUR 4424 | 12. MUR 4455 | 21. MUR 4475 |
| 4. MUR 4429 | 13. MUR 4456 | 22. MUR 4479 |
| 5. MUR 4430 | 14. MUR 4457 | 23. MUR 4482 |
| 6. MUR 4431 | 15. MUR 4458 | 24. MUR 4487 |
| 7. MUR 4433 | 16. MUR 4461 | 25. MUR 4488 |
| 8. MUR 4437 | 17. MUR 4462 | 26. MUR 4489 |
| 9. MUR 4440 | 18. MUR 4464 | |

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

Attest:

5-13-97
Date

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

Received in the Secretariat: Tues., May 06, 1997 2:45 p.m.
Circulated to the Commission: Wed., May 07, 1997 11:00 a.m.
Deadline for vote: Mon., May 12, 1997 4:00 p.m.

bjr

97043820512



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 19, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wayne D. Shows
4520 E-140 Williams Blvd.
Kenner, LA 70065

RE: MUR 4457

Dear Mr. Shows:

On September 11, 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 May 19, 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

97043820513

MUR 4457

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Wayne D. Shows alleges that the introductory messages printed in the 1996 Department of Health and Human Services publication *Your Medicare Handbook*, constituted an endorsement of the Clinton presidential campaign.

Harriet S. Rabb responds on behalf of Secretary of Health and Human Services, Donna E. Shalala, and Health Care Finance Administrator, Bruce C. Vladeck. She states that the Health Care Financing Administration mails copies of this and other handbooks to Medicare beneficiaries annually to advise them about benefits and available resources. She also stated that the foreword messages contain no partisan political statements and no statements intended to influence an election.

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

97043820514



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 19, 1997

Donna E. Shalala, Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

RE: MUR 4457

Dear Madam Secretary:

On September 17, 1996, 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 the Department of Health and Human Services and you, as Secretary. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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.

If you have any questions, please contact Jennifer Henry at (202) 219-3400.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043820515

MUR 4457

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Wayne D. Shows alleges that the introductory messages printed in the 1996 Department of Health and Human Services publication *Your Medicare Handbook*, constituted an endorsement of the Clinton presidential campaign.

Harriet S. Rabb responds on behalf of Secretary of Health and Human Services, Donna E. Shalala, and Health Care Finance Administrator, Bruce C. Vladeck. She states that the Health Care Financing Administration mails copies of this and other handbooks to Medicare beneficiaries annually to advise them about benefits and available resources. She also stated that the foreword messages contain no partisan political statements and no statements intended to influence an election.

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

97043820516



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 19, 1997

Bruce C. Vladeck, Administrator
Health Care Financing Administration
200 Independence Avenue, SW
Washington, DC 20201

RE: MUR 4457

Dear Mr. Vladeck:

On September 17, 1996, 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 the Health Care Financing Administration and you, as administrator. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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.

If you have any questions, please contact Jennifer Henry at (202) 219-3400.

Sincerely,

F. Andrew Furley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043820517

MUR 4457

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Wayne D. Shows alleges that the introductory messages printed in the 1996 Department of Health and Human Services publication *Your Medicare Handbook*, constituted an endorsement of the Clinton presidential campaign.

Harriet S. Rabb responds on behalf of Secretary of Health and Human Services, Donna E. Shalala, and Health Care Finance Administrator, Bruce C. Vladeck. She states that the Health Care Financing Administration mails copies of this and other handbooks to Medicare beneficiaries annually to advise them about benefits and available resources. She also stated that the foreword messages contain no partisan political statements and no statements intended to influence an election.

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

97043820518



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 19, 1997

Cheryl Mills, Esq.
Associate Counsel to the President
White House Counsel's Office
1600 Pennsylvania Ave., NW
Washington, DC 20500

RE: MUR 4457

Dear Ms. Mills:

On September 17, 1996, 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 the Clinton Administration. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 1997.

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.

If you have any questions, please contact Jennifer Henry at (202) 219-3400.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

97043820519

MUR 4457

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Wayne D. Shows alleges that the introductory messages printed in the 1996 Department of Health and Human Services publication *Your Medicare Handbook*, constituted an endorsement of the Clinton presidential campaign.

Harriet S. Rabb responds on behalf of Secretary of Health and Human Services, Donna E. Shalala, and Health Care Finance Administrator, Bruce C. Vladeck. She states that the Health Care Financing Administration mails copies of this and other handbooks to Medicare beneficiaries annually to advise them about benefits and available resources. She also stated that the foreword messages contain no partisan political statements and no statements intended to influence an election.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4457

DATE FILMED 6-9-97 CAMERA NO. 4

CAMERAMAN JMN

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 7/1/97

☒ Microfilm

☐ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4457

97043822561

June 18, 1997

COPY

MUR 4457

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CLOSED

JUL 1 8 29 AM '97

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

F. Andrew Turley, Supervising Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Mr. Turley:

After thoughtful consideration of the sum and substance of your May 19, 1997 letter, I continue to be so disturbed by the arbitrary dismissal of my complaint by the FEC that I am compelled to react with frankness, regardless of the futility.

You reported that my September 11, 1996 complaint against Ms. Shalala and Mr. Vladeck was dismissed because Harriet Rabb, a political appointee of the same officials you were ostensibly investigating, made unfounded assertions the FEC embraced as gospel truth.

Did the entire "investigation" consist of Ms. Rabb's monologue, or were there other witnesses?

Did the FEC expect one in Ms. Rabb's situation to jeopardize her future by denouncing actions of her superiors? Does the FEC understand that Ms. Rabb's paycheck and well being depend on not offending these officials? Did FEC officials ever consider that the vulnerable Ms. Rabb's prime motivation might be safeguarding her livelihood? Forgive me, but the FEC performance on this one is outrageously suspect and transparent.

Is malfeasance, condescension or indifference at all responsible for the FEC acceptance of the non-responsive affirmation of this assistant of the accused officials? The "exercise of your prosecutorial discretion" is an unacceptable justification to disrespect and invalidate the rightful concerns of a private citizen.

In this case, the FEC proceedings were capricious, arbitrary and not supported by any semblance of evidence. I reject the action, or more correctly the inaction, of the "Commission." and stand by my original accusation. *Medicare Handbooks* in the past have contained no such partisan, tacit, subliminal political message and any objective investigation would demonstrate that fact beyond doubt.

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I also take umbrage to the characterizing my complaint as "less significant than other matters pending before the commission." That is prejudicial, demeaning, unsuitable and a shallow guise to excuse the avoidance of an objective examination of the facts. Only a fool or malignant partisan would dismiss this complaint on the subjective, inane, nonsensical grounds you cite.

Do you have any responsible to explain options so that even a naive layman can comprehend his rights? Your letter is less than adequate in that regard, and one can only wonder if it is by design. Could it be a ruse, written in a way, to abridge my rights and options while enabling you to maintain that you did your duty according to the law.

Not being a lawyer and not having access to legal advise, I have no way to know the meaning of the last sentence in your letter. Does it mean I have further recourse?

Many of my acquaintances believed this complaint to be a valid, but they all forewarned that complaining to the FEC would be fruitless, engender no action and result only in insulting frustration. Naively I believed differently, but I now have a greater respect for their opinions and wisdom.

In the future it would be reasonable for you to convey information more explicitly. A high ranking official, such as yourself, surely must know that communication and proscription can not occur in the absence of understanding.

I request this letter be presented to the full Commission and be made part of the public record to which you alluded.

Sincerely;

W.D.S.

WAYNE D. SHOWS, Private Citizen
4520 E-140 Williams Boulevard
Kenner, Louisiana 70065
(504) 467-8304

Wayne D. Shows
4520 E-140 Williams Boulevard
Kenner, Louisiana 70065

CERTIFIED

Z 372 290 376

MAIL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



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U.S. POSTAGE
PAID
KENNER, LA
70065
JUN 27 '97
AMOUNT

\$2.77
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FEDERAL ELECTION COMMISSION

July 1
JUN 28 8 28 AM '97

RETURN RECEIPT
REQUESTED

Retha Dixon, Docket Chief
Federal Election Commission
999 E. Street NW
Washington, DC 20463



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