



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 23, 1997

BY FACSIMILE & EXPRESS MAIL

James Bopp, Esq.
Bopp, Coleson & Bostrom
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RE: MUR 3774
Minnesota Citizens Concerned for Life, Inc.
Minnesota Citizens Concerned for Life
Committee for a Pro-Life Congress and
its treasurer

Dear Mr. Bopp:

Pursuant to recent discussions with the General Counsel concerning your client's, Minnesota Citizen's Concerned for Life ("MCCL"), failure to produce bank account records requested in the Commission's February 11, 1997 Subpoena and Order, this letter is to advise you that we must cancel the scheduled August 5 and August 6 depositions of Jacqueline Schwietz and Marice Rosenberg in Minnesota until these documents have been obtained. The Office of General Counsel is currently evaluating alternative courses of action to obtain these documents, including a subpoena enforcement action.

As you know, this Office has made repeated follow-up requests for MCCL's bank statements and other information sought in the Commission's Subpoenas/Orders to MCCL and Minnesota Citizen's Concerned for Life Committee for a Pro-Life Congress ("MCCL PAC") beginning with a May 29, 1997 letter to you detailing documents and other information that had not been provided in MCCL and MCCL PAC's April 16 responses. That letter requested production of the missing documents by June 5, 1997.

Following an attempt to reach you on June 10, you and I discussed the May 29 letter as well as deposition dates for MCCL/MCCL PAC personnel in a June 16 phone call. You agreed

to produce documents relating to MCCL's Citizen Action Project, a project MCCL described as involving use of voter lists. You also said that you thought other documents, such as missing facsimile pages were unavailable. I expressed my concern that we receive all outstanding information, including MCCL's bank statements, prior to the MCCL depositions. You advised me then that you would review MCCL/MCCL PAC's responses to the May 29 letter when you returned to your office from Washington D.C. on Saturday, June 21 and promised to federal express them to me that same day. When I did not receive MCCL/MCCL PAC's responses or documents on Monday, June 23, I attempted to reach you several times but was told you were attending a conference and would be unavailable. On Thursday, June 26, you returned my phone calls during a break in a deposition you were attending in connection with a litigation matter with this Office. When I informed you that we had not received MCCL/MCCL PAC's responses as promised, you explained that they had slipped your mind because MCCL/MCCL PAC's information was not at your office that Saturday.

On July 2, you phoned to say that you were mailing us some of the outstanding information described in the May 29 letter, specifically, documents relating to MCCL's Citizen Action Project. We received those documents on July 3. As for other outstanding information described in the May 29 letter, specifically MCCL's bank statements, you stated that you needed to speak to MCCL Co-Executive Director Jacqueline Schwietz regarding certain concerns she had expressed about producing the banks statements. You said that you would not be able to speak to her until Monday, July 7, due to the upcoming holiday.

On Monday, July 7, you advised me that you still needed to speak with Ms. Schwietz. I sent you a letter on July 9 that, in addition to confirming upcoming deposition dates of MCCL/MCCL PAC personnel/consultants, advised you that the Commission would proceed with a subpoena enforcement action unless we received the outstanding documents and information described in the May 29 letter by close of business on July 16.

During our July 10 document review of National Right to Life Committee ("NRLC") calendars, I inquired about the outstanding information due from MCCL/MCCL PAC. You then provided me with some more information requested in the May 29 letter, specifically, information identifying certain individuals referenced in MCCL/MCCL PAC's Subpoena/Order responses. However, you stated that MCCL would not produce its banks statements because they were "irrelevant." Additionally, you had no information regarding the missing invoice and check requested in the May 29 letter and again stated you would check with your client.

We received a fax from you on July 16 forwarding two documents that MCCL had already provided. A note on the fax cover sheet stated that these were the "additional documents" you reviewed so far from MCCL and that you were verifying whether there were any more. In a July 18 phone call, you advised me that there were no other documents to be produced. Specifically you said MCCL did not have copies of the invoice, check for deposit and

missing facsimile pages described in our May 29 letter to you. You also reiterated that you would not produce MCCL's bank statements.

As I expressed during several of our phone conversations, this Office has been extraordinarily patient regarding production of the outstanding documents, recognizing that you have been involved in a heavy deposition schedule in a litigation matter with the Litigation Division. I relied in good faith on your assurances that the missing information described in the May 29 letter was forthcoming. At this point, based on your representation that the invoice, check(s), and facsimile pages described in the May 29 letter are unavailable, the remaining documents to be produced are the bank statements requested in Document Request No. 7 of the Commission's February 11, 1997 Subpoena and Order to MCCL. As we discussed before, the bank statements sought in the Commission's subpoena are directly relevant to this investigation and the subpoena is narrowly tailored to cover a discrete three month period. You have provided no legally justifiable basis for failing to produce these documents, which were requested more than five months ago. Were the depositions to go forward before we are able to review these documents, it is likely that Commission staff would be forced to return to Minneapolis to obtain additional deposition testimony thereby incurring needless additional costs.

We will reschedule the depositions of Ms. Schwietz and Ms. Rosenberg when we have obtained and reviewed MCCL's bank records. Please contact me at (202) 219-3400 if you have any questions.

Sincerely,



Dawn M. Odrowski
Staff Attorney