



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20461

THIS IS THE BEGINNING OF MUR # 4593

DATE FILMED 3/11/98 CAMERA NO. 2

CAMERAMAN EES

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LAW OFFICES
MARCUS & THOMPSON, P.C.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JAY B. MARCUS
MARK A. THOMPSON

OF COUNSEL
LEONARD A. GOLDMAN

SUITE 201
51 WEST WASHINGTON
FAIRFIELD, IOWA 52556

DEC 4 9 53 AM '96

TELEPHONE
(515) 472 5945

FAX
(515) 472 5404

MUR 4593

November 27, 1996

Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: Complaint Against the Public Interest Institute of Mt. Pleasant, IA

Ladies & Gentlemen:

This will constitute a complaint against the Public Interest Institute by the undersigned, Jay B. Marcus. I was informed that the Public Interest Institute is a non-profit educational organization. It is located on the campus of Iowa Wesleyan College at 600 North Jackson Street, Mt. Pleasant, Iowa 52641. The Public Interest Institute co-sponsored a Congressional debate at Iowa Wesleyan University in Mt. Pleasant, Iowa, on October 6, 1996, using criteria that violated CFR § 110.13(c).

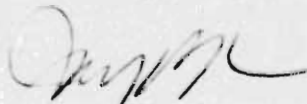
I was a candidate for federal office for the Third Congressional District in Iowa, along with Republican Michael Mahaffey, Democrat Leonard Boswell, and others. I was never contacted about the October 6 debate or furnished with criteria for the selection of candidates in the debate. Shortly before the debate, after I learned about it, I was told by J. K. Martin at KBUR Radio in Burlington (also a co-sponsor of the debate) that the sponsors wanted all the available time (one hour) to be allotted to the Republican and Democratic candidates, and this was confirmed to me by Don Racheter, the Director of the Public Interest Institute.

Prior to the debate, I discussed this matter with Mr. Racheter. I told him that I knew the debate was imminent but that I would like to be included in it. My request was refused. I also sent Mr. Racheter the enclosed letter after the debate, and followed up on the letter with two telephone calls, all of which went unanswered.

Federal Election Commission
November 27, 1996
Page 2

An article about the debate is enclosed.

Very truly yours,

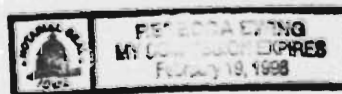


Jay B. Marcus

Subscribed to and sworn before me this
27th day of November, 1996.



Notary Public in and for the State of
Iowa.



JBM:chh
Enc.
c: Don Racheter
c:\marcus\congre\fec2.cmp

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Marcus for Congress

51 West Washington St.
Fairfield, Iowa 52556
(515) 472-9963 Fax (515) 472-5404



October 8, 1996

VIA FAX: (319) 385-3799

Dr. Donald Racheter
Public Interest Institute
Iowa Wesleyan College
600 N Jackson Street
Mt. Pleasant, IA 52641

Dear Don:

As I indicated, I would appreciate your consideration in having the Public Interest Institute grant me an opportunity to address the issues that were addressed by Leonard and Mike at the debate on Sunday, in a forum sponsored by the Institute. Obviously, I was disappointed that I was not included in the debate and I wanted to make sure you focused on the legal aspects so you would know why I, at times, have had to seek legal recourse.

I am enclosing a copy of §110.13 from the Code of Federal Regulations, which governs the staging of debates in federal elections. This regulation was passed in an attempt to let third party and independent candidates know what the criteria were for inclusion in debates, so that they could work toward satisfying them, and so the voters would have an opportunity to hear a diversity of view points being represented by those third party candidates running significant campaigns. As you can see, in 110.13 (c), debate sponsors must use "pre-established objective criteria" to determine which candidates may participate in a debate. They cannot use "nomination by a particular political party as the sole objective criterion." It is clear that when a decision is made to give a Republican and Democrat all the available time, that is using nomination by a particular political party as the sole criterion.

Unfortunately, a number of debate sponsors have ignored this provision early on, and subsequent debate sponsors have played "follow the leader," and simply excluded third party voices without objective criteria (e.g., how many television and radio broadcasts or appearances the candidate has done, whether he's been active issuing press releases, whether he has a separate campaign office and staff).

Dr. Donald Racheter

October 8, 1996

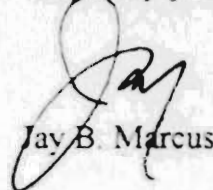
Page 2

I am also enclosing two recent columns from *The Washington Post*, lamenting the failure of debate sponsors to include third party candidates, and the harm which results. When all ideas other than those from the Republican and Democrats are filtered out, even

the political mainstream stagnates. On the other hand, when third party voices have been allowed to be heard, it has resulted in significant reforms in society, including the abolition of slavery, equal rights for women, and child labor laws.

I would appreciate your consideration of this matter, although I must say there is no substitute for being included in a debate, which alone allows me to have a real opportunity to contrast my views with those of the major party candidates.

Very truly yours,



Jay B. Marcus

JBM:ch

Encl.

98043062371

Wednesday

Oct. 9, 1996

Mt. Pleasant News

Vol. 118, No. 199

215 W. Monroe, Mt. Pleasant, Iowa 52641 - Phone (319) 385-3131

50¢

NLP candidate upset with Mt. Pleasant debate

FAIRFIELD— The Natural Law Party candidate for U.S. Congress in Iowa's third Congressional district, Jay Marcus, believes he should have been allowed to participate in last weekend's campaign debate, which was broadcast from Mt. Pleasant statewide over the Iowa Radio Network.

Marcus attended the debate at Iowa Wesleyan College Sunday between Republican Mike Mahaffey and Democrat Leonard Boswell but wasn't permitted to speak.

He had not been invited by the sponsors — the Public Interest Institute in Mt. Pleasant and K BUR Radio in Burlington — who indicated the 60 minutes of available airtime should be allotted to the Republican and Democratic candidates, since they were the most likely to win.

"The debates ought to be about ideas, especially when polls say that as much as 85% of the public is so estranged from politics as to believe that neither Democrats nor Republicans have solutions to the nation's problems," the NLP candidate said.

Marcus indicated the debate at Iowa Wesleyan was largely about spending or reducing expenditures — on education, for the Star Wars defense program, on school loans, on entitlements — and that reforming government involves more than deciding to write or not write checks.

"As an overall philosophy, government should enact programs that are proven by scientific research to be effective, and abandon programs that have not been proven," Marcus said. "Using this simple philosophy would do as much to balance the budget and eliminate wasteful programs as any other approach."

Unlike Mahaffey and Boswell, he said he opposes a Constitutional Amendment to balance the budget. "No business would restrict itself from borrowing in emergencies, and government inflexibility from a Constitutional Amendment could be a disaster," the candidate said. "A laissez faire economy has not always worked. Government spending, for example, got us out of the depression. In addition, wars, disaster relief, and other emergency situations may require borrowing more in any year than generated by revenues."

Marcus believes Social Security should be privatized, allowing individuals to have control over their own accounts, and the ability to invest them in stock mutual funds. This can increase retirement funds because of how stocks have outperformed other investments, and would provide a significant impetus to the economy.

He was also concerned the debate candidates did not discuss money from political action committees (PACs).

"No one discussed PAC money, because virtually all major party candidates are be-

See MARCUS, Page 8

Marcus

Continued from page 1

holden to PAC's and special interest groups," Marcus said. "Boswell has received PAC money from petroleum and pharmaceutical interests, a trial lawyers association and the National Education Association. Mahaffey's PAC's include Exxon, the construction industry and insurance industry."

Marcus said sitting down with others in Congress and trying to agree on a balanced budget will be significantly more productive once PAC money is eliminated and we've moved toward public financing of campaigns.

The NLP candidate has been challenging efforts to keep him and other alternative candidates out of debates, indicating his efforts to be heard have met with mixed success.

"Debate sponsors have forgotten that what has made America great is the free communication of ideas from people with different backgrounds. A melting pot of ideas is at the foundation of America's greatness," he said.



FEDERAL ELECTION COMMISSION

Washington, DC 20463

December 10, 1996

Jay B. Marcus, Esq.
Marcus & Thompson
Suite 201
51 West Washington
Fairfield, IA 52556

RE: MUR 4593

Dear Mr. Marcus:

This letter acknowledges receipt on December 4, 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 4593. 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,

A handwritten signature in cursive script, reading "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures



FEDERAL ELECTION COMMISSION

Washington, DC 20463

December 10, 1996

Donald Racheter, Director
Public Interest Institute
Iowa Wesleyan College
600 N. Jackson Street
Mt. Pleasant, IA 52641

RE: MUR 4593

Dear Mr. Racheter:

The Federal Election Commission received a complaint which indicates that the Public Interest Institute and you, as director, 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 4593. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Public Interest Institute and you, as director, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

December 10, 1996

KBUR Radio
c/o James M. Livengood, Registered Agent
LWM Inc.
1411 North Roosevelt Avenue
Burlington, IA 52601

RE: MUR 4593

Dear Mr. Livengood:


The Federal Election Commission received a complaint which indicates that KBUR Radio 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 4593. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against KBUR Radio in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

93043862633

PUBLIC INTEREST INSTITUTE

at Iowa Wesleyan College

600 North Jackson Street Mt. Pleasant, Iowa 52641 319-385-3462 FAX 319-385-3799

BOARD OF DIRECTORS

18 December 1996

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F. Andrew Turley, Supervisory Attorney
Federal Election Commission
Washington, D. C. 20463

MUR 4593

Dear Mr. Turley:

Please accept this as a response to your letter dated 10 December 1996, and as a request to dismiss the complaint filed against us by Jay Marcus. Mr. Marcus has told you selected facts of the situation which favor his position. The whole truth establishes that there was no violation of CFR 110.13(c), that we acted in good faith and extended every courtesy to Marcus, and that in return he is engaging in "sour grapes" and harassing us with this paperwork and drain on our time.

Prior to our proposed debate, Marcus tried to get himself included in a debate between Mr. Mahaffey and Mr. Boswell, the two principal candidates (they ultimately received 97% of the votes cast in the general election) that was sponsored by Iowa Public Television. They also chose not to include the candidates from the Libertarian, Natural Law, and Workers Parties. Mr. Marcus sought a temporary restraining order in U. S. District Court. He was denied. He brought his case to court. He lost. He appealed to a special three-judge panel of the 8th Circuit Court of Appeals. They affirmed the District Court Opinion.

Subsequently, KBUR Radio of Burlington was put in contact with us when we both contacted the two major candidates about a debate in southeast Iowa, and we agreed to jointly sponsor a debate in Mt. Pleasant. I contacted attorney and former judge Ed Failor, Sr. who now does considerable campaign consulting and asked if we were required to include minor party candidates. His advice, based on the recent Marcus losses in court and other information, was that we were not. We scheduled the debate between Mahaffey and Boswell.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

JAN 9 9 57 AM '97

Dr. Don Racheter
Executive Director

On Friday evening before the Sunday debate, I found a message on one of my answering machines from Mr. Marcus. I returned his call to the number he had left. He answered the phone and indicated that he believed we should include him in the debate. I told him first, that we could not revise the format with only a day to go, and second, I did not think it would be in the public interest to do so. Based on my research as a political scientist, I know that the average American attends to politics very little. Also, radio time is not free. If KBUR was willing to devote one hour to a discussion of the principal differences between the two front-runners, it was my judgement that we should not divert any of that time to views of candidates with a very low probability of winning.

Marcus indicated he would be attending the debate, and I told him he was welcome to do so. His allegation that he was not "furnished with criteria for the selection of candidates in the debate" is false. He told me that CFR 110.13© mandated that for general election debates the criteria for candidate selection "shall not use nomination by a particular political party as the sole objective criterion." In response, I told him both over the phone and again in person in Mt. Pleasant prior to the debate the objective criteria we had used to determine whom to invite.

The reason we had selected Boswell was that he had run statewide for Lt. Governor, had been elected several times to the state Senate, and was the President of the Senate, hence a well-known political figure in the Third Congressional District. The reason we selected Mahaffey was that he was an elected County Attorney, a former elected state party chair, and had defeated two other candidates in a primary election, hence also a well-known political figure in the District.

It is true as Marcus mentions at the end of the second paragraph in his complaint that Mahaffey and Boswell were the Republican and Democrat candidates in the District, but as I have explained above, this was not the "sole objective criterion" upon which they were chosen for inclusion in our debate.

Before the debate in Mt. Pleasant Marcus asked if he could address the audience at the conclusion of the debate. I told him I would check with Dr. Prins, the President of Iowa Wesleyan College where the debate was taking place (and a Vice President of this Institute). Prins had no objection, but pointed out to Marcus that he had already been on campus in a class sponsored by Dr. Tree of the Iowa Wesleyan History/Political Science faculty to which all members of the campus had been invited. At the conclusion of the debate, I made a public announcement that anyone who wanted to stay and continue the discussion of the issues raised in the debate was welcome to do so.

Marcus also asked Prins if he could use the space where the debate was being held for a future presentation as well. Prins

replied in the affirmative, but cautioned Marcus that if he asked members of the audience to contribute to his campaign, he would have to pay rent for the space. Marcus never contacted Iowa Wesleyan for the use of the space after the debate.

In his follow up with us mentioned in his complaint, Marcus repeated what we had already discussed in person in Mt. Pleasant: holding another debate and including him. When I counter-proposed that we hold a debate including the two other minor-party candidates as well, Marcus was very cool to that idea! He gave me the distinct impression he didn't want to extend the same visibility to his rivals that he wanted the two major candidates to extend to him.

Being in favor of more rather than less discussion of public policy issues, I directed the same staffer at the Institute who had arranged the first debate to contact the Iowa Campaign Finance Disclosure Commission to get the names and addresses of all the official candidates for the Third Congressional District seat, and contact them about a possible second debate in Mt. Pleasant. By the time this was accomplished and various dates were vetoed as conflictual, we ran out of time prior to the election to schedule such a debate.

We did not contact Marcus during these negotiations as he had previously made clear that if we set up a debate, he would make himself available to participate, and it was just one thing less to do in the midst of a complex and time-constrained process. This may have given him the impression that we were not following up on our commitment to explore the possibility of a second debate in Mt. Pleasant. If so, we apologize, but Marcus needs to realize that while debates including him are very central to his life, they are but a minor part of the duties and responsibilities of members of the Institute or KBUR radio.

It is not true as Marcus alleges that I did not return his phone calls. He contacted me by leaving a message on one of my answering machines. I called the number he left. There was no one there to answer the phone, nor a machine to take a message. After several tries, I gave up and felt the ball was legitimately back in his court as I had provided him with four phone numbers where he could reach me, three of which had answering machines. I was certainly more reachable than he. In light of these additional facts, I again ask that you notify me and Mr. Marcus that his complaint has been dismissed.

Sincerely,



Dr. Don Racheter
Executive Director

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

FEB 11 3 11 PM '03

GENERAL COUNSEL'S REPORT

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 cases permits the

Commission to focus its limited resources on more important cases presently

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pending before it. Based upon this review, we have identified 16 cases that do not warrant further action relative to other pending matters.¹ The attachment to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS provides us with the means to identify those cases which remained unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

¹ These cases are: MUR 4631 (Perot/M. Clum), MUR 4661 (Cox and Amplicon, Inc.), MUR 4667 (Specter & Greenwood), MUR 4668 (Schakowsky for Congress), MUR 4672 (Friends of John O'Toole), MUR 4673 (Papan for Assembly), MUR 4676 (Warren County Democrats Committee), MUR 4677 (Patrick Kennedy), MUR 4681 (Jack Black), MUR 4683 (Janice Schakowsky for Congress), MUR 4684 (Spartanburg County Republicans), MUR 4694 (Jan Schakowsky for Congress), MUR 4695 (Schakowsky for Congress), MUR 4696 (Janice Schakowsky for Congress), MUR 4700 (Dumont Institute / Robert M. Carr), and Pre-MUR 356 (Pritzker for Congress).

We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend 27 of these cases be closed.³ Nine of these cases were part of the so-called "Major 96" cases that have not been able to be activated due to a lack of resources to effectively pursue them in a timely fashion.⁴ Since the time period rendering them stale has now passed, we recommend their closure at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective February 24, 1998. Closing

³ These cases are: MUR 4350 (Republican Party of Minnesota), MUR 4355 (Aqua-Leisure Industries, Inc.), MUR 4372 (Nebraska Democratic Party), MUR 4394 (Americans for Term Limits), MUR 4472 (Committee to Elect Winston), MUR 4483 (Nebraska Democratic State Central Committee), MUR 4504 (NH Democratic State Party Committee), MUR 4507 (People for Boschunz), MUR 4509 (Wellstone for Senate), MUR 4565 (Bell for Congress), MUR 4570 (Congresswoman Andrea Seastrand), MUR 4571 (Subert for Congress Committee), MUR 4572 (Friends of Dick B. Durkin), MUR 4575 (Dana Corrington), MUR 4585 (Hughes for Congress Committee), MUR 4589 (Congressman Bart Gordon), MUR 4592 (Iowa Public Television), MUR 4593 (Public Interest Institute), MUR 4599 (Bruce W. Hapenwurtz), MUR 4601 (Chestate Nation of Oklahoma), MUR 4602 (NFSB-TV Channel 3), MUR 4604 (Dana Corrington), MUR 4605 (Christian Coalition), Pre-MUR 346 (Coalition of Politically Active Christians), RAD 96NF-04 (O'Sullivan for Congress), RAD 96L-12 (Alaska Democratic Party), and RAD 97NF-02 (Zien for Congress).

⁴ These cases are: MUR 4350 (Republican Party of Minnesota), MUR 4372 (Nebraska Democratic Party), MUR 4394 (Americans for Term Limits), MUR 4472 (Committee to Elect Winston), MUR 4483 (Nebraska Democratic State Central Committee), MUR 4504 (NH Democratic State Party Committee), MUR 4507 (People for Boschunz), MUR 4509 (Wellstone for Senate), and MUR 4565 (Bell for Congress).

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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.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective February 24, 1998, and approve the appropriate letters in the following matters:

- | | | |
|----------------|----------------|----------------|
| 1. RAD 96NF-09 | 3. RAD 97NF-02 | 5. Pre-MUR 356 |
| 2. RAD 96L-12 | 4. Pre-MUR 346 | |

B. Take no action, close the file effective March 2, 1998, and approve the appropriate letters in the following matters:

- | | | |
|--------------|--------------|--------------|
| 1. MUR 4350 | 14. MUR 4575 | 27. MUR 4668 |
| 2. MUR 4355 | 15. MUR 4585 | 28. MUR 4672 |
| 3. MUR 4372 | 16. MUR 4589 | 29. MUR 4673 |
| 4. MUR 4394 | 17. MUR 4592 | 30. MUR 4676 |
| 5. MUR 4472 | 18. MUR 4593 | 31. MUR 4677 |
| 6. MUR 4483 | 19. MUR 4599 | 32. MUR 4681 |
| 7. MUR 4504 | 20. MUR 4601 | 33. MUR 4683 |
| 8. MUR 4507 | 21. MUR 4602 | 34. MUR 4684 |
| 9. MUR 4509 | 22. MUR 4604 | 35. MUR 4694 |
| 10. MUR 4565 | 23. MUR 4605 | 36. MUR 4695 |
| 11. MUR 4570 | 24. MUR 4631 | 37. MUR 4696 |
| 12. MUR 4571 | 25. MUR 4661 | 38. MUR 4703 |
| 13. MUR 4572 | 26. MUR 4667 | |

2/24/98
Date

Lawrence M. Noble
General Counsel

98043862800

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) Agenda Document
Case Closures Under) No. X98-13
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for
the Federal Election Commission executive session on
February 24, 1998, do hereby certify that the Commission
took the following actions with respect to Agenda
Document No. X98-13:

1. Failed in a vote of 3-2 to pass a motion
to approve the General Counsel's
recommendations, subject to amendment of
the closing date in recommendation A to
read March 2, 1998, and subject to deletion
of those cases listed in footnote 4 on
Page 3 of the staff report.

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

2. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file
effective March 2, 1998, and approve
the appropriate letters in the
following matters:

- | | |
|----------------|----------------|
| 1. RAD 96NF-09 | 4. Pre-MUR 346 |
| 2. RAD 96L-12 | 5. Pre-MUR 356 |
| 3. RAD 97NF-02 | |

(continued)

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- B. Take no action, close the file effective March 2, 1998, and approve the appropriate letters in the following matters:

1. MUR 4350	20. MUR 4601
2. MUR 4355	21. MUR 4602
3. MUR 4372	22. MUR 4604
4. MUR 4394	23. MUR 4605
5. MUR 4472	24. MUR 4631
6. MUR 4483	25. MUR 4661
7. MUR 4504	26. MUR 4667
8. MUR 4507	27. MUR 4668
9. MUR 4509	28. MUR 4672
10. MUR 4565	29. MUR 4673
11. MUR 4570	30. MUR 4676
12. MUR 4571	31. MUR 4677
13. MUR 4572	32. MUR 4681
14. MUR 4575	33. MUR 4683
15. MUR 4585	34. MUR 4684
16. MUR 4589	35. MUR 4694
17. MUR 4592	36. MUR 4695
18. MUR 4593	37. MUR 4696
19. MUR 4599	38. MUR 4703

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

Attest:

2-25-98
Date

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

93043862672



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 2, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jay B. Marcus, Esq.
Marcus & Thompson
Suite 201
51 West Washington
Fairfield, IA 52556

RE: MUR 4593

Dear Mr. Marcus:

On December 4, 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 exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on March 2, 1998. 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. § 437(g)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley", is written over a horizontal line.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 2, 1998

Donald Racheter, Director
Public Interest Institute
Iowa Wesleyan College
600 N. Jackson Street
Mt. Pleasant, IA 52641

RE: MUR 4593

Dear Dr. Racheter:

On December 10, 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 exercised its prosecutorial discretion to take no action against the Public Interest Institute and you, as director. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on March 2, 1998.

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 H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 2, 1998

KBUR Radio

c/o James M. Livengood, Registered Agent

LWM Inc.

1411 North Roosevelt Avenue

Burlington, IA 52601

RE: MUR 4593

Dear Mr. Livengood:

On December 10, 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 exercised its prosecutorial discretion to take no action against KBUR Radio. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on March 2, 1998.

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 H. Boyd on our toll-free number, (800)-424-9530. Our local number is (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Tufey".

F. Andrew Tufey
Supervisory Attorney
Central Enforcement Docket



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

THIS IS THE END OF MUR # 4593

DATE FILMED 3/11/98 CAMERA NO. 2

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