



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4461

DATE FILMED 6-9-97 CAMERA NO. 4

CAMERAMAN JMU

97043820382

SEP 13 2 04 PM '96

September 11, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

Americans for Freedom of Choice PAC )  
AFSCME Union )  
ATLA PAC )  
EMILY's List )

MUR # 4461

COMPLAINT

The Oregon Republican Party, by and through its Executive Director, Marge Beckerich, brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) (1994). The Oregon Republican Party may be reached at P.O. Box 1450, Beaverton, Oregon 97075-1450.

I. SUMMARY

The Americans for Freedom of Choice PAC was a fraudulent contrivance established to secretly funnel AFSCME, ATLA, and EMILY's List money to run negative attack ads from behind the scenes. AFC's founder, Michael Hudson, filed false information with the Commission about the true character of the fly-by-night PAC. The Commission should investigate this sham committee and the representations made by its creator and contributors.

II. FACTS

A. AFC's BRIEF EXISTENCE

1. Michael Hudson is Colorado Chairman for People for the American Way.
2. Mr. Hudson founded a political action committee ("PAC") entitled Americans for Freedom of Choice PAC ("AFC PAC") on December 22, 1995, just 39 days prior to the Oregon special election to replace Bob Packwood. *See AFC Statement of Organization (Exh. 1).*
3. In submitting the Statement of Organization for AFC PAC, Mr. Hudson stated under penalty of perjury that AFC "supports / opposes *more than one* Federal candidate." *Id.*

97043820384

4. The only candidate ever supported or opposed by AFC was Gordon Smith, an Oregon Republican attacked by AFC through independent expenditures. *AFC has never spent or collected any funds whatsoever for any other purpose.*
5. AFC now seeks to terminate as a political committee, having failed to file the required quarterly or mid-year disclosure reports with the FEC and having defaulted on its legal bills. *See AFC Termination Request (Exh. 2).*

**B. THE SOURCE OF AFC's MONEY**

6. During its brief existence, AFC reported receipt of \$20,350. Only 6% of AFC's contributions came from within Oregon. *See AFC FEC Filings (Exh. 3)*
7. The bulk of funding for AFC (74%) came from out-of-state, mostly from three Washington-based PACs: ATLA (trial lawyers PAC), AFSCME (government employees PAC), and EMILY's List (pro-choice women bundling operation).
8. AFC's final 20% came from three large individual donors: \$1,000 from singer-actress Barbra Streisand (in Beverly Hills), \$1,000 from Warner Brothers producer David Altschul (in Burbank), and \$2,000 from investor Mary Demarest (in Summit, NJ).

**C. THE USE OF AFC's MONEY**

9. AFC used \$18,805 -- 92.4% of its reported money -- to run "independent" attack advertisements, mostly on television, savaging Gordon Smith for his abortion stance. These ads were produced and marketed by Schorr & Associates in Philadelphia, Pennsylvania.
10. AFC's remaining funds went to Mr. Hudson and to pay legal expenses.

**III. DISCUSSION**

**Michael Hudson Filed False Information to the Commission on the Americans for Freedom of Choice Committee's Statement of Organization**

On AFC's Statement of Organization, Michael Hudson checked box "f" for type of committee, declaring: "This committee supports / opposes *more than one* Federal candidate..." He could have checked box "c," which declares: "This committee supports/opposes only one candidate," but Mr. Hudson willfully opted for box "f."

9 7 0 4 3 8 2 0 3 8 5

Hudson made this assertion because single-race committees can not do what AFC did. Specifically, contributions to a single-race political committee for the purpose of funding independent expenditures count as contributions to the benefiting candidate in that race. *See 11 CFR 110.2(h)(2)*. The FEC-generated "Campaign Guide for Nonconnected Committees," published in March 1995, warns:

A contribution to a committee that supports only one candidate, however, is subject to the committee's per candidate, per election limit.

*See FEC Guide p. 18 (Exh. 4)*. Likewise, the Commission stated in an early informational letter its belief that:

a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate;...

*See FEC Informational Letter ¶ 6914 (emphasis in original) (Exh. 5)*.

Because AFC's major contributors had already given large contributions to Ron Wyden, they could not make \$5,000 contributions to a single-candidate committee supporting only him. *Id.* Mr. Hudson knew that he needed to check box "f" -- proclaiming the AFC to support or oppose more than one candidate -- even though this assertion was false.

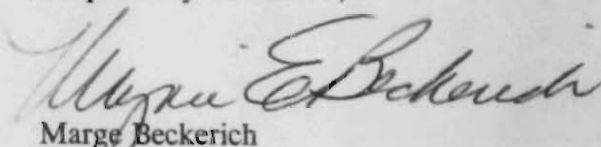
Considering that (1) AFC was hastily formed in the heat of the Wyden-Smith race, (2) AFC never spend money supporting or opposing more than one candidate, (3) AFC effectively shut down all operations after that race, and (4) AFC failed to file further FEC reports and filed for termination -- one may safely conclude that Mr. Hudson never intended to support or oppose any further candidates. AFC's Statement of Organization therefore contained a basic, knowing falsehood made by Mr. Hudson under penalty of perjury. Individuals who submit false, erroneous or incomplete information on an FEC form may be fined up to \$25,000. *See 2 U.S.C. § 437g(d) (Exh. 6)*.



#### IV. PRAYER FOR RELIEF

The Commission should investigate the Americans for Freedom of Choice PAC prior to granting its request for termination. Both its founder and its contributors employed this sham committee as a way to circumvent contribution limitations and conceal certain express advocacy from PAC contributors who may not have agreed with the communications. False statements were knowingly filed with the Commission. The Commission should take any and all appropriate measures to ensure compliance with the law and to deter future wrongdoing.

Respectfully Submitted,



Marge Beckerich  
Executive Director  
Oregon Republican Party

State of Oregon

Signed and sworn to before me this 11 th day of Sep, 1996.



NOTARY PUBLIC

My commission expires: MAR 12, 2000



97043820386

## STATEMENT OF ORGANIZATION

(See reverse side for instructions)

FEDERAL ELECTION COMMISSION  
MAIL ROOM

1. (a) NAME OF COMMITTEE IN FULL <b>Americans for Freedom of Choice Political Action Committee ("Choice PAC")</b>	<input type="checkbox"/> (Check if name is changed)	2. DATE <b>DEC 28 11 24 AM '95</b>
(b) Number and Street Address <b>2888 Bluff St. #166 Boulder, CO 80301</b>	<input type="checkbox"/> (Check if address is changed)	3. FEC Identification Number
(c) City, State and ZIP Code <b>Boulder, CO 80301</b>		4. Is This Report An Amendment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

## 5. TYPE OF COMMITTEE (Check one)

- ☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|-------------------|-----------------------------|---------------|----------------|
|                   |                             |               |                |
- ☐ (c) This committee supports/opposes only one candidate \_\_\_\_\_ and is NOT an authorized committee. (name of candidate)
- ☐ (d) This committee is a \_\_\_\_\_ committee of the \_\_\_\_\_ Party. (National, State or subordinate) (Democratic, Republican, etc.)
- ☐ (e) This committee is a separate segregated fund.
- ☒ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
None		

## Type of Connected Organization

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

## 7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Michael Hudson	2888 Bluff St., #166 Boulder, CO 80301	Treasurer

## 8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
(Same)	(same)	Treasurer

## 9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Bank One, Colorado	2500 Arapahoe, Boulder, CO 80306

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER	SIGNATURE OF TREASURER	DATE
Michael Hudson	<i>Michael Hudson</i>	12-22-95

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.  
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:  
Federal Election Commission  
Toll-free 800-424-9530  
Local 202-219-3420

FE5AN045

**FEC FORM 1**  
(revised 4/87)

9704503201387132

PATTON BOGGS, L.L.P.  
2550 M STREET, N.W.  
WASHINGTON, D.C. 20037-2350  
(202) 457-6000  
FACSIMILE: (202) 457-6315

WRITER'S DIRECT DIA.

(202) 457-5666

June 17, 1996

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

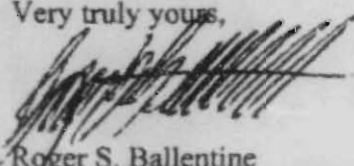
Re: Committee C00309864 -- Debt Settlement / Termination

Dear Sir or Madam:

Attached please find a debt settlement plan for the Americans for Freedom of Choice Political Action Committee. To expedite matters, we have also enclosed a Termination Report reflecting final activity for this Committee and reflecting the termination of its activities. As you will note, between our last report filed on February 19, 1996, and the date for the April 15 quarterly report, the Committee received no contributions and incurred no itemizable expenses or disbursements. Therefore, all activities since February 19, 1996 are reflected in the enclosed report.

Thank you very much for your attention to this matter. Please call me at the above number if you have any questions regarding the proposed debt settlement or any other aspect of this filing.

Very truly yours,

  
Roger S. Ballentine

Enclosures

RSB/jeb  
#190489

## DEBT SETTLEMENT PLAN

PART B

NAME OF COMMITTEE	FEC ID. NUMBER	PAGE	OF
Americans for Freedom of Choice PAC	200379864	2	2

CREDITOR SUMMARY INFORMATION  
(FILL OUT FOR EACH CREDITOR IN PLAN)

FULL NAME AND MAILING ADDRESS OF CREDITOR	DATE INCURRED	AMOUNT OWED TO CREDITOR	AMOUNT OFFERED IN SETTLEMENT
Patton Boggs, LLP 2550 M Street, NW Washington, DC 20037	3/26/96 4/23/96	1,072.46 277.52	609.53

TYPE OF CREDITOR:

☐ INCORPORATED COMMERCIAL VENDOR
 ☒ UNINCORPORATED COMMERCIAL VENDOR
 ☐ CANDIDATE
 ☐ COMMITTEE EMPLOYEE
 ☐ OTHER INDIVIDUAL

## A. TERMS OF THE INITIAL EXTENSION OF CREDIT AND NATURE OF THE DEBT

Debt was incurred for legal advice and assistance in FEC compliance.

## B. EFFORTS MADE BY THE COMMITTEE TO PAY THE DEBT

The Committee has attempted to raise additional funds, but contributor base has eroded.

## C. STEPS TAKEN BY THE CREDITOR TO COLLECT THE DEBT

Creditor sent bills, sent follow-up "dunning" letters, and made numerous telephonic requests for payment.

CREDITOR SECTION  
(TO BE FILLED OUT BY CREDITOR)

## D. WAS THE EFFORT MADE BY THE CREDITOR TO COLLECT THE DEBT SIMILAR TO OTHER DEBT COLLECTION EFFORTS AGAINST NONPOLITICAL DEBTORS?

☒ YES ☐ NO IF NO, PLEASE EXPLAIN

## E. ARE THE TERMS OF THE DEBT SETTLEMENT COMPARABLE TO OTHER SETTLEMENTS MADE BY THE CREDITOR WITH OTHER NONPOLITICAL DEBTORS?

☒ YES ☐ NO IF NO, PLEASE EXPLAIN

As a representative of the creditor, I hereby accept the settlement offer made to me by the committee and upon payment agree to consider the debt satisfied (or attach a copy of the recorded settlement).

SIGNATURE OF  
CREDITOR OR  
REPRESENTATIVE

DATE  
6/17/96



## SCHEDULE A

## POLITICAL RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary PagePAGE 1 OF 1  
FOR LINE NUMBER  
11(c)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

## NAME OF COMMITTEE (in Full)

Americans for Freedom of Choice C00309864

## A. Full Name, Mailing Address and ZIP Code

Association of Trial Lawyers of America  
Political Action Committee  
1050 31st Street, NW  
Washington, DC 20007

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

12/29/95

\$5,000.00

## Occupation

Aggregate Year-to-Date \$ 5,000.00

## B. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

Aggregate Year-to-Date \$ 0

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

## C. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

Aggregate Year-to-Date \$

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

## D. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

Aggregate Year-to-Date \$

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

## E. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

Aggregate Year-to-Date \$

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

## F. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

Aggregate Year-to-Date \$

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

## G. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

Aggregate Year-to-Date \$

Receipt For: ☐ Primary ☐ General  
☐ Other (specify):

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

\$5,000.00



## SCHEDULE A

## UNRECORDED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary PagePAGE 1 OF 1  
FOR LINE NUMBER  
11(c)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

## NAME OF COMMITTEE (In Full)

Americans for Freedom of Choice C00309864

## A. Full Name, Mailing Address and ZIP Code

Emily's List PAC  
805 15th St., NW Suite 400  
Washington, DC 2005

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

1/10/96

\$5,000

## Occupation

## Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$5,000

## B. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

## Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## C. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

## Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## D. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

## Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## E. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

## Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## F. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

## Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## G. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

## Occupation

## Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

\$5,000

## SCHEDULE A

## DED RECEIPTS

Use separate schedule  
for each category of the  
Detailed Summary Page3 3  
FOR LINE NUMBER  
11 (c)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

## NAME OF COMMITTEE (In Full)

Americans for Freedom of Choice Political Action Committee C00309864

## A. Full Name, Mailing Address and ZIP Code

American Federation of State, County  
and Municipal Employees Political  
Action Committee

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

01/19/96

\$5,000.00

Receipt For:

☐ Primary☒ General☐ Other (specify):

Occupation

Aggregate Year-to-Date &gt; \$ 5,000.00

## B. Full Name, Mailing Address and ZIP Code

1625 L Street, N.W.  
Washington, D.C. 20036

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

Occupation

Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## C. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

Occupation

Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## D. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

Occupation

Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## E. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

Occupation

Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## F. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

Occupation

Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

## G. Full Name, Mailing Address and ZIP Code

## Name of Employer

Date (month,  
day, year)Amount of Each  
Receipt this Period

Occupation

Receipt For:

☐ Primary☐ General☐ Other (specify):

Aggregate Year-to-Date &gt; \$

SUBTOTAL of Receipts This Page (optional)

\$5,000.00

TOTAL This Period (last page this line number only)

\$10,350.00

97043820396

## SCHEDULE A

## DED RECEIPTS

Use separate page for each category of the  
Detailed Summary Page

FOR LINE NUMBER

11(a)(1)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

## NAME OF COMMITTEE (In Full)

Americans for Freedom of Choice Political Action Committee C00309864

<b>A. Full Name, Mailing Address and ZIP Code</b> David Altschul 4550 Rubio Ave. Burbank, CA Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b> Warner Bros. Records <b>Occupation</b> Attorney <b>Aggregate Year-to-Date</b> \$ 1,000.00	<b>Date (month, day, year)</b> 01/16/96	<b>Amount of Each Receipt this Period</b> \$1,000.00
<b>B. Full Name, Mailing Address and ZIP Code</b> Mary Demarest 162 Mountain Ave. Summit, NJ 07901 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b> Self-employed <b>Occupation</b> Investor <b>Aggregate Year-to-Date</b> \$ 2,000.00	<b>Date (month, day, year)</b> 01/19/96	<b>Amount of Each Receipt this Period</b> \$2,000.00
<b>C. Full Name, Mailing Address and ZIP Code</b> Mark Gardiner 910 SW Canning St. Portland, OR 97201 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b> Attorney <b>Aggregate Year-to-Date</b> \$ 250.00	<b>Date (month, day, year)</b> 01/18/96	<b>Amount of Each Receipt this Period</b> \$250.00
<b>D. Full Name, Mailing Address and ZIP Code</b> Karen Adams 17325 Oak Meadow Lane Lake Oswego, OR 97034 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> \$ 250.00	<b>Date (month, day, year)</b> 01/18/96	<b>Amount of Each Receipt this Period</b> \$250.00
<b>E. Full Name, Mailing Address and ZIP Code</b> Barbra Streisand 433 N. Camden Dr. #500 Beverly Hills, CA 90210 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b> Self-employed <b>Occupation</b> Producer <b>Aggregate Year-to-Date</b> \$ 1,000.00	<b>Date (month, day, year)</b> 01/19/96	<b>Amount of Each Receipt this Period</b> \$1,000.00
<b>F. Full Name, Mailing Address and ZIP Code</b> Ray Auel 17410 SW Barrett Mtn. Rd. Sherwood, OR 97140 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> \$ 200.00	<b>Date (month, day, year)</b> 01/23/96	<b>Amount of Each Receipt this Period</b> \$200.00
<b>G. Full Name, Mailing Address and ZIP Code</b> Nancy Heyser 2902 NW Shenandoah Ter. Portland, OR 97210 Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Name of Employer</b>  <b>Occupation</b>  <b>Aggregate Year-to-Date</b> \$ 250.00	<b>Date (month, day, year)</b> 01/23/96	<b>Amount of Each Receipt this Period</b> \$250.00

SUBTOTAL of Receipts This Page (optional)

\$4,950.00

TOTAL This Period (last page this line number only)



**SCHEDULE A**

**ITEM RECEIPTS**

Use separate schedule for each category of the attached Summary Page

2 1 31

FOR LINE NUMBER

11(a)(1)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Americans for Freedom of Choice Political Action Committee

C00309864

<b>A. Full Name, Mailing Address and ZIP Code</b> Elizabeth Newhall 501 N. Graham Portland, OR 97227	<b>Name of Employer</b>  <b>Occupation</b> Doctor	<b>Date (month, day, year)</b> 01/18/96	<b>Amount of Each Receipt this Period</b> \$100.00
<b>Receipt For:</b> <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Aggregate Year-to-Date</b> > \$ 100.00		
<b>B. Full Name, Mailing Address and ZIP Code</b> Diane Linn 7624 SE 13th Ave. Portland, OR 97202	<b>Name of Employer</b>  <b>Occupation</b>	<b>Date (month, day, year)</b> 01/18/96	<b>Amount of Each Receipt this Period</b> \$100.00
<b>Receipt For:</b> <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Aggregate Year-to-Date</b> > \$ 100.00		
<b>C. Full Name, Mailing Address and ZIP Code</b> Anna Goldrich 3055 NE Davis Portland, OR 97232	<b>Name of Employer</b> League of Conservation Voters <b>Occupation</b>	<b>Date (month, day, year)</b> 01/18/96	<b>Amount of Each Receipt this Period</b> \$50.00
<b>Receipt For:</b> <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Aggregate Year-to-Date</b> > \$ 50.00		
<b>D. Full Name, Mailing Address and ZIP Code</b> Trudy Toliver 2233 NE Schuyler Portland, OR 97212	<b>Name of Employer</b>  <b>Occupation</b>	<b>Date (month, day, year)</b> 01/18/96	<b>Amount of Each Receipt this Period</b> \$50.00
<b>Receipt For:</b> <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Aggregate Year-to-Date</b> > \$ 50.00		
<b>E. Full Name, Mailing Address and ZIP Code</b> Margaret Lumpkin 7565 NW Mt. View Dr. Corvallis, OR 97330	<b>Name of Employer</b>  <b>Occupation</b>	<b>Date (month, day, year)</b> 01/30/96	<b>Amount of Each Receipt this Period</b> \$100.00
<b>Receipt For:</b> <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Aggregate Year-to-Date</b> > \$ 100.00		
<b>F. Full Name, Mailing Address and ZIP Code</b>  	<b>Name of Employer</b>  <b>Occupation</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Receipt this Period</b>
<b>Receipt For:</b> <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Aggregate Year-to-Date</b> > \$		
<b>G. Full Name, Mailing Address and ZIP Code</b>  	<b>Name of Employer</b>  <b>Occupation</b>	<b>Date (month, day, year)</b>	<b>Amount of Each Receipt this Period</b>
<b>Receipt For:</b> <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>Aggregate Year-to-Date</b> > \$		

SUBTOTAL of Receipts This Page (optional)

\$400.00

TOTAL This Period (last page this line number only)

SCHEDULE B

## ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 2 pages

(See Reverse Side for Instructions)

Name of Committee (in Full)

Americans for Freedom of Choice

C00309864

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/12/96	\$700.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/14/96	\$700.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/15/96	\$4,000.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/17/96	\$350.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/18/96	\$1,150.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/21/96	\$1,600.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$	
(c) TOTAL Independent Expenditures			\$	

Under penalty of perjury, I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My Commission expires: \_\_\_\_\_

NOTARY PUBLIC

Signature

Date



SCHEDULE E

## ITEMIZED INDEPENDENT EXPENDITURES

Page 2 of 2 Pages

(See Reverse Side for Instructions)

Name of Committee (in Full)

Americans for Freedom of Choice

C00309864

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/22/96	\$2,100.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/24/96	\$1,850.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/25/96	\$100.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ads	01/29/96	\$1,750.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Speak-Up America P.O. Box 28 Palo Alto, CA 94302	Radio Ad	01/25/96	\$405.00	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures			\$	
(b) SUBTOTAL of Unitemized Independent Expenditures			\$	
(c) TOTAL Independent Expenditures			\$	14,705.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My Commission expires: \_\_\_\_\_

NOTARY PUBLIC

Signature

Date

## ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 1 Pages

(See Reverse Side for Instructions)

Name of Committee (in Full)			C00309864	
Americans for Freedom of Choice				
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Shorr & Associates, Inc. 1831 Chestnut St. #602 Philadelphia, PA 19103	Television Ad	1/4/96	\$3,500	Gordon Smith, Candidate, Senate <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Support <input type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures .....			\$	
(b) SUBTOTAL of Unitemized Independent Expenditures .....			\$	
(c) TOTAL Independent Expenditures .....			\$	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My Commission expires: \_\_\_\_\_

NOTARY PUBLIC

Michael H. Hulse  
Signature

1-18-96  
Date

# CAMPAIGN GUIDE



**FOR NONCONNECTED  
COMMITTEES**

97043820398

## CHAPTER 6

# Independent Expenditures

In addition to making *contributions*, a *nonconnected committee* may support (or oppose) *candidates* by making *independent expenditures*. Independent expenditures are not contributions and are not subject to limits. (However, contributions made to a committee or to another person making independent expenditures are subject to limits, as explained below.)

### What Is an Independent Expenditure

An independent expenditure is an expenditure for a communication, such as a newspaper, TV or *direct mail* advertisement that:

- Expressly advocates the election or defeat of a clearly identified candidate; and
- Is not made in coordination, consultation, or cooperation with, or at the request or suggestion of a candidate, agent of a candidate, or candidate's committee. 109.1(a).

#### When Is a Candidate "Clearly Identified"

A candidate is "clearly identified" if the name of the candidate or a photograph or drawing of the candidate appears in the communication or if the identity of the candidate is otherwise apparent. 109.1(b)(3).

#### What Is "Expressly Advocating"

"Expressly advocating" means that the communication includes a message that calls for the election or defeat of a clearly identified candidate.

Examples of phrases that indicate express advocacy include "Vote for," "Elect," "Support," "Cast Your Ballot for," "Smith for Congress," "Vote Against," "Defeat," or "Reject." 109.1(b)(2). This list is not exhaustive, however; other language might also be considered "express advocacy."

### What Is Not an Independent Expenditure

When an expenditure is made under the circumstances described below, it results in an in-kind contribution to a candidate rather than an independent expenditure and therefore counts against the

committee's contribution limit for that candidate. 109.1(c).

#### Coordination with Candidate's Campaign

Any expenditure made in cooperation or consultation with the candidate's campaign or as a result of a request, suggestion, or prior consent from the candidate or the campaign is an in-kind contribution, not an independent expenditure. 109.1(b)(4)(i). See AO 1984-30.

#### Direction by Campaign Employee

An expenditure made on behalf of a candidate but directed by a current or former officer or employee of that candidate's committee or by a person who has received compensation or reimbursement from the campaign is presumed not to be independent. 109.1(b)(4)(i)(B). See also AOs 1983-26, 1980-116 and 1979-80.

#### Use of Common Vendors

The independence of an expenditure made by a nonconnected committee for a communication in support of a candidate (or in opposition to his or her opponent) may be compromised if the committee and that candidate's campaign use the same consultant or vendor. See AOs 1979-80 and 1982-20.

#### Solicitations on Behalf of a Candidate

An expenditure by a nonconnected committee for a communication that solicits the public for contributions on behalf of a candidate is an in-kind contribution if the committee collects and forwards the money to the candidate's committee. See AO 1980-46. See also Appendix C, "Earmarked Contributions."

#### Candidate-Prepared Material

Any expenditure to distribute or republish campaign material (print or broadcast) produced or prepared by a candidate's campaign is an in-kind contribution, not an independent expenditure. 109.1(d).

#### Prior Contributions May Affect Independence

A nonconnected committee should be aware that making certain types of in-kind contributions to a particular candidate may jeopardize the committee's ability, in the future, to make independent expenditures on behalf of that same candidate.

For example, if a nonconnected committee provided paid staff or services to a candidate's primary campaign, then the committee would have direct knowledge of the candidate's campaign strategy, plans or needs. Therefore, expenditures by that committee during the general election could not be considered independent. AO 1984-30.

### Disclaimer Notice Required

A communication representing an independent expenditure must display a disclaimer notice. See page 9 for more information.

### Allocation Among Candidates

When an independent expenditure is made on behalf of more than one clearly identified candidate, the committee must allocate the expenditure among the candidates in proportion to the benefit that each is expected to receive. For example, in the case of a published or broadcast communication, the attribution should be determined by the proportion of space or time devoted to each candidate in comparison with the total space or time devoted to all the candidates. 104.10; 106.1(a).

### Reporting Requirements

A nonconnected committee must report all independent expenditures. Reporting requirements are explained on page 37.

### Contributing to Committees That Make Independent Expenditures

A contribution by a nonconnected committee to a committee that makes independent expenditures is subject to the \$5,000 per calendar year limit. 110.1(d).

A contribution to a committee that supports only one candidate, however, is subject to the committee's per candidate, per election limit. 110.1(h).

97043820399



97043820400

**[16914] Limitations on Contributions to Unauthorized Committees**

[Even though a political committee is unauthorized, contributions to it are still subject to the statutory limitations. Answer to Charles H. Brecher, Delaware Volunteers for Reagan.]

This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. §437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are



subject to any limitation under the Act. 2 U.S.C. §431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of \$1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§431(e) and (f). Under 2 U.S.C. §§441a(a)(1)(C) and (a)(2)(C) persons 1/ and multi-candidate political committees are limited to contributions not in excess of \$5,000 in any calendar year to "any . . . political committee." Therefore, as a general rule a committee within the definition of §431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one person not in excess of \$5,000 per calendar year and any contribution from an individual would be applied against his or her \$25,000 annual contribution limitation contained in 2 U.S.C. §441a(a)(3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate supported by your committee and thus subject to the \$1,000 limit in 2 U.S.C. §441a(a)(1), or \$5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. §441a(a)(2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act to Governor Reagan may contribute any amount to Delaware Volunteers for Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. §441a(a)(1)(A) places a \$1,000 per election limit on contributions by persons "to a Federal candidate." Furthermore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (§441a(a)(7)(A)); expenditures made in consultation with or at the suggestion of the candidate (§441a(a)(7)(B)(i)); or contributions made either directly or indirectly on behalf of a particular candidate (§441a(a)(8)).

The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or by contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to a candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

\* \* \*

This definition [of "contribution"] distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate.

Conference Report, No. 94-1057, pp. 58, 59  
April 28, 1976

The Commission's proposed regulations reflect this Congressional intent in §110.1(h), by stating that a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the same candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate; and (3) the contributor does not retain control over the funds. Thus, the Delaware Volunteers for Reagan could not accept contributions from persons who had already contributed their maximum amount to Governor Reagan, one of his authorized political committees, or another committee supporting only Governor Reagan's candidacy, since contributions to a single

candidate political committee are clearly made "on behalf of" the candidate supported by the committee.

You raise the question whether contributions to an unauthorized political committee should be treated as independent expenditures, and thus subject to no limitation pursuant to Buckley. The Supreme Court struck down expenditure limitations, holding them violative of the First Amendment right of freedom of speech, but found limitations on contributions were constitutional:

A limitation on the amount of money a person may give to a candidate or campaign organization thus involves little direct restraint on his political communication, for it permits the symbolic expression of support evidenced by a contribution but does not in any way infringe the contributors freedom to discuss candidates and issues.

96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent expenditures" <sup>2/</sup> made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute \$1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate. <sup>3/</sup> A person may contribute \$5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in §110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved §110.1(h) of the proposed regulations.

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Dated: August 17, 1976.

- <sup>1/</sup> "Person" is defined in 2 U.S.C. §431(h), and includes an individual, partnership, committee and any other organization or group of persons.
- <sup>2/</sup> "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. §431(p).
- <sup>3/</sup> If the person is a multi-candidate committee under 2 U.S.C. §441a(a)(4) the applicable amount is \$5,000 rather than \$1,000.



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 23, 1996

Marge Beckerich, Executive Director  
Oregon Republican Party  
PO Box 1450  
Beaverton, OR 97075-1450

RE: MUR 4461

Dear Ms. Beckerich:

This letter acknowledges receipt on September 13, 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 4461. 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

97043820403



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 23, 1996

Ellen R. Malcolm, Treasurer  
Emily's List  
805 15th St., NW  
Suite 400  
Washington, DC 20005

RE: MUR 4461

Dear Ms. Malcolm:

The Federal Election Commission received a complaint which indicates that Emily's List Political Action 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 4461. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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.

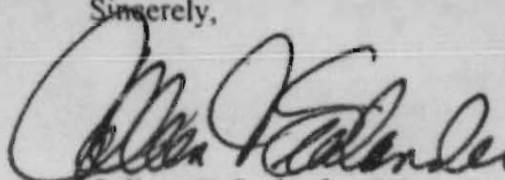
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

97043820404



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

97043820405





FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 23, 1996

Carmen Belefonte, Treasurer  
Association of Trial Lawyers of America PAC  
1050 31st Street, NW  
Washington, DC 20007

RE: MUR 4461

Dear Ms. Belefonte:

The Federal Election Commission received a complaint which indicates that Association of Trial Lawyers of America Political Action 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 4461. Please refer to this number in all future correspondence.

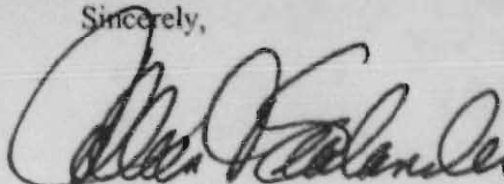
The complaint was not sent to you earlier due to administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant 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.

97043820406

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

97043820407



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 23, 1996

William Lucy, Treasurer  
American Federation of State, County  
and Municipal Employees PAC  
1625 L Street, NW  
Washington, DC 20036

RE: MUR 4461

Dear Mr. Lucy:

The Federal Election Commission received a complaint which indicates that the American Federation of State, County and Municipal Employees Political Action 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 4461. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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.

97043820408

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

97043820409





FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 23, 1996

Michael Hudson, Treasurer  
Americans For Freedom of Choice PAC  
2341 Rimrock Circle  
Lafayette, CO 80026

RE: MUR 4461

Dear Mr. Hudson:

The Federal Election Commission received a complaint which indicates that Americans For Freedom of Choice Political Action 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 4461. Please refer to this number in all future correspondence.

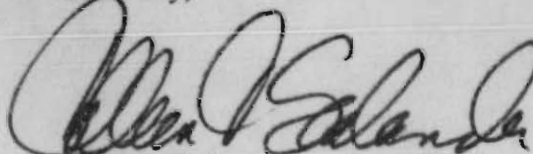
The complaint was not sent to you earlier due to administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant 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.

9704382041C

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

9  
7  
0  
4  
3  
8  
2  
0  
4  
1  
1

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
607 FOURTEENTH STREET, N.W. · WASHINGTON, D.C. 20005-2011  
TELEPHONE: 202 628-6600 · FACSIMILE: 202 434-1690

JUDITH L. CORLEY  
(202) 434-1622

October 2, 1996

Colleen T. Sealander  
Central Enforcement Docket  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

OCT 2 10 48 AM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Re: MUR 4461 - EMILY's List

Dear Ms. Sealander:

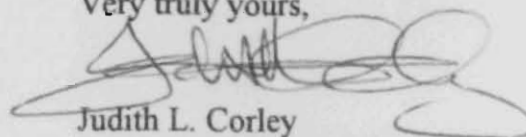
Please find enclosed the designation of counsel for the above-referenced committee.

This letter is also to request an extension of time of 10 days to respond to the complaint. This extension is necessary in order to have adequate time to review the relevant materials, research the background to the matter and to prepare a response.

With the 10-day extension, EMILY's List's response would be due on October 21, 1996.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Judith L. Corley  
Counsel to EMILY's List

Enclosure

[DA962750.037]

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4461

NAME OF COUNSEL: Judith L. Corley

FIRM: Perkins Coie

ADDRESS: 607 Fourteenth Street, N.W.

Washington, DC 20005-2011

TELEPHONE: ( 202 ) 434-1622

FAX: ( 202 ) 434-1690

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.

9-25-96  
Date

Alex Marie Haleshaw  
Signature  
Assistant Treasurer

RESPONDENT'S NAME: EMILY's List

ADDRESS: 305 15th Street, NW, Suite 400

Washington, DC 20005

TELEPHONE: HOME (      )                     

BUSINESS ( 202 ) 326-1400

Oct 2 10 48 AM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

97043820413





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 3, 1996

Judith L. Corley, Esq.  
Perkins Coie  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-2011

RE: MUR 4461  
Emily's List

Dear Ms. Corley:

This is in response to your letter dated October 2, 1996, which we received on that same day requesting an extension to respond to the complaint filed in the above-noted 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 October 21, 1996.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, reading "Erik Morrison", is written over the typed name.

Erik Morrison, Paralegal  
Central Enforcement Docket

97043820414

Americans  
for  
Freedom  
of  
Choice

Political Action Committee

2341 Rimrock Cir.  
Lafayette, CO 80026  
303-604-2115  
~~2888 Bluff Street~~  
Ste. 166  
~~Boulder, CO 80301~~  
303.494.1902

Via Fax

October 4, 1996

Ms Colleen T. Sealander  
Federal Elections Commission  
999 E St., NW  
Washington, DC 20463

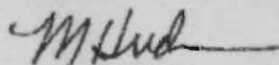
RE: MUR 4461

Dear Ms. Sealander:

Pursuant to our phone conversation yesterday, I am requesting a 14-day extension for my response to the above cited complaint in order to obtain and designate counsel. I am confident that I will be able to secure counsel and fully respond to the complaint within that time.

Thank you for your consideration. And, please note the change of address above.

Sincerely yours,



Michael Hudson  
Treasurer

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 7 11 54 AM '96

97043820415



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 8, 1996

Michael Hudson, Treasurer  
Americans For Freedom of Choice PAC  
2341 Rimrock Circle  
Lafayette, CO 80026

RE: MUR 4461  
Americans For Freedom of Choice PAC  
Michael Hudson, as treasurer

Dear Mr. Hudson:

This is in response to your letter dated October 4, 1996 which we received on October 7, 1996 requesting an extension to respond to the complaint filed in the above-noted 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 October 26, 1996.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

A handwritten signature in black ink, reading "Erik Morrison". The signature is written in a cursive, flowing style.

Erik Morrison, Paralegal  
Central Enforcement Docket

97043820416

ASSOCIATION  
of TRIAL LAWYERS  
of AMERICA

POLITICAL  
ACTION  
COMMITTEE

Board of Trustees

Chairman

BARRY NACE, DC

PAMELA ANAGNOS LIAPAKIS, NY

GILBERT ADAMS JR., TX

MARY ALEXANDER, CA

CARMEN BELEFONTE, PA

JEFFREY BREIT, VA

ROXANNE BARTON CONLIN, IA

WALTER COSTELLO, MA

LAWRENCE ELOVICH, NY

ROBERT HABUSH, WI

RUSS HERMAN, IA

ROBERT JACOBS, DE

ANDREW KREMBIS, OH

MARK MANDELL, RI

BRUCE McMATH, AR

JAMES MUNDY, PA

EUGENE I. PAVALON, IL

JOHN POWERS, NY

LARRY STEWART, FL

HOWARD TWIGGS, NC

Treasurer

~~MATTHEW DAWES SMITH~~

Fund Development Manager

LOUISE WELLS

Administrative Manager

CHERYL WILKINS

October 4, 1996

Colleen T. Sealander, Attorney  
Central Enforcement Docket  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 8 11 42 AM '96

Re: MUR 4461

Dear Ms. Sealander

On behalf of the Association of Trial Lawyers of America Political Action Committee ("ATLA PAC"), this letter is written in response to your letter dated September 23, 1996 generated by a complaint filed with the Federal Election Commission ("FEC" or "Commission") referred to as Matter Under Review (MUR) 4461. The complaint was filed against, among others, ATLA PAC.

The central legal allegation in this complaint is that a treasurer of a political action committee -- Americans for Freedom of Choice PAC ("AFC PAC") -- made a false statement to the Commission in violation of 2 U.S.C. § 437g(d). The Oregon Republican Party asserts that the treasurer knowingly provided the FEC with misinformation by designating AFC PAC as a committee that supports/opposes more than one candidate, when he allegedly intended that AFC PAC would only support/oppose a single candidate in conjunction with a then-upcoming special Senate election in Oregon. The complaint tangentially references ATLA PAC in its prayer for relief by stating that the treasurer of the PAC in question "and its contributors" used AFC PAC as a "sham" "to circumvent contribution limits and conceal certain express advocacy from PAC contributors...." As ATLA PAC was indeed a contributor to AFC PAC, it assumes that this reference includes ATLA PAC.

While it is not at all clear how the Federal Election Campaign Act, 2 U.S.C. §441 *et seq.* (the "Act"), is implicated by allegations of a "sham" committee or of "conceal[ing] certain express advocacy from PAC contributors", taken in its most favorable light, the complaint alleges an excessive contribution by ATLA PAC in December 1995. Because that allegation is patently and facially unsupportable, we respectfully request that ATLA PAC be dismissed as a respondent in MUR 4461.



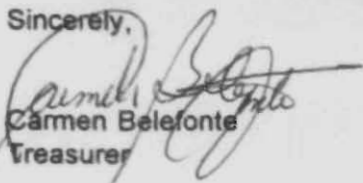
8  
1  
4  
1  
8  
2  
0  
4  
3  
8  
3  
4  
7  
0  
4  
9  
In relevant part, the Act permits a multicandidate committee such as ATLA PAC to contribute up to \$5,000 per calendar year to other political committees duly registered with the FEC. See 2 U.S.C. § 441a(a)(1)(C); 11 C.F.R. § 110.1(d)(1). ATLA PAC made two contributions to AFC PAC — one in 1995 for \$5000.00 and one in May 1996 for \$5000.00. The following facts at the time of each contribution are not in dispute: (1) the Commission had received and made public AFC PAC's Statement of Organization; (2) that Statement of Organization stated that AFC PAC supported or opposed more than one federal candidate; (3) the Commission had accepted AFC PAC's Statement of Organization and had recognized it as a political action committee pursuant to 11 C.F.R. § 102.2(c); and (4) the Commission had assigned AFC PAC an identification number. Therefore, all available documentation indicated that AFC PAC was not a *single candidate committee* and was legally capable of receiving a contribution of \$5,000 per calendar year.

The subjective intent of AFC PAC's treasurer is not legally material to these dispositive facts as they pertain to ATLA PAC. There is no claim made in this complaint that ATLA PAC made any false statements to the Commission. Although not clearly relevant to the allegations that may have been intended to be made in the complaint, the facts also clearly indicate that ATLA PAC certainly did not understand or intend that its contributions to AFC PAC would only benefit the Oregon special election *since fully one-half of the funds contributed by ATLA PAC to AFC PAC were given nearly a half year after the conclusion of that election.* The complaint conveniently omits this fact.

Again, ATLA PAC made two \$5000 contributions in two calendar years to a committee duly registered with the Commission; the records accepted by and available at the Commission indicated that the committee in question supported or opposed more than one federal candidate; ATLA's contributions were clearly meant to impact elections beyond the Oregon special election since fully one-half of its contributions to the committee in question were given long after than election and as other national elections were beginning to come into full swing.

We hope that this information clarifies ATLA PAC's role in these activities and provides sufficient information for the Commission to conclude that it should not pursue further action against ATLA PAC. Please do not hesitate to contact us if you need additional information or wish to discuss this matter further. We look forward to hearing from you.

Sincerely,

  
Carmen Belefante  
Treasurer



# AFSCME®

## American Federation of State, County and Municipal Employees, AFL-CIO

General Counsel's Office  
1101 17th Street, N.W.  
Suite 1210  
Washington, D.C. 20036  
Telephone (202) 775-5900  
Facsimile (202) 296-5279

October 11, 1996

Gerald W. McEntee  
International President

William Lucy  
International Secretary-Treasurer

John C. Dempsey  
Larry P. Weinberg  
General Counsel

Robert D. Lenhard  
Neil I. Ditchek  
Margaret A. McCann  
Gloria P. Clement  
Associate General Counsel

Colleen T. Sealander  
Attorney  
Central Enforcement Docket  
General Counsel's Office  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 15 10 09 AM '96

Re: MUR 4461

Dear Ms. Sealander:

I have been designated as counsel in the above-captioned matter for the American Federation of State, County and Municipal Employees, AFL-CIO (hereinafter "AFSCME") and its political action committee, PEOPLE. A copy of the designation of the undersigned as counsel for the "American Federation of State, County and Municipal Employees PAC" in this matter is enclosed. Our formal response follows.

The central violation alleged is that the treasurer of The Americans for Freedom of Choice PAC (hereinafter "AFC PAC") filed a false statement with the FEC when he checked a box on the registration form stating that it was a political committee formed to support and/or oppose more than one candidate for federal office. There is no allegation that AFSCME or PEOPLE had any involvement with the activities described in this part of the complaint.

As an ancillary matter, the complaint states in its request for relief:

Both its [AFC PAC's] founder and its contributors employed this sham committee as a way to circumvent contribution limitations and conceal certain express advocacy from PAC contributors who may not have agreed with the communications. False statements were knowingly filed with the Commission.

Because there are no specific allegations of wrongdoing against either AFSCME or PEOPLE elsewhere in the complaint, and because PEOPLE made a contribution to AFC PAC, I can only assume that this is why AFSCME was named as a party.

PEOPLE did make a \$5,000 contribution to AFC PAC on January 18, 1996. It is undisputed that, at the time PEOPLE made its contribution:

- 1) AFC PAC had filed a Statement of Organization with the Commission identifying itself as a PAC that supported or opposed more than one federal candidate;
- 2) The Commission had accepted AFC PAC's Statement of Organization, made it public, and recognized it as a political committee pursuant to 11 C.F.R. Section 102.2 (c); and
- 3) The Commission had assigned AFC PAC an identification number.

Thus, based on the Commission's own records, AFSCME PEOPLE would have had no reason to believe that AFC PAC was a single candidate committee which was legally incapable of accepting PEOPLE's contribution.

To the degree that the prayer for relief could be construed to allege that AFSCME PEOPLE was one of the unnamed "contributors" that employed the Americans for Freedom of Choice as a "sham" committee to circumvent contribution limitations and conceal express advocacy from contributors to the PAC, we deny it. As is stated in the accompanying affidavit, at the time this contribution was made, AFSCME PEOPLE staff had no reason to believe that AFC PAC was not a bona fide political action committee.

There is also an allegation that the contributions were made to conceal express advocacy from PAC contributors. This is not true, but even if it were correct, it would not constitute a violation of federal election law.

In sum, as to AFSCME and PEOPLE, the complaint is without substance or merit. There is no specific allegation of misconduct as to AFSCME or PEOPLE. The intent, goals, or plans of other parties is of no relevance to AFSCME or PEOPLE's activities in this matter. The only facts before the Commission are that AFSCME or PEOPLE made a single contribution to a registered political committee in an amount legally permissible for a contribution to such a committee and that when that contribution was made, PEOPLE believed it was giving its sums to a

9704382042C

C. Sealander  
October 11, 1996  
Page 3

valid political committee. These facts are uncontroverted and the compliant should be dismissed without further action on this basis.

Sincerely,



Larry P. Weinberg

97043820421



BEFORE THE FEDERAL ELECTION COMMISSION

Americans for Freedom of Choice PAC )

AFSCME Union )

ATLA PAC )

EMILY's List )

MUR # 4461

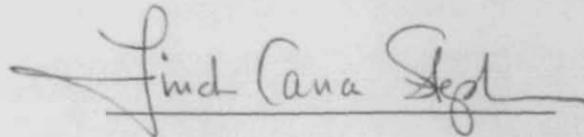
AFFIDAVIT OF LINDA CANAN STEPHENS

1. I am employed as a Political Research Coordinator in AFSCME's Political Action Department and have been employed by AFSCME since 1980. One of the responsibilities of my position, now and in January 1996, is the coordination of all contributions and expenditures of AFSCME's PAC, which is called PEOPLE.

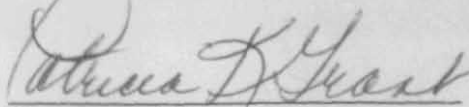
2. I have personal knowledge of the facts herein.

3. PEOPLE made a contribution of \$5,000 to the Americans for Freedom of Choice PAC on January 18, 1996.

4. At the time this contribution was made, we had no reason to believe that the Americans for Freedom of Choice PAC was not a valid political committee capable of receiving and accepting a contribution of \$5,000 from PEOPLE.



Subscribed and sworn to before me this 11<sup>th</sup> day of October,  
1996.

  
Notary Public

My Commission Expires: 6/14/99

97043820422

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4461

NAME OF COUNSEL: Larry Weinberg

FIRM: AFSCME General Counsel's Office

ADDRESS: 1101 17th Street, N.W., Suite 1210

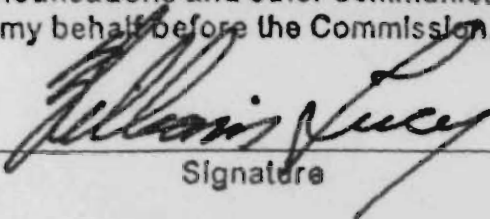
Washington, D.C. 20036

TELEPHONE: ( 202 ) 775-5900

FAX: ( 202 ) 296-5279

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.

10-11-96  
Date

  
Signature

RESPONDENT'S NAME: American Federation of State, County and  
Municipal Employees PAC

ADDRESS: 1625 L Street, N.W.

Washington, D.C. 20036

TELEPHONE: HOME (        )                     

BUSINESS ( 202 ) 429-1200

97043820423

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
607 FOURTEENTH STREET, N.W. - WASHINGTON, D.C. 20005-2011  
TELEPHONE: 202 628-6600 - FACSIMILE: 202 434-1690

JUDITH L. CORLEY  
(202) 434-1622

October 21, 1996

OCT 21 12 08 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Colleen T. Sealander  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

**Re: MUR 4461 - EMILY's List**

Dear Ms. Sealander:

This is in response to the complaint filed by the Oregon Republican Party against EMILY's List, among others, for its contribution to a political committee, Americans for Freedom of Choice PAC. EMILY's List asks that this complaint be dismissed with no further action.

EMILY's List is a multicandidate political committee registered with the Federal Election Commission. It was established for a very particular purpose: to support women candidates running for public office who are Democratic and pro-choice. Its purpose has not changed since it was established in 1985.

Although the majority of EMILY's List activities center around supporting specific women candidates, EMILY's List does occasionally make contributions to other political committees when their purposes are similar to the causes that EMILY's List supports. During the past cycle, for example, EMILY's List's reports reflect contributions to such political committees as National Organization for Women, the Women's Campaign Fund, Voters for Choice, and the National Women's Political Caucus, among others. In addition, EMILY's List has made nonfederal contributions to committees such as the Campaign to Save Women's Rights in California, Maine Won't Discriminate, Women's Voices -- and Women Vote in Illinois.

Thus, it is not surprising that when EMILY's List was solicited for a contribution to Americans for Freedom of Choice PAC ("the Committee"), it made a contribution. The contribution was sent to the Committee at its address in Boulder,

[13376-0001/DA962910.069]

97043820424

Colleen T. Sealander  
October 21, 1996  
Page 2

Colorado. As noted in the complaint, the Committee had registered with the Federal Election Commission as a "committee [that] supports/opposes more than one Federal candidate."

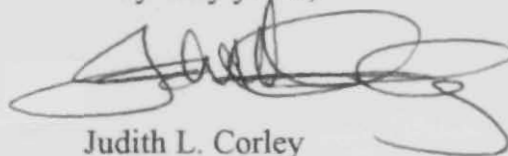
EMILY's List had no involvement in the establishment or operation of the Committee. It had no knowledge that the Committee would be active in only one state and then terminate. EMILY's List simply made a contribution to a properly registered political action committee to further support the causes that EMILY's List was founded to support.

The Complaint provides no evidence to the contrary. The Complaint focuses almost exclusively on allegations that the founder of the Committee gave false information to the FEC. It mistakenly asserts at one point that "... AFC's major contributors had already given large contributions to Ron Wyden ..." In fact, although EMILY's List as a multicandidate committee could have made a \$5,000 contribution to Ron Wyden, EMILY's List has never made a contribution to Ron Wyden.

Because there is no evidence that EMILY's List has violated any provision of the federal campaign laws, we ask that this complaint be dismissed with respect to EMILY's List and that no action be taken.

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

Very truly yours,



Judith L. Corley  
Counsel to EMILY's List

97043820425



RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Oct 25 12 10 PM '96

1450 Metropolitan Square  
Washington, DC 20805

(202) 879-3939

October 24, 1996

Ms. Colleen T. Sealander  
Attorney  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Matter under Review # 4461

Dear Ms. Sealander:

This letter is submitted on behalf of the Americans for Freedom of Choice Political Action Committee ("Choice PAC") and its treasurer, Michael Hudson, in response to your letter of September 23, 1996.

On June 17, 1996, Choice PAC requested that it be permitted to terminate operations. Approximately three months later, the Oregon Republican Party filed a complaint with the Federal Election Commission ("Commission") against Choice PAC and several of its contributors opposing termination of the committee and requesting a commission investigation. The complaint charges Mr. Hudson with knowingly making false statements to the Commission in violation of 2 U.S.C. § 437g(d). Specifically, it claims that Mr. Hudson knowingly misrepresented his intentions in Choice PAC's statement of organization when he designated the committee as one that "supports/opposes more than one federal candidate."

This claim is based upon allegations that Choice PAC was "hastily formed in the heat of" the Oregon special election for the Senate seat vacated by Robert Packwood and "effectively shut down all operations after the race." Complaint at 3. From these allegations, the Oregon Republican Party asks the Commission to infer that Choice PAC was "never intended to support or oppose any further candidates." *Id.* The complaint does not allege any other violations of the Federal Election Campaign Act ("the Act"), 2 U.S.C. § 441 *et seq.*

The Oregon Republic Party's complaint offers no reason to conduct an investigation. The complaint is based upon factual premises -- that Mr. Hudson hastily formed Choice PAC prior to the Oregon special election and shut down all operations after the race -- that are based entirely upon speculation and are refuted by Mr. Hudson's affidavit. Contrary to the complaint's suggestion, the affidavit shows that Choice PAC was not hastily formed. It was instead the culmination of activities begun long before either Senator Packwood's resignation or the scheduling of the Oregon special election. Moreover, contrary to the complaint's suggestion, the committee remained active for months after the election. Thus, there is no reason to draw the inference the complaint asks the Commission to make.

The attached affidavit of Mr. Hudson and supporting documentation demonstrate the following:

1. In early 1995 Mr. Hudson and others began exploring the possibility of forming a political action committee to make progressive independent expenditures to counter those of right-wing groups. See Affidavit of Michael Hudson ¶ 3. Throughout 1995, the steering group explored issues, conducted polling, and developed generic advertising materials. See id. ¶¶ 4-7. None of these activities were specifically aimed at Oregon.
2. Although Choice PAC was formed shortly before the Oregon special election, its activities were intended to extend beyond that election. Among other things, Mr. Hudson considered making independent expenditures in the Texas primaries in opposition to Senator Phil Gramm and in Georgia in opposition to Speaker of the House Newt Gingrich. See Hudson Affidavit ¶ 6. Accordingly, in raising money for Choice PAC, Mr. Hudson specifically informed at least one contributor that Choice PAC's activities would continue after the Oregon special election and target right-wing candidates of both parties. See id. ¶ 8.
3. Choice PAC also continued operating long after the Oregon special elections. For example, in February 1996, Mr. Hudson attempted to recruit a professional fundraiser and to develop a prototype advertisement. See Hudson Affidavit ¶ 10. He also solicited contributions (unfortunately receiving only one) after the Oregon election. See id. ¶ 10. Ultimately, however, Mr. Hudson found his responsibilities at Choice PAC too onerous in light of his other responsibilities with People for the American

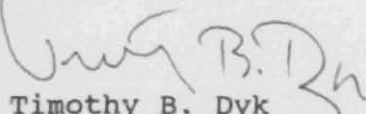
97043820427

Ms. Colleen T. Sealander  
October 24, 1996  
Page 3

Way, the NEA, and other progressive causes. See id.  
¶¶ 11, 13. Accordingly, in June of this year, after  
attempting unsuccessfully to find someone willing to  
take over the fundraising and other responsibilities  
for Choice PAC, Mr. Hudson decided to terminate the  
committee. See id. ¶ 14.

As the affidavit demonstrates, there is no basis for the  
Oregon Republican Party's accusation that Mr. Hudson  
misrepresented his intentions in Choice PAC's statement of  
organization. Mr. Hudson's actions clearly demonstrate that he  
formed Choice PAC with the intention of supporting or opposing  
more than one federal candidate. Under these circumstances, he  
properly checked line F on Form 1 indicating that intention.  
Moreover, nothing in the Commission's extensive rules for  
terminating a committee prohibit Mr. Hudson from terminating  
Choice PAC simply because he encountered difficulties that forced  
him to terminate his activities prior to participating in another  
election. In short, there is no evidence that the Act was  
violated and therefore no reason for the Commission to delay  
approval of the committee's request to terminate. We therefore  
respectfully urge the Commission to proceed no further with MUR  
4461.

Very truly yours,



Timothy B. Dyk  
Daniel H. Bromberg  
Thomas C. Goldstein

Enclosure

97043820428

## AFFIDAVIT OF MICHAEL HUDSON

1. My name is Michael Hudson, and I am a resident of Boulder, Colorado. I am Treasurer of the Americans for Freedom of Choice Political Action Committee (Choice PAC). Choice PAC is a federal political committee duly registered with the Federal Election Commission.
2. On December 22, 1995 I filed with the Federal Election Commission (FEC) a Statement of Organization for this Committee. The FEC accepted the Statement of Organization and assigned Choice PAC FEC ID #C00309864.
3. On or about January 15, 1995 I began to explore the formation of a non-connected independent political committee dedicated to progressive political issues. See Attachment A, describing the proposed PAC concept as part of the larger "Reversing the Tide" program, which I copyrighted in January, 1995. The tentative name for this planned committee was "Mainstream Political Action Committee," or "MainPAC." I convened an informal steering committee of colleagues to help plan the committee. I have been involved in promoting progressive political issues for most of my adult life. It was then, and remains now, my view that there is a need for a non-connected progressive independent expenditure committee addressing a variety of issues in today's nationwide political playing field. I hoped to help address this void by forming a new committee.
4. My steering group and I convened many planning discussions during the first half of 1995. By July of 1995 we had targeted a number of issues which we might address. See attachment B, a list I drafted of potential topics. We also secured the pro bono services of a media consultant, Dean Rindy from Austin Texas, who prepared a concept paper (Attachment C) for planned television and radio advertisements to be produced by the Committee. One of the steering committee was also our pollster, Paul Harstad of the firm Talmey Drake Research of Boulder. In July and August of 1995 Paul provided polling results (Attachments D and E) that helped us refine potential advertising messages.
5. We considered the possibility of involving Choice PAC in some of the races in the November, 1995 general elections, but after consideration realized that we had not fully developed the issues, that we did not then have a media firm, and that none of the contests really met our criteria.
6. In the fall of 1995 we switched media firms and secured the pro bono assistance of Shorr and Associates, with whom Paul Harstad had worked before. Shorr agreed to develop several pilot advertising scripts on topics narrowed from my original list and informed by Harstad's polling. The plan was to have these ads ready for the early primary

97043820429



9 7 0 4 3 8 2 0 4 3 C

races in 1996, looking especially toward Texas where Sen Phil Gramm would likely face a primary contest, Georgia if Speaker Gingrich had primary opposition, and possibly the presidential primaries. The November 6 memo from Shorr outlines plans for these pilot commercials and includes draft scripts (Attachment F). Note that none of the draft scripts, including the redrafts of December 5 & 6, 1995, mentioned Oregon or the Senate race there; they were generic and intended to be utilized in numerous races in 1996. At some time after November 6, I added the handwritten notation "Oregon" on the Shorr memo, indicating that we were considering the Oregon special election.

7. During November, 1995 our pollster suggested that the reproductive choice topic was one on which right wing candidates nationally were most vulnerable. He suggested that a name for the Committee involving "freedom of choice" would be better than our original planned name, "Mainstream PAC." He noted that the term "freedom of choice" was not limited to reproductive choice and could be used for other topics.

8. Shortly after the December 5th primary to replace Sen. Packwood (R-OR), it became clear that there would be a hotly contested run-off to fill that vacant seat. Also it was apparent that during the primary the reproductive choice issue had not been fully debated. Because we had now secured the assistance of a media firm and had actually drafted workable advertising scripts, it seemed feasible that our Committee could participate in the special election run off. Therefore, I proceeded to form the Committee, using the name suggested by our pollster, by filing the legally required documents with the FEC and securing legal representation from Roger Ballentine at the firm of Patton, Boggs and Blow. It was at that time, and until early June of 1996, my intention to continue this Committee beyond the Oregon election and to have it become a major progressive committee supporting progressive candidacies throughout the country. This was the commitment of my steering committee, and we never communicated any other intention to any potential or actual contributor to Choice PAC. In fact in one solicitation for funding for the Committee on Jan. 2, 1996, (Attachment G), I specifically advised a donor that this was "only the beginning for the new PAC .... We will do multi-issue advertising in races around the country in '96 and target right-wingers of both parties."

9. To my knowledge, the Oregon Special Senate Election was the only major election occurring in the country at that time. During January, I did not consider independent expenditures in any other races simply because there were no other ongoing races that merited attention. I did, however, plan to consider independent expenditures, if funding could be raised, in the early primaries, beginning with the Texas primary in March of 1996. During the Oregon run-off I had several conversations with associates in Texas about Sen. Gramm's primary opponent, Hank Grover, to determine whether he had a pro-choice record that would distinguish him from Gramm, and whether there would be funding available for an advertising effort there. I was advised that the records were not that distinguishable and that choice advertising would not work well in this race.

10. Immediately after the Oregon special election run-off on January 30, 1996, I began to explore fundraising for the coming primary season. It had become apparent during the

pilot Oregon election that we needed a professional fundraiser to support the committee. I began to talk with potential fundraising consultants, and secured recommendations from our media firm. See the memo and list at Attachment H. In that memo, the firm also talks about the "prototype ad" we were planning to produce. None of these contacts with potential fundraisers materialized, and I was left with no professional assistance for funding the committee.

11. Throughout the life of the Committee I was the sole fundraiser and also performed all administrative and reporting functions without any compensation. I had never served as treasurer of a political committee before, and frankly the burden of raising the funds single-handedly, producing the independent expenditure communications and preparing the required filings was a shock to me. I recognized that I could not do all this alone, and needed professional assistance if the Committee was to continue. This initial experience had taken far more of my time than ever anticipated.

12. Well after the Oregon election, until mid-May, 1996, I was still soliciting contributions to the Committee and hoping to produce further advertising in other primary races. For example, I met with officials of the Association of Trial Lawyers of American Political Action Committee numerous times during the early months of 1996 in an effort to secure a 1996 contribution, having received a \$5,000 contribution for 1995. I also discussed possible future funding with several unions, associations and individuals.

13. By mid-May, about the time I finally received the ATLA-PAC contribution, I had already received numerous bills for debts incurred by the Committee, had not been able to secure a professional fundraiser, and had not raised any additional funds beyond the ATLA-PAC contribution. In addition, I had become involved with many other political activities on behalf of progressive causes and had determined that I could no longer undertake the burden of trying to solicit funds for Choice PAC. On May 22, I wrote the enclosed memorandum (Attachment I) to my colleagues saying I would be forced to terminate Choice PAC -- unless one of them would agree to take over the treasurer role. None volunteered.

14. In early June, 1996, I made the final decision to terminate the Committee instead of continuing to incur debt and asked our attorney to file the termination documents. The Committee closed with more liabilities than assets, and I negotiated a debt settlement with my debtors. Even with the contributions solicited and received after the Oregon election, I had no assets in the PAC to conduct any independent expenditures with regard to any other elections. Indeed, by the time it was realistic to make independent expenditures in the primaries of the spring of 1996 and the upcoming fall general elections, the Committee's debts exceeded its assets.

15. Throughout this period I was never compensated for my intensive work as organizer and treasurer of Choice PAC, and only reimbursed for actual expenses incurred in operating and soliciting funding for the Committee.

16. Again, far in advance of and at the time of filing the Statement of Organization for Choice PAC, I fully intended for the Committee to be an ongoing enterprise that would support and/or oppose candidates beyond those in the upcoming Oregon special election. The documents enclosed verify that this plan was in existence as early as January, 1995 and was being actively pursued long after the Oregon special election. Never did I in any way indicate to any contributor or potential contributor any intention contrary to this and never was it my belief that any contributions received by Choice PAC were in any way excessive under federal law.

Michael Hudson

Michael Hudson

Date: 10-24-96

Leslie Ferguson  
Notary Public

Dated: 10/24/96 603 S Broadway  
Boulder, CO 80303

97043820432

---

**REVERSING THE TIDE:  
TRAINING MAINSTREAM CANDIDATES AND POLITICAL PARTIES  
TO MEET THE CHALLENGE OF THE FAR RIGHT**

(Copyright: Michael Hudson, January 1995)

The dramatic electoral influence of the Far Right political movement, lead by the Christian Coalition, requires all mainstream candidates for public office to understand more fully this extreme political movement. It seems clear that the Radical Right is enjoying its expansion of electoral activity, and we can expect even more electoral activity during the 1996 cycle. For example, the Christian Coalition claims to be responsible for roughly one-third of the voter turnout in 1994 with approximately 70 percent of its voters supporting Republican candidates. Moreover, Christian Coalition president Ralph Reed has been elevated to a national authority and commentator on electoral activity, and has been openly accepted by Republican leadership, most recently arranging a meeting with all state Christian Coalition Chairs and Senator Dole and Speaker Gringrich.

This training seminar is organized by Michael Hudson, who has more than twelve years of direct, face-to-face, grassroots experience in confronting the Far Right movement. Mr. Hudson serves as Western States Vice President for PEOPLE FOR THE AMERICAN WAY and is a contract trainer for the National Education Association and other groups. His experience includes last fall's organization of a broad-based coalition of non-profit groups to counter the unprecedented election efforts by the Far Right to take control of the Texas state board of Education. He has also been involved in local school board elections in California, Colorado, and other western states. He has built broad-based coalitions to fight the Far Right in California with regard to educational curriculum and school board elections, and in Colorado and Texas, creating the Colorado Freedom Network and the Texas Freedom Alliance.

While it may appear that primarily Democratic candidates and party organizations would benefit from this training, in truth, moderate Republicans and Independents are increasingly becoming the targets of Far Right campaigns. It is expected that in 1996 there will be an unprecedented effort to defeat moderate Republican candidates in the primary elections.

This proposal calls for training workshops and seminars for potential candidates, campaign committees, and state and local party organizations. Mr. Hudson's seminar, "Understanding the Far Right Political Movement," would be the centerpiece of the training. However, this three-hour seminar can be combined with other topics and speakers. The program could include a political consultant, who has been involved in campaigns directly confronting the Right, pollsters and public opinion research firms, party officials in states and local communities, who have successfully battled the Right, or actual



candidates with personal experience in countering this movement. Around the Hudson seminar, a comprehensive training program could be constructed that would last anywhere from one-half day to three days.

In Mr. Hudson's seminar, the following topics are included:

- ◆ Historical evolution of the "Far Right" and "Religious Right" movements;
- ◆ Who's who in the movement in 1995;
- ◆ Goals and targets of the Far Right movement;
- ◆ Campaign tactics and strategy;
- ◆ Case studies of successful opposition campaigns;
- ◆ Successful strategies in countering the Far Right;
- ◆ Using the media to influence public opinion.

If you are interested in discussing a potential seminar on the Far Right please contact: **Michael Hudson at (303) 499-7026.**

97043820434

## RIGHT-WING TALK SOUP

This is a proposal and concept treatment for a new, syndicated television and radio program (and related products) with the working title, "Right-Wing Talk Soup". Understandably, this title may be amended depending on ownership of the "Talk Soup" name.

The concept is a program airing segments of right-wing television and radio programs such as Pat Robertson, Rush Limbaugh and others. Like "Talk Soup", it would include a humorous and entertaining host who would comment on the segments.

A host such as former governor Ann Richards or columnist Molly Ivins would seem ideal.

A proliferation of ultra-conservative and televangelist programming provides expanding grist for the creative mill.

Copyright, Michael Hudson, January 24, 1995

97043820435

**Main PAC, The Mainstream Political Action Committee:  
An Independent Expenditure Committee to Counter  
The Extremism of the Far Right**

The Mainstream Political Action Committee (Main-PAC) is being created as an independent expenditure political action committee to educate the public and counter the growing influence of the Far Right political movement and aligned candidates for public office. Its primary purpose is to engage in research, public education, and media targeting the Right-Wing current and potential political candidates and office holders. It is not intended that Main-PAC would make direct campaign contributions to candidates or committees, but rather would engage in voter mobilization and independent educational activities.

Main-PAC is being created by an initial Board of Directors including political activists with many years of political and electoral experience. The Board of Directors will be supplemented by a nationally respected Board of Advisors, which will include representatives of political parties, candidates, the media, polling and research firms, and political and campaign consultants. Funding for Main-PAC will be solicited from all interested individuals and organizations sharing our concerns.

Through in-kind contributions, the initial prototype project for Main-PAC will be production of model television commercials. These ads will target one or more of the extreme candidates such as Senator Phil Gramm of Texas and Bob Dornan of California and current issues such as the minimum wage or welfare reform. The television commercials will attempt to document the extreme substantive positions and agenda of elected officials and candidates aligned with the Far Right political movement.

Using the prototype television advertisements, Main-PAC will solicit the financial support and assistance from mainstream political organizations and individuals sharing our concern about the growing influence of the Far Right and "Religious Right" political movements in American culture and politics.

For more information about Main-PAC, contact Michael Hudson at (303) 499-7026.

97043820436

"GOING BEYOND THE AMERICAN MAINSTREAM"  
TOP TWENTY EXTREMIST MEASURES PROMOTED BY THE NEW  
REPUBLICAN MAJORITY IN CONGRESS

1. Restrict access to medicare by raising premiums for seniors.
2. Limit the ability of the Environmental Protection Agency to sanction polluters.
3. Restrict access to family planning services and choices in reproductive health for women.
4. Reduce support for low-income children by abolishing the Earned Income Tax Credit.
5. Limit access to nursing homes for middle income families by restricting Medicaid eligibility.
6. Deny access to the courts to citizens injured by faulty and dangerous products.
7. Transfer savings from middle class budget cuts to tax breaks for wealth investors (rather than to deficit reduction).
8. Cut federal funding for education.
9. Reduce student loan programs for college.
10. Terminate student volunteer service programs.
11. Reverse support for term limits once they were in control.
12. Exceed any previous amounts in political contributions from PAC's.
13. Abolish any uniform standards for safety net support for poor families and children by turning all welfare to the states.
- 14.

97043820437



Dean Rindy  
7/20/95  
Memo to Mike and Paul

## MAINPAC

When last we talked, we agreed to conceive scripts for four possible prototype tv ads to generate interest and fundraising capability for a Mainstream PAC.

Based on our conversations, it seems the overall goals for the ads should be as follows:

1. Unashamedly progressive.
2. Provocative, controversial, with plenty of red meat
3. Nationalist and patriotic in theme--ie., "stand up for real American values and national unity..."
4. They should advocate "reforming the system..."
5. Cause oriented, not party oriented
6. They should be designed to motivate viewers to action (perhaps including direct fund raising appeals in at least some of the ads)
7. They should take the offensive against the radical right and radical right Republicans in Congress.

*of Economic*

We agreed that initial ads could be produced on the four topics of: Gun Control...Choice...Environment...Tax Fairness.

I will undertake to write scripts and produce ads on these topics; but, obviously, I have not yet done so. I think we need to review more polling data and have further extensive strategy discussions among ourselves before committing ourselves to scripts. When I return to Austin next week, I can take an initial crack at it, but I would like your opinion on several strategy questions before doing so.

## AD CONTENT: TACTICES VS. STRATEGY

We need an overarching theme that wraps up our specific points in a coherent commonsense "philosophy." I'm not sure that the theme "The radical right threatens our freedoms" is sufficient by itself. It's defensive in nature and somewhat abstract and diffused. One of the major strengths of the Right today is that its various messages can all be wrapped up in one overall philosophy: "Elite big government bureaucrats and big government liberals are hurting our moral values and our country," or words to that effect. The moral content of this message is very strong. Even the balanced budget amendment is seen in a moral context.

**Tactics:** We are on firm ground here. We know, based on voluminous polling data, that we can craft winning ads on gun control, choice, environment, tax fairness. Democrats have done so in many recent campaigns. But what is lacking is an overall strategic theme that connects and explains these different points. Thus, we can win an individual election on any one of these "issues," yet the thrust of the national debate over values and direction continues to go against us.

**Strategy:** Our own supporters are dispirited and confused because we lack a coherent, compelling "philosophy" that can sum up in a few pithy phrases the moral, economic and social case for progressive

97043820438

97043820439  
government. MainPac, to be successful, must offer such a philosophy. Otherwise we are merely one more group that reacts—with occasional success and many failures—against right-wing initiatives. To take the offensive we must have a compelling strategic theme.

It seems to me we must give our arguments a moral, emotional, nationalist and social context. These are the areas we should test and consider.

#### THE CLIMATE OF THE TIMES:

We must adapt our arguments to the climate of the times. Much of the rightward drift in recent years seems to be driven by some pervasive social trends:

- Government is weaker and less able to cope with the economy
- National unity is weaker, as people define themselves by ethnicity, religion, economic class, etc.
- There is pervasive and growing economic insecurity
- People feel moral values are declining
- People are more afraid of the future, which is directly connected to economic insecurity
- People are turning inward, focusing on family and values
- People are wondering about the nature of the American Dream and the nature of our society
- The Big Questions behind many issues are: Role of Government; Nature of American Dream; Can we Have Quality Jobs?; What is the Nature of a "Good Society?"; Fear of the Future.....

#### POLL QUESTIONS

Paul has very generously offered to test a few areas in an upcoming statewide poll. I wonder if we would be better off focusing more on themes and less on specific issues.

Here are some crude questions which I hope begin to get at some of the possible themes I have been talking about. They need refinement, of course. What do you think?

1. Many people say America is facing a breakdown in morals and family life. Which factor do you think does the most to cause this? A. A decline in traditional values and religion. B. Economic insecurity and falling incomes that put too much stress on people and make it harder for families to stay together.
2. What do you think is most responsible for the decline in middle-class morals? A. Not enough old fashioned religion. B. Liberal movies and tv shows C. Modern society puts money and profits ahead of family values and needs.
3. What is most important in preserving the American Dream?  
A. Returning to tradition morality and values. B. Giving people and families quality jobs and economic opportunities so they can live better lives.
4. What is the best way to strengthen the American Dream: A. Send federal powers to the states and weaken the federal govt. B. Reform our national government so it can create new national goals and policies for the future.
5. Which phrase best sums up the attitude and direction America needs to solve its problems and move ahead? A. We should return to the traditional values and ideas that made us great. B...We need fundamental reform to renew America to succeed in the modern world.

6. Which is the most important goal for moving America ahead: A. Strengthen the doctrine of states rights and weaken the federal govt. B. Keeping a strong national govt. to pursue national goals and unity.

7. What will do most to help your life and family: A. Balancing the federal budget. B. Creating more quality jobs and improving economic security.

8.

9704382044C

JUL-17-1995 10:43

303 447 9386

TALMEY-DRAKE RESEARCH

303 447 9386 P.01

*owns I fax this to Dean?***TALMEY-DRAKE**  
Research & Strategy, Inc.100 Arapahoe/Suite 1  
Post Office Box 1070  
Boulder, Colorado 80306  
Phone: 303-443-5300  
FAX: 303-447-9386

## FACSIMILE TRANSMISSION LETTER

TO: *Mike Hudson*

FAX NUMBER: ( )

FROM: *Paul Harstad*NO. OF PAGES TO FOLLOW: *2*

DATE: / /

TIME:

*Since I've heard nothing from Dean Rindy since our*  
 MESSAGE: *conf. call 3 weeks ago, I went ahead myself*  
*+ drew up a list of 11 issues. I've put them*  
*in question format that I hope to be able to*  
*test in a statewide survey soon.*

*Please call me about this and another*  
*matter. I need sign-off on this soon.*

97043820441

1. From what you know about what the Republicans in Congress are proposing to do, would you say you strongly agree with them, mildly agree with them, mildly disagree with them, strongly disagree with them, or feel neutral about what the Republicans in Congress are proposing?

Strongly agree .....	1 SKIP TO DEMO Qs
Mildly agree .....	2
Mildly disagree .....	3
Strongly disagree .....	4 SKIP TO DEMO Qs
Feel neutral .....	5
DK/NS .....	6

*[Ask of everyone except "strongly agree" and "strongly disagree"]*

2. Now I'm going to read you several concerns some officials have raised about what the conservative Republicans in Congress are actually proposing to do. For each one I read, please tell me how much it troubles you about supporting conservative Republicans for Congress on a scale of zero through 10. If an item troubles you a great deal, choose a number closer to 8, 9 or 10. If an item doesn't troubles you at all, choose a number closer to zero or 1. You may choose any number you want from zero through 10, depending upon how much it troubles you about supporting conservative Republicans? *[Be sure respondent understands scale] [Randomize]*

- a. They want to make abortion illegal and put doctors who perform abortions in jail.....
- b. They are threatening the public health by trying to throw out vital protections for meat inspection, safe drinking water, and food safety .....
- c. They favor large tax breaks for millionaires while reducing a tax credit for the working poor and giving nothing to some middle class taxpayers .....
- d. They are proposing to cut Medicare benefits, raise health costs to seniors, and also even pare back Social Security benefits.....
- e. They are helping special interest lobbyists for the tobacco, oil, and chemical industries to put profits over the public health and environment .....



- f. They are harming children and infants by cutting back funds for child nutrition, preschool, prenatal care, school lunches, and immunization shots .....
- g. They are working very closely with the Pat Robertsons and Jerry Falwells and the radical right-wing groups who want to impose their extreme social agenda on all Americans .....
- h. They are cozy with the N.R.A. and are trying to reverse the ban on assault weapons and even oppose a ban on some bullets that can pierce bulletproof vests .....
- i. They are trying to rollback decades of vital environmental protections for safe drinking water, clean air, toxic clean-up, and the public health .....
- j. They are trying to make deep cuts in funding for education and job training that can hurt our public schools and harm the workforce of tomorrow .....
- k. They talk tough on crime, but their budget plans will cut funds for more police, cut the war on drugs, and cut crime prevention programs .....

97043820443

AUG-04-1995 14:15 303 447 9386

TALMEY-DRAKE RESEARCH

303 447 9386 P.01

100 Arapahoe/Suite 1  
Post Office Box 1070  
Boulder, Colorado 80306

Phone: 303-443-5300  
FAX: 303-447-9386



**TALMEY-DRAKE**  
Research & Strategy, Inc.

*Please be careful w/ distribution of this.*

FACSIMILE TRANSMISSION LETTER

TO: Mike Hudson FAX NUMBER: ( )  
FROM: Paul Harstad NO. of PAGES TO FOLLOW: 2  
DATE:     /     /     TIME:    

*Late July Colorado reg'd voters telephone  
MESSAGE: survey results. Note Q18 was not asked  
of everyone - it excluded hardcore Republicans  
Also, I have ranked the arguments in Q18  
from most to least compelling - although there's  
not a lot of difference after the first three.*

9704382044

Paul Harstad, 303-443-5300  
Talmey-Drake Research & Strategy, Boulder, CO

Survey of 526 registered Colorado voters  
July 25-31, 1995

1. From what you know about what the Republicans in Congress are proposing to do, would you say you strongly agree with them, mildly agree with them, mildly disagree with them, strongly disagree with them, or feel neutral about what the Republicans in Congress are proposing? [n = 526]

Strongly agree.....	17% ⇒ Skip to D1
Mildly agree.....	28%
Mildly disagree.....	14%
Strongly disagree.....	19%
Feel neutral.....	17%
DK/NS.....	5%

[Ask of registered Colorado voters except 17% who "strongly agree" with what the Republicans in Congress are proposing to do:]

2. Now I'm going to read you several concerns some officials have raised about what the conservative Republicans in Congress are actually proposing to do. For each one I read, please tell me how much it troubles you about supporting conservative Republicans for Congress on a scale of zero through 10. If an item troubles you a great deal, choose a number closer to 8, 9 or 10. If an item doesn't trouble you at all, choose a number closer to zero or 1. You may choose any number you want from zero through 10, depending upon how much it troubles you about supporting conservative Republicans? [Randomize] [n = 435]

Ranked by persuasiveness:

	<u>Troubles A</u> <u>Great Deal</u>			<u>Doesn't</u> <u>Trouble</u>		<u>DK/</u> <u>NS</u>	<u>Average</u>
	<u>10</u>	<u>9</u>	<u>8</u>	<u>7-6</u>	<u>5-0</u>		
They favor large tax breaks for millionaires while reducing a tax credit for the working poor and giving nothing to some middle class taxpayers ....	45%	13%	13%	10%	16%	3%	8.1
They want to make abortion illegal and put doctors who perform abortions in jail .....	45%	8%	10%	9%	25%	4%	7.4
They are proposing to cut Medicare benefits, raise health costs for seniors, and also even pare back Social Security benefits.....	39%	13%	11%	12%	23%	3%	7.5
They are helping special interest lobbyists for the tobacco, oil, and chemical industries to put profits over the public health and environment .....	35%	10%	14%	11%	25%	4%	7.5

	Troubles A Great Deal			Doesn't Trouble		DK/ NS	Average
	10	9	8	7-6	5-0		
They are working very closely with the Pat Robertsons and Jerry Falwells and the radical right-wing groups who want to impose their extreme social agenda on all Americans .....	35%	11%	12%	10%	27%	5%	7.3
They are cozy with the N.R.A. and are trying to reverse the ban on assault weapons and even oppose a ban on some bullets that can pierce bulletproof vests.....	35%	11%	11%	11%	29%	2%	7.0
They are trying to make deep cuts in funding for education and job training that can hurt our public schools and harm the workforce of tomorrow.....	34%	13%	12%	14%	25%	2%	7.5
They are harming children and infants by cutting back funds for child nutrition, preschool, prenatal care, school lunches and immunization shots....	34%	10%	16%	13%	25%	2%	7.4
They are trying to rollback decades of vital environmental protections for safe drinking water, clean air, toxic clean-up, and the public health .....	33%	11%	15%	16%	22%	3%	7.5
They are threatening the public health by trying to throw out vital protections for meat inspection, safe drinking water, and food inspections .....	32%	11%	19%	14%	23%	2%	7.4
They talk tough on crime, but their budget plans will cut funds for more police, cut the war on drugs, and cut crime prevention programs .....	25%	11%	17%	16%	29%	2%	7.0

Paul Harstad, 303-443-5300

Talmey-Drake Research &amp; Strategy, Boulder, Colorado

Christopher Chase - Connie Del.  
(202-567-5361)

Attachment F

Shorr Associates, Inc.

1831 Chestnut Street, Suite 602, Philadelphia, PA 19103 215-567-4080 FAX 215-567-6494

202-462-7510

Political Media  
and Campaign Consulting

November 6, 1995

## MEMORANDUM

To: Mike Hudson  
People for the American Way

Fr: Andi Johnson  
Shorr & Associates

Re: Scripts for Mainstream PAC

\*\*\*\*\*

Attached are two scripts (DRAFTS) for your review. We did not discuss whether the scripts should be straight negatives (as written) or whether they should be a call-to-arms. In either case, they need a visual disclaimer at the head or tail of the spot. If you think the ads should include a pitch for the PAC, we could make that point at the end of the commercial. For example, the announcer could add, "to help protect our seniors call the Mainstream PAC today at -----" OR "help us fight the right-wing extremists in Congress. Call us today at -----". At the same time, we could show a graphic screen with 'more information' details.

Yes -  
to have  
all given

I have estimated production costs for the two ads at \$4,500.00. This includes a professional announcer, audio studio, video graphics, editing and misc. office expenses (fed ex, phones and faxes). We will donate elements from our stock film and music library for use in these ads, on a spec basis. If you decide to broadcast the spots without changes, we would need to collect royalties for actors and composers.

Give me a call after you have a chance to look this over. We are always open to revisions, so don't be shy! You can reach me in my DC office at 202-462-7510 on Tuesday and Wednesday. On Thursday and Friday, I will be in the Philadelphia office at 215-567-4080.

del

97043820447

- Conf call w/ Paul H?  
- Oregon  
- Philadel w/ 1/5K  
- Form PAC  
- Yes - pitch at end  
- Budget for 20 mins -



DRAFT #1

CLIENT: Mainstream PAC

PROJECT: :30 TV Spot

VIDEO

Fade up on dramatic footage of mug shots of doctors -- slo-motion, they walk in front of the camera. Flash goes off and their image freezes in black and white.

Current headlines float across the screen, over the images of the doctors.

Mug shots continue as new headlines are superimposed, with quotes, bills, etc.

End mug shot sequence with a freeze frame of third doctor in black and white.

White camera flash obscures image and cuts to black screen.

Fade up announcer's words in white on black screen.

(c) 1995 Shorr & Associates Inc.

DATE: November 6, 1995

TITLE: "Bit by Bit" Vers. II

AUDIO

*Slow, dramatic music score through the ad.*

ANNCR: In case you haven't noticed....

Republicans in Congress are chipping away at a woman's right to choose.

First, they took away American servicewomen's right to have abortions in U.S. medical facilities overseas.

Now, dozens of new restrictions are in the works to outlaw abortion for victims of rape and incest.

And would even throw doctors who perform them in jail.

Extremists in Congress are serious about taking away your right to choose.

And they won't stop ...until you choose to stop them.

Vote. Pro-choice.

-----  
ALT ENDING: ...but they can't take away your right to vote...Pro-choice...this November. (or other date)

97043820448

DRAFT #1

CLIENT: Mainstream PAC  
PROJECT: :30 TV Spot

VIDEO

Fade up on dramatic footage of mug shots of doctors -- slo-motion, they walk in front of the camera. Flash goes off and their image freezes in black and white.

Current headlines float across the screen, over the images of the doctors.

Mug shots continue as new headlines are superimposed, with quotes, bills, etc.

End mug shot sequence with a freeze frame of third doctor in black and white.

White camera flash obscures image and cuts to black screen with white type.

Fade up PAC logo and phone number in white on black screen.

(c) 1995 Shorr & Associates Inc.

DATE: November 6, 1995  
TITLE: "Bit by Bit" Vers. III

AUDIO

*Slow, dramatic music score through the ad.*

**ANNCR:** In case you haven't noticed....

Republicans in Congress are chipping away at a woman's right to choose.

First, they took away American servicewomen's right to have abortions in U.S. medical facilities overseas.

Now, dozens of new restrictions are in the works to outlaw abortion for victims of rape and incest.

And would even throw doctors who perform them in jail.

Extremists in Congress are serious about taking away your right to choose.

\*And they won't stop . . . until you choose to stop them.

Call \_\_\_\_\_. Join the Mainstream PAC today.

-----  
*\*ALT ENDING: But they can't take away your right to fight back.*

Call \_\_\_\_\_. Join the Mainstream PAC today.

9 7 0 4 3 8 2 0 4 4 9

DRAFT #1

CLIENT: Mainstream PAC  
PROJECT: :30 TV Spot

VIDEO

Fade up on dramatic shots of children in their environment -- playgrounds, neighborhoods, classrooms.

Slowly fade to black between each shot, then slowly fade back up on 'portrait' shots of children -- extreme tight angles.

Continue extreme tight shots of children.

Chyron matching narration eerily 'floats' across the screen, as each point is made.

Shot of child, cowering in a corner with shadows of adults obscuring her face. Dip to black.

Fade up on general footage of Congress in session and/or Capitol dome. Scene freezes and chyron fades up over scene.

Dissolve to black screen with phone number reversed out.

(c) 1995 Shorr & Associates Inc.

DATE: December 5, 1995  
TITLE: "Bullies"

AUDIO

MUSIC & SFX: sad melody with SFX of children playing, singing. Create 'echo' effect, as if sounds are far away.

ANNCR: These are hard times for millions of American children.

And if the [Republican] extremists in Congress have their way, life will get even tougher for them.

1.2 million *more* children will be pushed into poverty.

School lunch and nutrition programs will be cut - drastically.

Children's health care ... crippled.

Child abuse prevention programs ... eliminated.

It's time to tell the bullies in Washington to take on someone their own size.

Call 1-800-555-1234.

---

OR: On November 7th, say "NO" to Congressman Bob Walker.

---

OR: On November 7th, say "NO" to the Republican Extremists. Vote Democratic.

9704382045C

DRAFT #1

CLIENT: Mainstream PAC  
PROJECT: :30 TV Spot

VIDEO

Documentary-style, black and white images.

Pan across NRA logo and silhouetted image of capitol dome as chyron types on screen: "Autumn 1994".

Slow motion footage of man on firing range unloading an AK-47.  
Fade to black.

Chyron types on screen: "January 1995".  
Footage of Congress freezes as type and headlines appear over scene. Gingrich with headline: "Gingrich Promised NRA No Gun Control Legislation".  
Chyron types on screen: "June 1995".

Police car and lights with headline: "House Panel Changes Course on Bullets".  
Jail cell door opening with headline: "Move to Allow Felons to Own Firearms Draws Criticism".  
Cut to black screen with chyron, as read by narrator.

(c) Shorr & Associates

DATE: December 6, 1995  
TITLE: "Guns of August"

AUDIO

MUSIC: Ominous, percussive soundtrack.

SFX: Manual typewriter.

ANNCR: Autumn . . . 1994.  
The National Rifle Association directs hundreds of thousands of dollars to Republicans running for congress.

In return, the candidates pledge to repeal the ban on weapons like Uzis and AK-47s.

SFX: Manual typewriter.

ANNCR: When they win, the Republicans go even further.

SFX: Manual typewriter.

ANNCR: They vote against a ban on plastic 'cop-killer' bullets.

ANNCR: And they even propose allowing felons to own guns.

Let the Republicans know our safety isn't for sale.

\*Call \_\_\_\_\_

-----  
\*OR: On November 7th, say "NO" to Congressman Bob Walker.

\*OR: On November 7th, vote Democratic.

97043820451

DRAFT #2

CLIENT: Mainstream PAC  
PROJECT: :30 TV Spot

VIDEO

Fade up on dramatic footage of mug shots of doctors -- slo-motion, they walk in front of the camera. Flash goes off and their image freezes in black and white.

Current headlines float across the screen, over the images of the doctors.

Mug shots continue as new headlines are superimposed, with quotes, bills, etc.

End mug shot sequence with a freeze frame of third doctor in black and white.

White camera flash obscures image and cuts to black screen.

Fade up announcer's words in white on black screen.

(c) 1995 Shorr & Associates Inc.

DATE: December 6, 1995  
TITLE: "Bit by Bit" Ver. III (NEG)

AUDIO

*Slow, dramatic music score through the ad.*

ANNCR: In case you haven't noticed....

Republicans in Congress are chipping away at a woman's right to choose.

First, they took away American servicewomen's right to have abortions in U.S. medical facilities overseas.

Now, dozens of new restrictions are in the works to outlaw abortion for victims of rape and incest.

And would even throw doctors who perform them in jail.

Extremists in Congress are serious about taking away your right to choose.

\*And they won't stop ...until you choose to stop them.

On November 7th, say "NO" to Congressman Bob Walker.

---

\*ALT ENDING: ...but they can't take away your right to vote . . . on November 7th, say "NO" to Congressman Bob Walker.

97043820452



Americans  
for  
Freedom  
of  
Choice

Political Action Committee

Attachment G

2888 Bluff Street  
Ste. 166  
Boulder, CO 80301  
303.494.1902

1-2-96

David,

I did not call you again about Oregon prior to the holiday break because I wanted to ensure that the T.V. ad was a go before following up with you. It is!

I've spent most of my holidays getting the PAC formed, the script revised and some seed money raised. I received a significant contribution from the trial lawyers to get production done and the initial small time-buy. Also, Hollywood Women, Emily's List and others are helping now to identify additional funding to buy more time.

Your help would certainly be appreciated, both with a contribution and by identifying others around Warner or in your larger domain who would want to help with this effort. Obviously the Oregon race has taken on national significance.

We are revising the script again today, so the attached is outdated; I'll send the revised version tomorrow.

As I told you, this is only the beginning for the new PAC, which I plan to rename "Americans for Mainstream Values" after the Oregon race. We will do multi-issue advertising in races around the country in '96 and target right-wingers of both parties.

Thanks, and I will call later today.

Mike H. *MP*

Attachment H

February 28, 1996

## MEMORANDUM

To: Mike Hudson  
Fr: Andi Johnson  
Re: Recommended Fundraisers

\*\*\*\*\*

We highly recommend the following fundraisers. In fact, Saul gives Liz Zelenka 'three stars'. Feel free to use our name with any of these folks.

1. Liz Zelenka  
818 Lafayette  
St. Louis, MO 63104  
314-341-0909
2. Tom Erickson  
Erickson & Company Inc.  
38 Ivy Street SE  
Washington, DC 20003  
202-544-2994
3. Christine Koerner  
1706 Old Stage Road  
Alexandria, VA 22308  
703-780-9420
4. Ed Coyle  
Independent Action PAC  
1511 K Street NW #723  
Washington, DC 20005  
202-628-4321

I left a detailed voice mail message for Chuck Tauman at OTLA. I will call him back in a few days if I don't hear from him, directly. I'll keep you posted.

Give me a call when you want to discuss scripts and production for the 'prototype' ad. I'll wait to hear from you.

I hope you had a productive trip and thanks again for lunch.

97043820454

Americans  
for  
Freedom  
of  
Choice

Political Action Committee

May 22, 1996

Attachment I  
2888 Bluff Street  
Ste. 166  
Boulder, CO 80301  
303.494.1902

MEMORANDUM

TO: PAUL HARSTAD, ANDI JOHNSON, ROGER BALLENTINE

FROM: MIKE HUDSON

This is a memo I am disappointed to write. I simply must close down, or at least abandon my role as treasurer of, Americans For Freedom of Choice PAC. My professional and financial situation -- trying to pull together the various roles with People For, NEA, Interfaith, etc., -- is taking more than 100% of my time.

I especially regret this decision because our experience in Oregon underscored the validity of the multi-issue, independent PAC concept and the need for more voices on our side. But, the tremendous pressure on me to coordinate the effort, raise the money, file the reports, etc. is just more than I can handle now. Frankly, I wish I could convince one of the multi-issue progressive organizations to take on this role.

I am inclined to clean up the outstanding bills, if I can scrape up the money, file the final FEC reports and withdraw our registration. But, if someone else wants to assume the role of treasurer and the responsibilities for the PAC, I am willing to remain as a member of the informal advisory group. If I don't hear from any volunteers, I will proceed to shut it down in early June.

You have all contributed some much in terms of your time and counsel. Thank you for this. And, let's stay in touch about how we can continue to work together. Let me hear from you.

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4461

NAME OF COUNSEL: Timothy B. Dyk

FIRM: \_\_\_\_\_

ADDRESS: 1450 G St. N.W.  
Washington, DC 20005

TELEPHONE: (202) 879-7600

FAX: (202) 737-2832

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.

10-24-96  
Date

Michael Hudson  
Signature

RESPONDENT'S NAME: Michael Hudson

ADDRESS: 2341 Rimrock Cir.  
Lafayette, CO 80026

TELEPHONE: HOME (303) 604-2115

BUSINESS (303) 499-7026

97043820456



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 5, 1997

Michael Hudson, Treasurer  
Americans For Freedom of Choice  
Political Action Committee ("CHOICE PAC")  
2341 Rimrock Circle  
Lafayette, CO 80026

RE: MUR 4461

Dear Mr. Hudson:

You requested, on your Termination Report, that the Federal Election Commission permit Americans For Freedom of Choice Political Action Committee ("CHOICE PAC") ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

F. Andrew Turley, Attorney  
Central Enforcement Docket

cc: Reports Analysis Division

97043820457



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)  
)  
)

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

97043820458

not warrant further action relative to other pending matters.<sup>1</sup> 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.

97043820459

---

<sup>1</sup> 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.

9704382046C

### III. RECOMMENDATIONS.

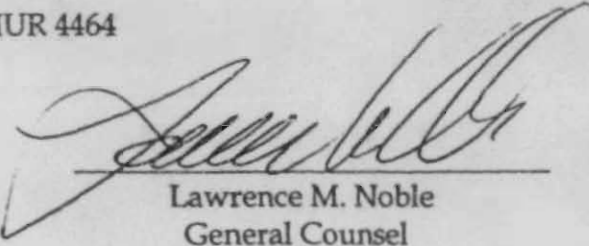
A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

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

97043820461

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

97043820462





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Marge Beckerich, Executive Director  
Oregon Republican Party  
P.O. Box 1450  
Beaverton, OR 97075-1450

RE: MUR 4461

Dear Ms. Beckerich:

On September 13, 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

97043820463

9 7 0 4 3 8 2 0 4 6 4

Marge Beckerich, Executive Director of the Oregon Republican Party, alleges that Americans for Freedom of Choice PAC (AFC) lied in its Statement of Organization by stating it supports or opposes more than one federal candidate when it was created solely to oppose Gordon Smith (R - OR). It is her belief that this single candidate opposition via independent expenditures was paid for with 92.4% of AFC's total receipts (\$18,805 of the \$20,350), and that the committee was established just before the Oregon special election to function as a cover for three Washington-based PACs (ATLA-PAC, AFSCME, and Emily's List) with the intent of terminating after its opposition of one candidate was complete. She alleges that these PACs had already given the maximum amount permissible directly to Smith's opponent, Ron Wyden, and could not give more to a single candidate opposition committee against Smith because that would be considered a contribution to Wyden.

Respondent Michael Hudson, treasurer of AFC, responds that he formed AFC in January 1995 with the intent to promote progressive political issues. Oregon's 1995 special election, in which Wyden ran against Smith, was one of three races in which AFC was interested. In December of 1995, AFC registered with the FEC with the intent to be active in the Oregon special election and others in Texas and Georgia. After the Oregon election, AFC met with little success in raising further funds and hiring a professional fundraiser. In June 1996, Mr. Hudson decided to terminate AFC due to its inability to raise sufficient funds. As noted in the complaint, AFC total receipts were \$20,350 over its two-year life.

Respondent Emily's List states that it contributed money to AFC when that committee solicited contributions, but that it had no involvement in the establishment or operation of AFC and no knowledge of AFC's plans to be active in only one state election and then terminate. Emily's List concludes by stating that although it contributed money to AFC to support joint causes, it never made a contribution to Ron Wyden's committee.

Respondent ATLA-PAC responds that it made two \$5,000 contributions to AFC in 1995 and 1996, respectively. It did so in the belief that AFC was involved in more than one election and supported or opposed more than one federal candidate, based on records made public by the FEC.

Respondent AFSCME PEOPLE states that it made a \$5,000 contribution in January 1996 to AFC based on the FEC's records that AFC was a committee supporting or opposing more than one candidate. The organization concludes that its single contribution was of a permissible amount to a registered political committee.

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

Judith L. Corley, Esq.  
Perkins Coie  
607 Fourteenth Street, NW  
Washington, DC 20005-2011

RE: MUR 4461  
Emily's List, Ellen R. Malcolm, Treasurer

Dear Ms. Corley:

On September September 23, 1996, 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 May 19, 1997, 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

97043820465

## AMERICANS FOR FREEDOM OF CHOICE PAC

9 7 0 4 3 8 2 0 4 6 6

Marge Beckerich, Executive Director of the Oregon Republican Party, alleges that Americans for Freedom of Choice PAC (AFC) lied in its Statement of Organization by stating it supports or opposes more than one federal candidate when it was created solely to oppose Gordon Smith (R - OR). It is her belief that this single candidate opposition via independent expenditures was paid for with 92.4% of AFC's total receipts (\$18,805 of the \$20,350), and that the committee was established just before the Oregon special election to function as a cover for three Washington-based PACs (ATLA-PAC, AFSCME, and Emily's List) with the intent of terminating after its opposition of one candidate was complete. She alleges that these PACs had already given the maximum amount permissible directly to Smith's opponent, Ron Wyden, and could not give more to a single candidate opposition committee against Smith because that would be considered a contribution to Wyden.

Respondent Michael Hudson, treasurer of AFC, responds that he formed AFC in January 1995 with the intent to promote progressive political issues. Oregon's 1995 special election, in which Wyden ran against Smith, was one of three races in which AFC was interested. In December of 1995, AFC registered with the FEC with the intent to be active in the Oregon special election and others in Texas and Georgia. After the Oregon election, AFC met with little success in raising further funds and hiring a professional fundraiser. In June 1996, Mr. Hudson decided to terminate AFC due to its inability to raise sufficient funds. As noted in the complaint, AFC total receipts were \$20,350 over its two-year life.

Respondent Emily's List states that it contributed money to AFC when that committee solicited contributions, but that it had no involvement in the establishment or operation of AFC and no knowledge of AFC's plans to be active in only one state election and then terminate. Emily's List concludes by stating that although it contributed money to AFC to support joint causes, it never made a contribution to Ron Wyden's committee.

Respondent ATLA-PAC responds that it made two \$5,000 contributions to AFC in 1995 and 1996, respectively. It did so in the belief that AFC was involved in more than one election and supported or opposed more than one federal candidate, based on records made public by the FEC.

Respondent AFSCME PEOPLE states that it made a \$5,000 contribution in January 1996 to AFC based on the FEC's records that AFC was a committee supporting or opposing more than one candidate. The organization concludes that its single contribution was of a permissible amount to a registered political committee.

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





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

Larry Weinberg, Esq.  
AFSCME General Counsel's Office  
1101 17th Street, NW, Suite 1210  
Washington, DC 20036

RE: MUR 4461  
AFSCME PAC, William Lucy, Treasurer

Dear Mr. Weinberg:

On September 23, 1996, 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 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

97043820467



## AMERICANS FOR FREEDOM OF CHOICE PAC

Marge Beckerich, Executive Director of the Oregon Republican Party, alleges that Americans for Freedom of Choice PAC (AFC) lied in its Statement of Organization by stating it supports or opposes more than one federal candidate when it was created solely to oppose Gordon Smith (R - OR). It is her belief that this single candidate opposition via independent expenditures was paid for with 92.4% of AFC's total receipts (\$18,805 of the \$20,350), and that the committee was established just before the Oregon special election to function as a cover for three Washington-based PACs (ATLA-PAC, AFSCME, and Emily's List) with the intent of terminating after its opposition of one candidate was complete. She alleges that these PACs had already given the maximum amount permissible directly to Smith's opponent, Ron Wyden, and could not give more to a single candidate opposition committee against Smith because that would be considered a contribution to Wyden.

Respondent Michael Hudson, treasurer of AFC, responds that he formed AFC in January 1995 with the intent to promote progressive political issues. Oregon's 1995 special election, in which Wyden ran against Smith, was one of three races in which AFC was interested. In December of 1995, AFC registered with the FEC with the intent to be active in the Oregon special election and others in Texas and Georgia. After the Oregon election, AFC met with little success in raising further funds and hiring a professional fundraiser. In June 1996, Mr. Hudson decided to terminate AFC due to its inability to raise sufficient funds. As noted in the complaint, AFC total receipts were \$20,350 over its two-year life.

Respondent Emily's List states that it contributed money to AFC when that committee solicited contributions, but that it had no involvement in the establishment or operation of AFC and no knowledge of AFC's plans to be active in only one state election and then terminate. Emily's List concludes by stating that although it contributed money to AFC to support joint causes, it never made a contribution to Ron Wyden's committee.

Respondent ATLA-PAC responds that it made two \$5,000 contributions to AFC in 1995 and 1996, respectively. It did so in the belief that AFC was involved in more than one election and supported or opposed more than one federal candidate, based on records made public by the FEC.

Respondent AFSCME PEOPLE states that it made a \$5,000 contribution in January 1996 to AFC based on the FEC's records that AFC was a committee supporting or opposing more than one candidate. The organization concludes that its single contribution was of a permissible amount to a registered political committee.

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

97043820468



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

Carmen Belefonte, Treasurer  
Association of Trial Lawyers of America PAC  
1050 31st Street, NW  
Washington, DC 20007

RE: MUR 4461

Dear Ms. Belefonte:

On September 23, 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 Association of Trial Lawyers of America Political Action Committee and you, as treasurer. 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

97043820469

## AMERICANS FOR FREEDOM OF CHOICE PAC

Marge Beckerich, Executive Director of the Oregon Republican Party, alleges that Americans for Freedom of Choice PAC (AFC) lied in its Statement of Organization by stating it supports or opposes more than one federal candidate when it was created solely to oppose Gordon Smith (R - OR). It is her belief that this single candidate opposition via independent expenditures was paid for with 92.4% of AFC's total receipts (\$18,805 of the \$20,350), and that the committee was established just before the Oregon special election to function as a cover for three Washington-based PACs (ATLA-PAC, AFSCME, and Emily's List) with the intent of terminating after its opposition of one candidate was complete. She alleges that these PACs had already given the maximum amount permissible directly to Smith's opponent, Ron Wyden, and could not give more to a single candidate opposition committee against Smith because that would be considered a contribution to Wyden.

Respondent Michael Hudson, treasurer of AFC, responds that he formed AFC in January 1995 with the intent to promote progressive political issues. Oregon's 1995 special election, in which Wyden ran against Smith, was one of three races in which AFC was interested. In December of 1995, AFC registered with the FEC with the intent to be active in the Oregon special election and others in Texas and Georgia. After the Oregon election, AFC met with little success in raising further funds and hiring a professional fundraiser. In June 1996, Mr. Hudson decided to terminate AFC due to its inability to raise sufficient funds. As noted in the complaint, AFC total receipts were \$20,350 over its two-year life.

Respondent Emily's List states that it contributed money to AFC when that committee solicited contributions, but that it had no involvement in the establishment or operation of AFC and no knowledge of AFC's plans to be active in only one state election and then terminate. Emily's List concludes by stating that although it contributed money to AFC to support joint causes, it never made a contribution to Ron Wyden's committee.

Respondent ATLA-PAC responds that it made two \$5,000 contributions to AFC in 1995 and 1996, respectively. It did so in the belief that AFC was involved in more than one election and supported or opposed more than one federal candidate, based on records made public by the FEC.

Respondent AFSCME PEOPLE states that it made a \$5,000 contribution in January 1996 to AFC based on the FEC's records that AFC was a committee supporting or opposing more than one candidate. The organization concludes that its single contribution was of a permissible amount to a registered political committee.

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

9704382047C



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

Timothy B. Dyk, Esq.  
1450 G Street, NW  
Washington, DC 20005

RE: MUR 4461  
Americans for Freedom of Choice PAC, Michael Hudson, Treasurer

Dear Mr. Dyk:

On September 23, 1996, 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 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

97043820471



Marge Beckerich, Executive Director of the Oregon Republican Party, alleges that Americans for Freedom of Choice PAC (AFC) lied in its Statement of Organization by stating it supports or opposes more than one federal candidate when it was created solely to oppose Gordon Smith (R - OR). It is her belief that this single candidate opposition via independent expenditures was paid for with 92.4% of AFC's total receipts (\$18,805 of the \$20,350), and that the committee was established just before the Oregon special election to function as a cover for three Washington-based PACs (ATLA-PAC, AFSCME, and Emily's List) with the intent of terminating after its opposition of one candidate was complete. She alleges that these PACs had already given the maximum amount permissible directly to Smith's opponent, Ron Wyden, and could not give more to a single candidate opposition committee against Smith because that would be considered a contribution to Wyden.

Respondent Michael Hudson, treasurer of AFC, responds that he formed AFC in January 1995 with the intent to promote progressive political issues. Oregon's 1995 special election, in which Wyden ran against Smith, was one of three races in which AFC was interested. In December of 1995, AFC registered with the FEC with the intent to be active in the Oregon special election and others in Texas and Georgia. After the Oregon election, AFC met with little success in raising further funds and hiring a professional fundraiser. In June 1996, Mr. Hudson decided to terminate AFC due to its inability to raise sufficient funds. As noted in the complaint, AFC total receipts were \$20,350 over its two-year life.

Respondent Emily's List states that it contributed money to AFC when that committee solicited contributions, but that it had no involvement in the establishment or operation of AFC and no knowledge of AFC's plans to be active in only one state election and then terminate. Emily's List concludes by stating that although it contributed money to AFC to support joint causes, it never made a contribution to Ron Wyden's committee.

Respondent ATLA-PAC responds that it made two \$5,000 contributions to AFC in 1995 and 1996, respectively. It did so in the belief that AFC was involved in more than one election and supported or opposed more than one federal candidate, based on records made public by the FEC.

Respondent AFSCME PEOPLE states that it made a \$5,000 contribution in January 1996 to AFC based on the FEC's records that AFC was a committee supporting or opposing more than one candidate. The organization concludes that its single contribution was of a permissible amount to a registered political committee.

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

97043820472





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4461

DATE FILMED 6-8-87 CAMERA NO. 4

CAMERAMAN JMN

97043820473