



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 4238

DATE FILMED 6/13/96 CAMERA NO. \_\_\_\_\_

CAMERAMAN SES

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*From the Desk of Senator Dick LaRossa*

June 29, 1995

To: The Federal Elections Commission  
Office of General Counsel  
Washington, D.C. 20463

From: Hon. Dick LaRossa  
New Jersey State Senate



Re: COMPLAINT

JUL 3 9 56 AM '95  
FEDERAL ELECTIONS  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

This complaint originated as an inquiry. After speaking with Mr. Gregg Scott of your office, we were advised that our questions could only be answered through the complaint process, and that seeking an FEC "advisory opinion" was not an option open to us.

Therefore, this complaint is being filed and is based on the following popularly accepted facts, as gleaned from mass circulation newspapers, and other pieces of "literature" and documentation:

(1) Congressman Dick Zimmer (Republican of New Jersey) is a candidate for the Republican nomination for United States Senator from New Jersey. Congressman Zimmer has filed a Senate campaign committee, Zimmer for Senate Inc. (C00302646), with the FEC.

(2) I, Dick LaRossa, am a member of the New Jersey State Senate, representing the 15th legislative district. I have been mentioned in several newspapers as a potential opponent to Congressman Zimmer, for the Republican nomination for U.S. Senate.

(3) Congressman Zimmer is the Chairman of the Coalition for Lower Taxes. Congressman Zimmer's campaign consultant, Mr. Larry Weitzner, identified himself in newspapers here as the "political coordinator" of the Coalition for Lower Taxes.

The Coalition's address is the office of Mr. Dave Murray, a consultant to Zimmer. The Coalition has been identified in newspapers here as a "campaign vehicle" for Congressman Zimmer.

(4) The Coalition for Lower Taxes has neither filed with the FEC or with the New Jersey Election Law Enforcement Commission. There is, therefore, no public record of the group's contributors or expenditures.

(5) Hands Across New Jersey was self-identified in newspapers here as a "member" of the Coalition for Lower Taxes. Hands Across New Jersey recently filed a D-4 registration with NJELEC.

(6) Earlier this month, the Coalition for Lower Taxes was identified in the Trenton Times (6/5/95) as the group responsible for conducting a telephone bank aimed at three members of the New Jersey State Senate. I was one of those members targeted.

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## COMPLAINT

Page Two

In the news article, paid phone bank personnel identified their client as the "Coalition for Lower Taxes", although the coalition's "political coordinator", Mr. Weitzner, claimed that Hands Across New Jersey was the client. According to the article Hands Across New Jersey's president, Ms. Bobbie Horowitz, "acknowledged Hands had used copies of the coalition's membership list and said that in some cases, callers may have said that they were calling 'from' the coalition."

Horowitz, apparently conscious of appearances, said that "the project was strictly paid for by the 15,000 member Hands." She went on to say that her group "acted solely on its own, without any involvement or planning from coalition officials."

According to the article, a spokesperson for Congressman Zimmer "said the Congressman was not involved."

(7) An Associated Press story, picked up by the Bergen Record and other newspapers here, quoted the paid telephone bank caller as saying, "I can't give you the name of our firm but we have a contract with the Coalition for Lower Taxes."

In the AP story, Congressman Zimmer's office said that "the Coalition for Lower Taxes did supply another tax group, Hands Across New Jersey, with a copy of its membership list, but denied Zimmer had a hand in the phone campaign."

(8) On or about June 16, 1995, a mailing was sent into the 15th district attacking me. The mailing, a rather typical political post card type mailing, featured an unflattering photograph of me and questioned my record on cutting taxes and spending, as well as my conservative credentials. The piece included the disclaimer, "paid for by Hands Across New Jersey".

My district was the only district into which this attack piece was mailed.

(9) On or about June 23, 1995, another mailing was sent into the 15th district. This mailing, also an attack piece, had the disclaimer, "paid for by Hands Across New Jersey".

Again, my district was the only district into which this attack piece was mailed. Both mailings used a permit number that corresponds to that used on mailings put out by the Coalition for Lower Taxes.

My concern here is simple. The open control of the Coalition for Lower Taxes by Congressman Zimmer (as Chairman) and his campaign consultants, and the interconnections of this group with Hands Across New Jersey (subsidiary membership, newspaper statements, etc.) gives rise to the appearance that all three are, more or less, interconnected.

In fact, the appearance is such that one newspaper unconsciously termed the Coalition "a campaign vehicle" for Congressman Zimmer.

96043741674

## COMPLAINT

Page Three

Further, the type of activities described here indicate a significant level of spending. Paid telephone banks and mass mailings to upwards of 250,000 people do not come cheaply. This is not a grassroots operation. It is a sophisticated, professional undertaking.

If this is allowed to go unchallenged, will a federal candidate -- let's say an incumbent Congressman -- be permitted to create an unaccountable committee with which to raise and expend large amounts of money in an operation against potential challengers who hold office at the state and local levels?

If so, what will this do to the contribution limits imposed on federal candidates by law, and enforced by the FEC? It would be a simple thing to create an unaccountable committee and use a few very wealthy contributors to underwrite it, knowing that they would still be free to contribute to your federal campaign committee.

Will all federal campaigns, in the future, conduct pre-emptive negative campaigns in this manner: unaccountable, undocumented, and undisclosed?

In making this complaint, I am asking the Federal Elections Commission to set clear guidelines relating to the direction of unaccountable committees, such as the Coalition for Lower Taxes, by candidates for federal office, their committees, consultants or staff.

Additionally, I would like the Commission to rule on whether an unaccountable committee that retains a political consultant as its self-admitted "political coordinator" has crossed the line and should be required to file federal disclosure reports?

Thank you for your assistance.

96043741675



Does Senator Dick LaRossa  
care more about preserving  
big government than cutting  
taxes and spending?

LaRossa says he is a conservative. Yet, he has **INTRODUCED**  
**LEGISLATION TO REPEAL THE WHITMAN TAX CUT PLAN.**

**CHALLENGE him at 771-0330.**

Tell him we pay too much in taxes. Tell LaRossa we  
need less government.

CAR-RT SORT

\*\*C-053

SHARON LAROSSA  
RICHARD J LAROSSA  
150 BULL RUN RD  
TRENTON NJ 08638-1316

Bulk Rate  
U.S. Postage  
Paid  
Permit #1117  
Trenton, NJ

HANDS ACROSS NEW JERSEY is  
supporting Governor Whitman's  
plan to cut income taxes 30%.

**But...**

Senator Dick LaRossa  
wants to STOP it.

LaRossa has introduced legislation (S-963) to repeal the Whitman  
tax cut plan. He says he might vote against the next tax cut.

**CALL** Senator LaRossa at **771-0330** and  
urge him to SUPPORT THE WHITMAN TAX CUT PLAN.

9 6 0 4 3 7 4 1 6 7 6

Fed of government  
costs too much?  
Fed up with unresponsive  
politicians who care more  
about the special interests?

Join **HANDS ACROSS  
NEW JERSEY**—the largest  
taxpayer organization in  
the state.

WE ARE COMMITTED TO:

- Less taxes and less government
- Initiative and referendum
- Campaign finance reform
- Term limits

SUPPORT OUR EFFORTS to cut  
taxes and spending and reform  
the political process. Call  
**908-247-HANJ** and be part  
of a growing movement to  
change politics.

CAR-RT SORT

\*\*\*C-053

SHARON LAROSSA  
RICHARD J LAROSSA  
150 BULL RUN RD  
TRENTON NJ 08638-1316

First Class  
U.S. Postage  
Paid  
Permit #1117  
Trenton, NJ

Senator  
Dick  
LaRossa



It will COST  
YOU about  
**\$500**  
more  
a year in  
HIGHER

wants to

~~REPEAL~~

Governor  
Whitman's  
tax cut.

TAXES to pay for  
bigger government.

**CALL** Senator  
Dick LaRossa at  
**771-0330**  
and TELL HIM  
TO SUPPORT  
GOVERNOR  
WHITMAN'S  
TAX CUT PLAN.

9 6 0 4 3 7 4 1 6 7 7



## TAX CUT UPDATE

We know how you, our members, feel about cutting taxes but once again Governor Whitman's tax cut proposal is in trouble due to lack of support from the NJ Senate. HANJ has identified three Senators who have voiced their resistance to Whitman's plan and, upon doing so, we initiated a "plan" of our own. To date, we believe literally thousands of phone calls have been made to the following Senators: Peter Inverso (R) at (609) 586-1330, Dick LaRossa (R) at (609) 771-0330, and Robert Littell (R) at (201) 827-2900, urging their support of Whitman's tax cut plan. We have even offered to send faxes to their respective offices on behalf of Hands Across New Jersey members and members of the Coalition for Lower Taxes.

Our suspicions are that the reasons for their lack of support are less heroic than they would have you believe. Their public statements portray their concern

about having enough money available to fund our "business as usual" government functions in New Jersey. They have claimed a tax cut at this time would be fiscally irresponsible. We think there are other reasons.

Senators Inverso and LaRossa represent districts that have the greatest number of state workers. If there is less money to spend, state workers just may have to learn the lesson we, in the private sector, have always known: paychecks and benefits are affected by the economy!

We also suspect that Senator Littell's motives are less than genuine. It is difficult for us not to suspect that there is some retribution being displayed by the senator because his wife, Ginny Littell, who has been the NJ State Republican Chairwoman, will be replaced by Gov.

**It costs the NJ taxpayers approximately \$43.8 million dollars each day to feed our state government's voracious appetite for spending.**

Whitman with Chuck Haytaian. We smell major sour grapes here.

If these Senators are truly concerned about funding shortfalls, then **WHY NOT CUT MORE SPENDING, SENATORS?** We have been suggesting this for years. NJ Government still costs too much to run, about \$16 billion. Approximately \$43.8 million dollars a day is presently

needed to run our state. This doesn't include county and local taxes!

Our legislators should wake up and smell the coffee — or in this case, your tax dollars burning!

**THANKS TO ALL THOSE WHO GAVE YOUR SENATORS A "WAKE UP" CALL REMINDING THEM THAT THEY REPRESENT ALL THE TAXPAYERS IN THEIR DISTRICTS AND THAT WE WANT OUR TAXES CUT!**

If these Senators abandon Whitman's tax cut plan, they are abandoning you, their constituents, too. And it certainly isn't because they haven't heard from you. Remember: **IF THE POLITICIANS ARE NOT WILLING TO CHANGE, THEN WE MUST CHANGE THE POLITICIANS!**

If you haven't called your Senator yet, please do so today. Also call our "favorite" Senator Di Francesco (Senate President) at (908) 322-5500 and let him know we mean business!

*Bobbie Horowitz, Brick*

Congressman Bob Franks (R) has recently introduced a bill for Federal I&R. Twenty-four states in the country have the right to petition their government to place issues on the ballot. But not here in New Jersey, where we are treated as second class citizens. We probably have a better chance of getting federal I&R than we do in our state until we vote in more responsive NJ legislators.

## US Senate Republicans Turn Their Backs on Taxpayers

The US Senate rejected the tax cut proposed by the US House of Representatives. The 1990 \$500 billion tax increase and another \$500 billion tax increase three years later comes to \$1 trillion! The House of Representatives wanted to decrease taxes by \$1.89 billion, only 18.9% of the two previous tax increases. To hear the Democrats, this would mean the end of civilization. Like the Democrats, this is too much for the US Senate Republicans.

The Republicans aren't even cutting government spending, just not increasing it as much as the Democrats would like

If they really had the strength and resolve of their party symbol, they could really cut spending and provide the American taxpayers with a balanced budget, a tax cut, and a tax surplus that could be used to reduce our nearly \$5 trillion debt. (Of course, rolling back their 40% salary increase of a few years ago is also out of the question.)

The Senate rejection has also been rumored to be a tactical move by Sen. Dole to demonstrate Sen. Gramm's inability to get his tax cut passed. While our Senators jockey for position to become the next Presidential candidate, the taxpayers once again become expendable pawns in their political power-hungry games.

"New Jersey's per-capita tax burden rose 8 percent last year" reports an April, 1995 Associated Press story. Yet, NJ is still last for dollars from the federal government. Great job, Senators Bradley and Lautenberg! When are NJ voters going to get rid of these deadbeats? Another study said that New Jerseyans slave three hours and one minute of every eight-hour day for the federal, state and local governments. The medieval serfs only had to surrender 25% of their labor. We work in servitude for 45% of the time. I'm angry. Are you?

*Francis Stepper, Jackson*

9 6 0 4 3 7 4 1 6 7 9

Congressman Dick Zimmer, Chairman  
**COALITION FOR LOWER TAXES**

Bulk Rate  
U.S. Postage  
PAID  
Permit #1117  
Trenton, NJ

**READER'S DIGEST BLOWS OPEN HOW PRISONERS ARE**



DICK LA ROSSE  
1230 PARKWAY AVE SUITE 201  
TRENTON NJ 08628-3018

RECEIVED FEB 27 1995

**GETTING AWAY WITH MURDER...**

9 6 0 4 3 7 4 1 6 8 0

Congressman Dick Zimmer, *Chairman*  
**COALITION FOR LOWER TAXES**  
741 Alexander Road, Princeton, NJ 08540



**1995 MEMBERSHIP CARD ENCLOSED**



Dear Dick,

I agree it is time we stopped having our tax dollars pay for prisons to be run like country clubs. I want to join the Coalition For Lower Taxes. Use my membership contribution to help enact your "No Frills Prison Act" by flooding Congress with calls, letters and petitions.

Enclosed is my membership fee of:

☐ \$75   ☐ \$50   ☐ \$25   Other \_\_\_\_\_

☐ Please send me a copy of the *Reader's Digest* article that exposed prisoner luxuries.

Make checks payable to the COALITION FOR LOWER TAXES.



Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Contributions to the Coalition are not deductible for income tax purposes.

Place  
Stamp  
Here

Dick Zimmer  
Coalition For Lower Taxes  
741 Alexander Road  
Princeton, NJ 08540

2960437416814





Bulk Rate  
U.S. Postage  
PAID  
Permit No. 1117  
Trenton, NJ

Become part of the  
growing grassroots  
citizens' movement  
to enact Governor  
Whitman's 30% tax  
cut. Become a member  
of the COALITION FOR  
LOWER TAXES.

HELP GOVERNOR CHRISTIE WHITMAN.  
**JOIN THE FIGHT FOR LOWER TAXES.**

9 6 0 4 3 7 4 1 6 8 2

## TAKE THREE STEPS TOWARD LOWER TAXES.



A Message  
From Congressman  
Dick Zimmer,  
Chairman of the  
COALITION FOR  
LOWER TAXES.

Cut taxes? Cut government spending? Some say it can't be done. Others, especially the special interests, say they'll stop it...at any cost!

But, Governor Whitman, good to her word, is determined to cut state spending by over \$1 billion and to cut your state income taxes by hundreds of dollars a year.

And we're determined to help her. That's what the COALITION FOR LOWER TAXES is all about.

We're a growing group of taxpayers and citizens dedicated to the idea that the fight

for lower taxes is not only Governor Whitman's fight, it is ours as well.

PLEASE JOIN US BY TAKING THESE THREE STEPS:

- Step 1:** Read inside to find out more about the COALITION FOR LOWER TAXES and how it's helping Governor Whitman get her 30% tax cut enacted.
- Step 2:** Join us by mailing back your personalized membership card...TODAY!
- Step 3:** Show your support by making your most generous financial contribution.

## NEW JERSEY

**'Fake' constituents pressure lawmakers**By BARBARA FITZGERALD  
The Associated Press

TRIDENTON — Virginia Littell, chairwoman of the Republican State Committee, got a call recently urging her to contact her "liberal" state senator because he was among three Republicans hesitant to approve Governor Whitman's tax cut.

The lawmaker happens to be Littell's husband, Sen. Robert E. Littell, R-Sussex.

Littell, a ranking Republican who heads the Senate Budget Committee, is among three GOP senators who have been targeted for wavering on their support of Whitman's 15 percent income tax cut. They're hesitant because of uncertain state revenues and federal budget cuts.

In the past week, 125 callers contacted Littell's district office trying to pressure him into changing his mind.

Littell said he had no idea who was behind it until someone unwittingly asked his wife to join ranks against him.

**Anti-tax group behind phone campaign**

When Virginia Littell asked who was behind the effort, the caller said, "I can't tell you the name of our firm but we have a contract with the Coalition For Lower Taxes," Robert Littell said. "That just happens to be the outfit Congressman Dick Zimmer is chairman of."

Zimmer's office said the Coalition For Lower Taxes did supply another tax group, Hands Across New Jersey, with a copy of its membership list, but denied Zimmer had a hand in the phone campaign.

"Hands Across New Jersey was the impetus for this," said Zimmer's spokeswoman, Andrea Hufelich. "It's not something [Zimmer] would really play a part in." Zimmer is a Republican.

John Sheridan, an adviser to Hands Across New Jersey, said his group was behind the phone calls, which also targeted Sen. Richard J. LaRossa, R-Mercer,

and Sen. Peter A. Inverso, R-Mercer.

"We tried to make it appear as though the public was just responding," Sheridan said. "But it was our phone campaign."

Littell and LaRossa aren't happy about it.

"I consider it to be stupid, that's what I consider it," Littell said.

The operation was weak if it was meant to make it appear as if genuine constituents were calling, the lawmakers said.

"It was a phone bank where you could hear the operator placing the call and then they would turn to someone in the background and had them read a script," LaRossa said.

"Obviously, if somebody has a legitimate issue to raise with me, they can raise it with me," said LaRossa, who received between 150 and 200 calls. "Phone banks are typical of people who have no guts — who are sanctimonious, hypocritical

and want to hide behind a cloak of anonymity."

The lawmakers also are angered because their fiscal philosophies have been called into question.

"I have an obligation to be fiscally responsible," LaRossa said. "There's a tremendous difference between being fiscally conservative and fiscally responsible. Where is the fiscal responsibility of having a blind agenda" to cut taxes?

Littell said such intimidating phone calls should not be "directed at somebody just because you're raising some questions or doubts about a particular idea."

"My record is pretty clear," Littell said. "In the three budgets I've been in charge of we've cut probably \$1.6 billion or \$1.7 billion."

Littell said the phone campaign has done nothing to persuade him to reconsider his position.

"Stupid things like this," he said, "don't change my mind."



# Debate on tax cut to heat up

Hesitant GOP senators  
target of 'stupid' calls

By BARBARA FITZGERALD  
Associated Press

TRENTON — Five months after Gov. Christie Whitman's announcement of another 15 percent cut in the income tax, the bill to make it happen finally won the fight of day today.

The Assembly Policy and Rules Committee is scheduled to take up the proposal that would reduce income taxes 15 percent for most families starting next January. The cut is projected to draw \$247 million in revenues out of the \$16 billion budget Whitman has proposed for the 1995-96 fiscal year.

The cut would allow Whitman to complete her 1992 campaign pledge of cutting income taxes 30 percent for most state residents.

But this cut has generated controversy as some lawmakers fear it will place too much strain on the state budget. These Republicans became the target of what was a mysterious phone campaign.

Republican State Committee Chairman Virginia Littell got a call recently urging her to contact her "liberal" state senator because he was among a trio of

**'Phone banks are  
typical of people  
who have no guts.'**  
Sen. Dick LaRossa

## Tax

Continued from A1

Republicans hesitant to approve Whitman's tax cut.

The lawmaker happens to be Littell's husband, Sen. Robert Littell, R-Sussex, who calls the effort "stupid."

Littell, a ranking Republican who chairs the Senate budget committee and whose district covers portions of Morris County, is concerned because of uncertain state revenues and federal budget cuts.

In the past week, 120 callers had contacted Littell's district office trying to pressure him into changing his mind.

Littell said he had no idea who was behind it until someone unwittingly asked his wife to join ranks against him.

When Virginia Littell asked who was behind the effort, the caller said, "I can't tell you the name of our firm but we have a contract with the Coalition For Lower Taxes," Robert Littell said. "That just happens to be the outfit Congressman Dick Zimmer is chairman of."

Zimmer's office said the Coalition For Lower Taxes did supply another tax group, Hands Across New Jersey, with a copy of its membership list, but denied Zimmer had a hand in the phone campaign.

Hands Across New Jersey was the impetus for this," said Zimmer's spokeswoman, Andrea Hofelich. "It's not something (Zimmer) would really play a part in."

John Sheridan, an adviser to Hands Across New Jersey, said his group was behind the phone calls, which also targeted Sen. Dick LaRossa, R-Mercer, and Sen. Peter Inverso, R-Mercer.

"We tried to make it appear as though the public was just responding," Sheridan said. "But it was our phone campaign."

Littell and LaRossa aren't happy about it.

"I consider it to be stupid, that's what I consider it," Littell said.

The operation was weak if it was meant to make it appear as if genuine constituents were calling, the lawmakers said.

"It was a phone bank where you could hear the operator placing the call and then they would turn to someone in the background and had them read a script," LaRossa said.

"Obviously if somebody has a legitimate issue to raise with me they can raise it with me," said LaRossa, who received between 150 and 200 calls. "Phone banks are typical of people who have no guts, who are sanctimonious, hypocritical and want to hide behind a

cloak of anonymity."

The lawmakers are also angered because their fiscal philosophies have been called into question.

"I have an obligation to be fiscally responsible," LaRossa said.

Littell said such intimidating phone calls should not be "directed at somebody just because you're raising some questions or doubts about a particular idea."

"My record is pretty clear," Littell said. "In the three budgets I've been in charge of we've cut probably \$1.6 billion or \$1.7 billion."

Littell said the phone campaign has done nothing to persuade him to reconsider his position.

"Stupid things like this," he said, "don't change my mind."

Whitman announced the final cut Jan. 23. The first tax cut took effect January 1994 and provided every resident with a 5 percent reduction. The second cut for 10 percent took effect in January 1995 for all married couples who earn less than \$80,000 and for individuals who earn less than \$40,000. The cut was less in the upper income brackets.

While the majority of New Jersey taxpayers would get a total reduction of 30 percent when the overall cuts are finished over three years, wealthier residents would not get the full 30 percent reduction.

The cuts would average 23 percent across all income brackets.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 7, 1995

The Honorable Dick LaRossa  
150 Bull Runn Road  
Trenton, New Jersey 08638

Dear Senator LaRossa:

We have received your letter dated July 3, 1995, regarding the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The 1976 amendments to the Act and Federal Election Commission regulations require that a complaint meet certain specific requirements. Your letter does not meet these requirements. Consequently, the Commission can take no action at this time unless the allegations are refiled meeting the requirements for a properly filed complaint.

If you desire the Commission to look into the matter discussed in your letter to determine if the Act has been violated, a formal complaint as described in 2 U.S.C. § 437g(a)(1) must be filed. Requirements of this section of the law, and Commission regulations at 11 C.F.R. § 111.4, which are a prerequisite to Commission action, are detailed below:

(1) A complaint must be in writing. (2 U.S.C. § 437g(a)(1)).

(2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (2 U.S.C. § 437g(a)(1)). The notary must indicate as part of the jurat that such swearing occurred. The preferred form is "Subscribed and Sworn to before me on this \_\_\_ day of \_\_\_, \_\_\_."

(3) A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).

(4) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).

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(5) A formal complaint should identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4).

(6) A formal complaint should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction. (11 C.F.R. § 111.4).

(7) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. § 111.4).

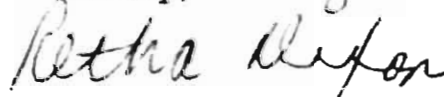
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

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

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

If we can be of any further assistance, please do not hesitate to contact me at (202) 219-3410.

Sincerely,



Retha Dixon  
Docket Chief

Enclosure

cc: Zimmer for Senate  
Coalition for Lower Taxes  
Hands Across New Jersey

JUL 13 12 00 PM '95

July 10, 1995

The Federal Elections Commission  
Office of General Counsel  
Washington, D.C. 20463

Dear Sirs:

A little over a week ago we directed to your attention material relating to soft money violations and independent expenditure violations on the part of Congressman Dick Zimmer.

The people and organizations involved included Congressman Zimmer, his political advisor/consultant Larry Weitzner, and their direct control, association and knowledge of the activities of the Coalition for Lower Taxes and Hands Across New Jersey.

The enclosed information significantly enhances the original complaint and provides a very strong supplement to the original information we sent and in support of our complaint.

Finally, we are in the process of continuing research into this issue and expect to be able to provide you with additional information of this nature in the reasonable near future.

Thank you and we await your response.

Sincerely,



Richard J. LaRossa

96043741689

# Zimmer accused of campaign violation

MARY CAFFEY  
ASBURY PARK BUREAU

A STATE SENATOR claims U.S. Representative A. Zimmer has improperly used a taxpayer group he chairs as a vehicle for his 1996 bid for the U.S. Senate.

Richard J. LaRossa yesterday released copies of his complaint to the Federal Election Commission, which regulates campaign spending by candidates for federal office. LaRossa accuses Zimmer of using the anti-tax group Hands Across New Jersey when it targeted LaRossa in a recent mailing sent to homes in LaRossa's Mercer County district. Both LaRossa and Zimmer are Republicans.

The three-page complaint outlines the links between Zimmer and the Coalition for Lower Taxes, which Zimmer chairs. The complaint also points to quotes from Zimmer's press secretary, Andrea Hofelich, who acknowledged Zimmer's coalition led its mailing list to Hands Across New Jersey.

In early June, "Hands" organized a telephone campaign aimed at LaRossa and other state senators who questioned whether the state budget could withstand tax cuts that Gov. Whitman will sign into law July

4. But LaRossa was the only one targeted in the direct-mail campaign.

In his complaint, LaRossa notes that he has been mentioned as a possible challenger to Zimmer for the GOP nod in next year's U.S. Senate race. "I believe I was singled out for this reason," LaRossa states.

Yesterday, Hofelich called the complaint "totally ridiculous" and said, "If Dick LaRossa thought he could oppose tax cuts and not hear from constituents, then he's not in touch with the people of Mercer County."

But when asked repeatedly whether Zimmer played any role in the planning or distribution of the anti-LaRossa postcards, Hofelich said only, "Dick Zimmer didn't get down and write the mailer or the phone script. Hands Across New Jersey is the impetus for the mailing."

LaRossa's complaint alleges that the coordination amounts to a violation of federal rules that require reporting of "soft money" expenditures if they aid a particular candidate. Ian Storton, spokesman for the FEC, said the commission has made strides in recent years to beef up reporting requirements for contributions that are raised and spent by groups, rather than by individual candidates.

For example, Storton noted that



**Richard J. LaRossa, a state senator, claims Zimmer broke federal election laws. LaRossa says:**

**Zimmer used a taxpayer group to attack LaRossa, who could challenge the congressman for a GOP nomination for a U.S. Senate seat.**



**Richard A. Zimmer, a U.S. representative, denies impropriety. His spokeswoman says:**

**"If Dick LaRossa thought he could oppose tax cuts and not hear from constituents, then he's not in touch with the people of Mercer County."**

GOPAC, the group founded by U.S. House Speaker Newt Gingrich, now has two accounts, a registered account

that helps candidates and another that does not have to report its contributions.

LaRossa's complaint states that the Coalition for Lower Taxes has not registered with either the FEC or the New Jersey Election Law Enforcement Commission, while Hands has recently registered with the FEC.

Storton could not say whether the activities by Zimmer's coalition violated federal rules. "That would be an issue for the commission," he said.

FEC complaints can take years to resolve, in part because the agency does not have set fines for violations. Instead, the commission and the candidate negotiate fines.

The postcard itself accurately states that LaRossa introduced legislation to repeal Whitman's earlier income tax cuts and that he would not support the 15 percent cut passed by the Legislature this week. Those who received the postcard — including LaRossa himself — were urged to call the state senator and ask him to change his mind.

He didn't. On Monday, LaRossa abstained during the vote to trim income taxes another 15 percent. That might not help LaRossa in a statewide campaign, but it will probably play well in a district with 17,000 state workers. Employee unions face significant givebacks as they negotiate a new three-year contract with the Whitman administration.

# Hands' support seen in its PAC spending

By STEPHEN KEATING  
Times Staff House Bureau

TIMMERTON — The last indicator of Hands Across New Jersey's endorsement and support for Gov.-elect Christine Whitman this year is in the campaign spending of the group's political action committee (PAC) against Gov. Jim Florio.

The Hands PAC spent a modest \$27,000, but all the activity was in the month before the election, and their favored media vendor was Jamestown Associates of South Orange, which also worked for the Republican State Committee, GOP legislative candidates and a PAO controlled by a Whitman adviser.

Jamestown Associates, a political consulting and public relations firm, was recommended to Hands by the office of Republican Congressman Richard A. Zimmer of Delaware Township, said the firm's president, Larry Weinstein, last week.

Zimmer, a co-chair of Whitman's campaign, said while that may be so, he knows of no coordination between Hands and the Whitman campaign.

Hands President Patricia Ralston, who performed with Zimmer in a radio controversy last year opposing federal tax hikes, concurred with Zimmer's statement that the Hands effort was independent.

Coordination of campaign activities is a sensitive issue because of the \$5 million spending cap that both major gubernatorial candidates must work under to receive public matching funds. If a disbursement by a third party was made with the approval of either campaign, it would count against the spending cap.

Failed to vote three times on the legislation. But as GOP State Chairman between 1987 and 1990, Frank had seen his pro-gun Republican colleagues collect more than \$300,000 in campaign contributions from the NRA.

In his press release, Frank stated that he himself would never get the full support of the NRA "because Bob Frank refused to abide by their dangerous position on gun control."

"I hit the ceiling," said Feldman, then in Atlanta, but in contact with Rich Miller, head of the sportsman's coalition.

Through Miller, Feldman contacted several of the state's newspapers, including the Asbury Park Press and the Home News. Feldman told reporters that he had been paid at

The issue is particularly sensitive because the Nov. 3 election is under federal investigation due to allegations by Whitman's campaign manager that Ralston had \$200,000 paid to black clergy and Democratic campaign workers to help suppress the black vote in the election. No such money has yet been found.

Campaign records show that Hands received a \$7,000 in-kind contribution on Oct. 6 from Jamestown Associates for one of Hands' political ads and radio ads that targeted Democratic Gov. Jim Florio for election in the past month. Hands spent an additional \$12,000 with the firm, records show.

"Yeah, I got it at once," said Weinstein of his firm's in-kind contribution to Hands. "I just had the people."

Also in October, Jamestown Associates collected \$10,000 for "volunteer services" for the campaign of three incumbent Republican legislators in Middlesex County: Sen. Randy Cornman and Assemblymen Stephen Miralash and Ernest Orso.

In August, the Republican State Committee paid Jamestown Associates \$600 for direct mail fund-raising.

In February, Weinstein's firm collected \$3,000 from the Committee For An Affordable New Jersey, a PAC controlled by Weinstein adviser Frank Haiman. In April, Whitman's campaign contributed \$200 to Hands.

Though Hands supported Whitman at the top of the ticket, the group's county organizations did oppose certain Republican legislators who opposed their reform agenda, such as Sen. John Ewing and Assemblyman Walter Kaye, both of whom are in the County, both of whom are in the County.

least \$10,000 from the NRA. Frank's denied working with Feldman at the time and was not available for comment on Monday.

Rick Manning, a spokesman for New Jersey's largest gun group, saying that the NRA had no contact between \$1,000 and \$5,000 a month for the several months before the election. Hands, "to make sure that the NRA receipt didn't do it at the time."

On Friday, Feldman said he wasn't paid by either the NRA or Frank for his work with Hands. He said, in fact, that he was in the hole several thousand dollars in expenses while the group.

Whatever his financial situation, Feldman said he is now about his involvement with Hands. "Because I have nothing to hide."

either turned out of his office in the 1980s in which Republican majorities in the state and federal legislatures.

It was added that year that contributions through the state were added to overturn each other Assembly.

Raylan wired it to some on strong late as one of the nation's leaders, in scheduled office Jan. 28, even days after his funeral and investigation into his voter suppression.

Whitman ran — and received 1.8 support — in one that she was as well above so: anti-tax, streamlining, with support of legislative and referenda of elected officials. In fact, is the one on New Jersey built around and helped in late state got in.

to us and they got election recently. And in and didn't do

one did roll back the sales tax in 1992, worked by 1,000 recall on the ballot is got overwhelming. The rest of the pressure yet to materialize. plattered by internal for politics, the 200-Hands Across New support to Whitman of did this year, both in it in the general elec-

tion Florio to win, the remains president 8 years after Bush's

concessions that the one's tool of the Rep-

lied made a last ditch attempt to get on Florio in this year's

primary that turned and against Whitman in

of the campaign. I endorsed Florio in Whitman was worse, whose claims to be the Republicans, and called the attempted

and by Feldman and armed Democrats had

repeatedly made an

Then Democratic the Philip Keegan "called a State Chairman Rube immediately and their tricks operations to manipulate citizens go HAW," read in Aug. 1 release from the state or day after Bush's exit.

That the price never had the internal work was a testament both a deal curiously with who was viewed as Hands political leader for both the Democrats.

Feldman said Nick is a negative reporter for the Press, came close to in October, 1991 article reported on Feldman's NRA. The article quoted saying Feldman was "influenced" and that the help wherever it could go.

"He was a lot closer than he realized," said Linch. "When I read 'When'

Feldman said he believed Hands organizers not to be the gun issue," even was some crossover support Coalition of New Jersey pro-gun group aligned with

"You'll just lose support recalled advising, since I person membership, with bucks apiece annually, to be split on the gun he simple stupid. Taxes are

Feldman, who departed late 1990 when his own expelled and the group in from internal conflict, useful working in the shadow

"I stayed as far as reporters as I could," he said. "My role was to be in the ground as far as possible year. Afterward, people they heads and said conspiracy, that I was to the NRA. I wish I was looking for a big architect not there. But if you're in the house, you're all in."

Feldman did repeat, later, that the circumstances public comments than I gun lobby loyalties and hardball.

Assemblyman Bob Fry for Congress in October of 1991, used a late-breaking statement during his pro-gun opponent, Larry Schialoja, for getting support from the NRA.

Frank's position on Florio's gun ban was uncertain because he had

ing

## Clinton had illicit sex

Clinton said in a Sunday night. He said at conversations about the stories were being

long by any of his security force. During AP inquiries in 1991 and 1992, at least 21 troops from the Clinton security details said they never saw Clinton and his

and led into the governor's mansion, displayed in a French court after Clinton became president.

During the 1992 campaign, night-club singerennifer Flowers said in a



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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 25, 1995

The Honorable Richard J. LaRossa  
150 Bull Run Road  
Trenton, NJ 08628

Dear Senator LaRossa:

This is in response to your most recent letter dated July 10, 1995, which you characterize as a supplement to your complaint. As we informed you by letter dated July 7, 1995, a complaint must meet certain specific requirements under the Federal Election Campaign Act of 1971, as amended and Commission Regulations. 2 U.S.C. § 437g(a) and 11 C.F.R. § 111. Insofar as your most recent letter was not signed and sworn to in the presence of a notary public, and notarized, the Commission can take no action unless the allegations are refiled meeting the requirements for a properly filed complaint.

If you have any questions, please contact Maura Callaway, Special Assistant, at 202-219-3690.

Sincerely,

Lawrence M. Noble  
General Counsel

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

BY: Lois G. Lerner  
Associate General Counsel

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MUR 4238

**RICHARD J. LAROSSA**  
**SENATOR, STATE OF NEW JERSEY**

150 Bull Run Road  
Trenton, New Jersey 08638  
(609) 882-1071

**RESUBMISSION**

July 21, 1995

The Federal Elections Commission  
Office of General Counsel  
Washington, D.C. 20463

Re: COMPLAINT

Dear Sirs:

This complaint originated as an inquiry. After speaking with Mr. Gregg Scott of your office, we were advised that our questions could only be answered through the complaint process, and that seeking an FEC "advisory opinion" was not an option open to us.

The complaint was originally mailed on July 3, 1995. On July 12, 1995 I received a letter from Ms. Retha Dixon, Docket Chief of the FEC, dated July 7, 1995 indicating that the complaint needed to be refiled in proper format as well as notarized. Hopefully this resubmission fulfills the requirement.

As originally indicated the basis of the FEC complaint against Congressman Dick Zimmer, The Coalition for Lower Taxes, Hands Across New Jersey and Mr. Larry Weitzner is based on the following provisions of FEC law which relate to "independent expenditures" on behalf of a candidate:

- 1 Federal law forbids "Any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication."
- 2 A candidate is in violation of federal law if an independent expenditure is made "based on information about the candidate's plans, projects, or needs provided to the expending party by the candidate, or by the candidate's agents with a view toward having an expenditure made."
- 3 There is also a violation if an independent expenditure is made "by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent."

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FEDERAL ELECTIONS COMMISSION



Page Two  
COMPLAINT

Following are the pertinent items in this matter based on popularly accepted facts, as gleaned from mass circulation newspapers, and other pieces of "literature" and documentation, and stated as fact to the best of my knowledge:

(1) Congressman Dick Zimmer (Republican of New Jersey) is a candidate for the Republican nomination for United States Senator from New Jersey. Congressman Zimmer has filed a Senate campaign committee, Zimmer for Senate Inc. (C00302646), with the FEC. (see addresses in addendum)

(2) I, Dick LaRossa, am a member of the New Jersey State Senate, representing the 15th legislative district. I have been mentioned in several newspapers as a potential opponent to Congressman Zimmer, for the Republican nomination for U.S. Senate, most recently in a Newark Star Ledge article dated 7/23/95.

(3) Congressman Zimmer is the Chairman of the Coalition for Lower Taxes. Congressman Zimmer's campaign consultant, Mr. Larry Weitzner, has been identified in newspapers here as the "political coordinator" of the Coalition for Lower Taxes. According to newspaper accounts (attached) Mr. Weitzner runs his operation out of the office of Zimmer's media and political consultant, Mr. Dave Murray.

The Coalition's address is also the office of Mr. Dave Murray, a consultant to Zimmer. (see addresses in addendum) The Coalition has been identified in newspapers here as a "campaign vehicle" for Congressman Zimmer.

In one mail piece, copy included, a request for contributions has a return envelope with the address of 741 Alexander Road, Princeton, New Jersey. This is also the business address for Mr. Murray and Mr. Weitzner.

(4) The Coalition for Lower Taxes has neither filed with the FEC or with the New Jersey Election Law Enforcement Commission. There is, therefore, no public record of either group's contributors or expenditures. Congressman Zimmer is identified as the Chairman of the Coalition for Lower Taxes in repeated mailings done by the Coalition.

(5) Hands Across New Jersey was self-identified in newspapers here as a "member" of the Coalition for Lower Taxes. Hands Across New Jersey recently filed a D-4 registration with NJELEC, but has not filed with the FEC.

(6) The Coalition for Lower Taxes was identified in the Trenton Times (6/5/95) as the group responsible for conducting a telephone bank aimed at three members of the New Jersey State Senate. I was one of those members targeted.

In the news article, paid phone bank personnel identified their client as the "Coalition for Lower Taxes", although the coalition's "political coordinator", Mr. Weitzner, claimed that Hands

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COMPLAINT

Across New Jersey was the client. According to the article Hands Across New Jersey's president, Ms. Bobbie Horowitz, "acknowledged Hands had used copies of the coalition's membership list and said that in some cases, callers may have said that they were calling 'from' the coalition."

Horowitz, when confronted, said that "the project was strictly paid for by the 15,000 member Hands." With no reporting of income and expenditures there is no way to substantiate this claim.

She went on to say that her group "acted solely on its own, without any involvement or planning from Coalition officials."

According to the article, a spokesperson for Congressman Zimmer "said the Congressman was not involved."

(7) An Associated Press story, picked up by the Bergen Record and other newspapers here, quoted the paid telephone bank caller as saying, "I can't give you the name of our firm but we have a contract with the Coalition for Lower Taxes." Again, please note that Congressman Zimmer is the Chairman of the Coalition for Lower Taxes.

In the AP story, Congressman Zimmer's office said that "the Coalition for Lower Taxes did supply another tax group, Hands Across New Jersey, with a copy of its membership list, but denied Zimmer had a hand in the phone campaign."

How does a Congressional office have knowledge of the workings and operations between these two "independent" groups unless there is some direct coordination and communication in the first place?

(8) On or about June 16, 1995, a mailing was sent into the 15th district attacking me. The mailing, a rather typical political post card type mailing, featured an unflattering photograph of me and questioned my record on cutting taxes and spending, as well as my conservative credentials. The piece included the disclaimer, "paid for by Hands Across New Jersey".

My district was the only district in the entire state of New Jersey into which this attack piece was mailed.

(9) On or about June 23, 1995, another mailing was sent into the 15th district. This mailing, also an attack piece, had the disclaimer, "paid for by Hands Across New Jersey".

Again, my district was the only district into which this attack piece was mailed. Both mailings used a permit number that corresponds to that used on mailings put out by the Coalition for Lower Taxes.

It is commonly accepted that the Coalition for Lower Taxes is a promotional front for Congressman Zimmer. In fact, the appearance is such that one newspaper unconsciously termed the Coalition "a campaign vehicle" for Congressman Zimmer.

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Page Four  
COMPLAINT

(10) A Gloucester County Times article dated December 20, 1993, indicated that Congressman Zimmer may have coordinated the efforts of Hand Across New Jersey, on behalf of the gubernatorial campaign of Christine Todd Whitman. Despite appearances then, as now, Zimmer denied that any "coordination" had occurred. This article indicates that Congressman Zimmer had a long-standing relationship with Hands Across New Jersey in that the article states: "Jamestown Associates, a political consulting and public relations firm, was recommended to Hands by the office of Congressman Richard A. Zimmer of Delaware Township, said the firm's president, Larry Weitzner, last week."

"Zimmer, a co-chair of Whitman's campaign, said while that may be so, he knows of no coordination between Hands and the Whitman campaign."

"Hands president, Patricia Ralston, who performed with Zimmer in a radio commercial last year opposing federal tax hikes, concurred with Zimmer's statement that the Hands effort was independent."

Weitzner was a consultant retained by the Republican state committee and participated in the joint planning meetings of the legislative campaign committees and the Whitman campaign. It would have been almost impossible for him not to reference the knowledge he had of Hand's pending efforts.

"New Jersey campaign records show that Hands received a \$7,000 in-kind contribution on October 6, 1993 from Jamestown Associates for one of Hands' several cable and radio ads that targeted Democratic Governor Jim Florio for defeat. In the next month, Hands spent an additional \$12,360 with the firm, the records show."

(11) After the first complaint regarding this matter was filed, the Asbury Park Press ran a story (June 30, 1995) (see attachments) which read in part:

"But when asked repeatedly whether Zimmer played any role in the planning or distribution of the anti-LaRossa postcards, Hofelich (Andrea Hofelich, congressional press secretary of Zimmer's congressional office) said only: "Dick Zimmer didn't get down and write the mailer or the phone script. Hands Across New Jersey is the impetus for the mailing."

This statement does not appear to be a denial of Mr. Zimmer's or Mr. Weitzner's involvement regarding the mailings.

My concern here is simple. The open control of the Coalition for Lower Taxes by Congressman Zimmer (as Chairman) and his campaign consultants, and the interconnections of this group with Hands Across New Jersey (subsidiary membership, newspaper statements, etc.) gives rise to the appearance that all three are, more or less, interconnected.

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Page Five  
COMPLAINT

Further, the type of activities described in my complaint indicate a significant level of spending. Paid telephone banks and mass mailings to upwards of 250,000 people do not come cheaply. This is not a grassroots operation. It is a sophisticated, professional undertaking.

If this is allowed to go unchallenged, will a federal candidate -- let's say an incumbent Congressman -- be permitted to create an unaccountable committee with which to raise and expend large amounts of money in an operation against potential challengers who hold office at the state and local levels?

If so, what will this do to the contribution limits imposed on federal candidates by law, and enforced by the FEC? It would be a simple thing to create an unaccountable committee and use a few very wealthy contributors to underwrite it, knowing that they would still be free to contribute to your federal campaign committee.

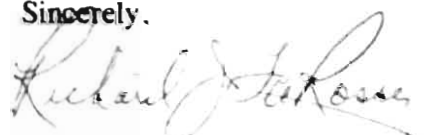
Will all federal campaigns, in the future, conduct pre-emptive negative campaigns in this manner: unaccountable, undocumented, and undisclosed?

In making this complaint, I am asking the Federal Elections Commission to set clear guidelines relating to the direction of unaccountable committees, such as the Coalition for Lower Taxes, by candidates for federal office, their committees, consultants or staff.

Additionally, I would like the Commission to rule on whether, and at what point, an unaccountable committee that retains a political consultant as its self-admitted "political coordinator" has crossed the line and should be required to file federal disclosure reports?

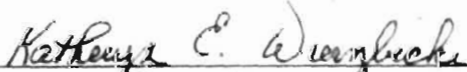
Thank you for your assistance.

Sincerely,



Richard J. LaRossa  
Senator, 15th District

Subscribed and Sworn to before me on this 21<sup>st</sup> day of July, 1995.



Notary Signature  
KATHERYN E. WIERZBICKI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Jan. 7, 1998  
Notary Print Name

My Commission Expires

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Page Six  
COMPLAINT

ADDENDUM:

As required, here are the full names and addresses of all the respondents as identified from various sources:

Zimmer for Senate  
3131 Princeton Pike  
Lawrenceville, New Jersey 08648  
OR

Zimmer for Senate  
P.O. Box 6888  
Lawrenceville, New Jersey 08648

Congressman Dick Zimmer  
Chairman  
The Coalition for Lower Taxes  
741 Alexander Road  
Princeton, New Jersey 08540

Mr. Larry Weitzner  
Political Coordinator  
The Coalition for Lower Taxes  
741 Alexander Road  
Princeton, New Jersey 08540

The Coalition for Lower Taxes  
741 Alexander Road  
Princeton, New Jersey 08540

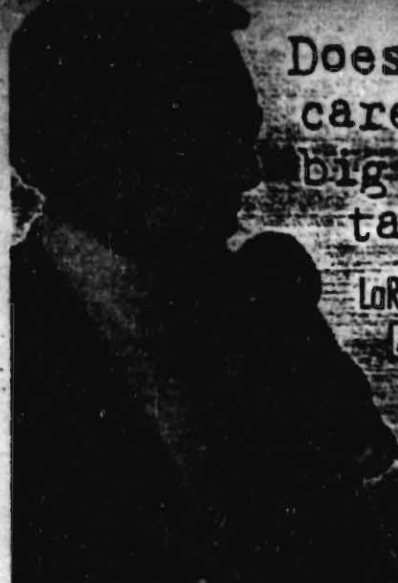
Hands Across New Jersey  
P.O. Box 7334  
Somerset, New Jersey 08875  
OR

Hands Across New Jersey  
Ocean County Chapter  
Bobbie Horowitz, Coordinator  
95 Creek Road  
Brick, New Jersey 08724

Mr. Dave Murray  
741 Alexander Road  
Princeton, New Jersey 08540

Mr. Larry Weitzner  
741 Alexander Rd.  
Princeton, New Jersey 08540

96043741698



Does  
care  
big  
ta

LoR

CALL him at **771-0330**

Tell him we pay too much in taxes. Tell LaRossa we need less government.

**PAY FOR BY HANDS ACROSS NEW JERSEY**

CAR-RT SORT

\*\*\*C-053

SHARON LAROSSA  
RICHARD J LAROSSA  
150 BULL RUN RD  
TRENTON NJ 08638-1316

HANDS ACROSS NEW JERSEY is  
supporting Governor Whitman's  
plan to cut income taxes 30%.  
**But...**

LaRossa has introduced legislation (S-963) to repeal the Whitman tax cut plan. He says he might vote against the next tax cut.

CALL Senator LaRossa at **771-0330** and urge him to SUPPORT THE WHITMAN TAX CUT PLAN.

96043741699



Fed of government that  
costs too much?  
Fed up with unresponsive  
politicians who care more  
about the special interests?

**Fight  
Back!**

Join **HANDS ACROSS  
NEW JERSEY**—the largest  
taxpayer organization in  
the state.

WE ARE COMMITTED TO:

- Less taxes and less government
- Initiative and referendum
- Campaign finance reform
- Term limits

SUPPORT OUR EFFORTS to cut  
taxes and spending and reform  
the political process. **Call  
908-247-HANJ** and be part  
of a growing movement to  
change politics.

CAR-RT SORT

\*\*C-053

SHARON LAROSSA  
RICHARD J LAROSSA  
150 BULL RUN RD  
TRENTON NJ 08638-1316

Bulk Rate  
U.S. Postage  
Paid  
Permit #1117  
Trenton, NJ

Senator  
Dick  
LaRossa



It will COST  
YOU about  
**\$500  
more**  
a year in  
HIGHER

wants to  
~~REPEAL~~  
Governor  
Whitman's  
tax cut.

TAXES to pay for  
bigger government.

**CALL** Senator  
Dick LaRossa at  
**771-0330**

and **TELL HIM**  
**TO SUPPORT**  
**GOVERNOR**  
**WHITMAN'S**  
**TAX CUT PLAN**

9'6043741700'



## TAX CUT UPDATE

We know how you, our members, feel about cutting taxes but once again Governor Whitman's tax cut proposal is in trouble due to lack of support from the NJ Senate. HANJ has identified three Senators who have voiced their resistance to Whitman's plan and, upon doing so, we initiated a "plan" of our own. To date, we believe literally thousands of phone calls have been made to the following Senators: **Peter Inverso (R)** at (609) 586-1330, **Dick LaRossa (R)** at (609) 771-0330, and **Robert Littell (R)** at (201) 827-2900, urging their support of Whitman's tax cut plan. We have even offered to send faxes to their respective offices on behalf of Hands Across New Jersey members and members of the Coalition for Lower Taxes.

Our suspicions are that the reasons for their lack of support are less heroic than they would have you believe. Their public statements portray their concern

about having enough money available to fund our "business as usual" government functions in New Jersey. They have claimed a tax cut at this time would be fiscally irresponsible. We think there are other reasons.

Senators Inverso and LaRossa represent districts that have the greatest number of state workers. If there is less money to spend, state workers just may have to learn the lesson we, in the private sector, have always known: paychecks and benefits are affected by the economy!

We also suspect that Senator Littell's motives are less than genuine. It is difficult for us not to suspect that there is some retribution being displayed by the senator because his wife, Ginny Littell, who has been the NJ State Republican Chairwoman, will be replaced by Gov.

**It costs the NJ taxpayers approximately \$43.8 million dollars each day to feed our state government's voracious appetite for spending.**

Whitman with Chuck Haytaian. We smell major sour grapes here.

If these Senators are truly concerned about funding shortfalls, then **WHY NOT CUT MORE SPENDING, SENATORS?** We have been suggesting this for years. NJ Government still costs too much to run, about \$16 billion. Approximately \$43.8 million dollars a day is presently

needed to run our state. This doesn't include county and local taxes!

Our legislators should wake up and smell the coffee — or in this case, your tax dollars burning!

**THANKS TO ALL THOSE WHO GAVE YOUR SENATORS A "WAKE UP" CALL REMINDING THEM THAT THEY REPRESENT ALL THE TAXPAYERS IN THEIR DISTRICTS AND THAT WE WANT OUR TAXES CUT!**

If these Senators abandon Whitman's tax cut plan, they are abandoning you, their constituents, too. And it certainly isn't because they haven't heard from you. Remember: **IF THE POLITICIANS ARE NOT WILLING TO CHANGE, THEN WE MUST CHANGE THE POLITICIANS!**

If you haven't called your Senator yet, please do so today. Also call our "favorite" Senator Di Francesco (Senate President) at (908) 322-5500 and let him know we mean business!

*Bobbie Horowitz, Brick*

Congressman Bob Franks (R) has recently introduced a bill for Federal I&R. Twenty-four states in the country have the right to petition their government to place issues on the ballot. But not here in New Jersey, where we are treated as second class citizens. We probably have a better chance of getting federal I&R than we do in our state until we vote in more responsive NJ legislators.

## US Senate Republicans Turn Their Backs on Taxpayers

The US Senate rejected the tax cut proposed by the US House of Representatives. The 1990 \$500 billion tax increase and another \$500 billion tax increase three years later comes to \$1 trillion. The House of Representatives wanted to decrease taxes by \$189 billion, only 18.9% of the two previous tax increases. To hear the Democrats, this would mean the end of civilization. Like the Democrats, this is too much for the US Senate Republicans.

The Republicans aren't even cutting government spending, just not increasing it as much as the Democrats would like.

If they really had the strength and resolve of their party symbol, they could really cut spending and provide the American taxpayers with a balanced budget, a tax cut, and a tax surplus that could be used to reduce our nearly \$5 trillion debt. (Of course, rolling back their 40% salary increase of a few years ago is also out of the question.)

The Senate rejection has also been rumored to be a tactical move by Sen. Dole to demonstrate Sen. Gramm's inability to get his tax cut passed. While our Senators jockey for position to become the next Presidential candidate, the taxpayers once again become expendable pawns in their political power-hungry games.

"New Jersey's per-capita tax burden rose 8 percent last year" reports an April, 1995 Associated Press story. Yet, NJ is still last for dollars from the federal government. Great job, Senators Bradley and Lautenberg! When are NJ voters going to get rid of these deadbeats? Another study said that New Jerseyans slave three hours and one minute of every eight-hour day for the federal, state and local governments. The medieval serfs only had to surrender 25% of their labor. We work in servitude for 45% of the time. I'm angry. Are you?

*Francis Stepper, Jackson*

Congressman Dick Zimmer, Chairman  
**COALITION FOR LOWER TAXES**

Bulk Rate  
U.S. Postage  
PAID  
Permit #1117  
Trenton, NJ

**READER'S DIGEST BLOWS OPEN HOW PRISONERS ARE**



DECE LA ROSE  
1230 PARKWAY AVE  
TRENTON NJ 08611

RECEIVED

**GETTING AWAY WITH MURDER...**

Congressman Dick Zimmer, Chairman  
**COALITION FOR LOWER TAXES**  
741 Alexander Road, Princeton, NJ 08540



**1995 MEMBERSHIP CARD ENCLOSED**

9 6 0 4 3 7 4 1 7 0 3

Dear Dick,

I agree it is time we stopped having our tax dollars pay for prisons to be run like country clubs. I want to join the Coalition For Lower Taxes. Use my membership contribution to help enact your "No Frills Prison Act" by flooding Congress with calls, letters and petitions.

Enclosed is my membership fee of:

☐ \$75   ☐ \$50   ☐ \$25   Other \_\_\_\_\_

☐ Please send me a copy of the *Reader's Digest* article that exposed prisoner luxuries.

Make checks payable to the COALITION FOR LOWER TAXES.

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_



Contributions to the Coalition are not deductible for income tax purposes.

Place  
Stamp  
Here

Dick Zimmer  
Coalition For Lower Taxes  
741 Alexander Road  
Princeton, NJ 08540

1296043741Z041



Bulk Rate  
U.S. Postage  
PAID  
Permit No. 1117  
Trenton, NJ

Become part of the  
growing grassroots  
citizens' movement  
to enact Governor  
Whitman's 30% tax  
cut. Become a member  
of the COALITION FOR  
LOWER TAXES.

HELP GOVERNOR CHRISTIE WHITMAN.  
**JOIN THE FIGHT FOR LOWER TAXES.**

9 6 0 4 3 7 4 1 7 0 5



## TAKE THREE STEPS TOWARD LOWER TAXES.



A Message  
From Congressman  
Dick Zimmer,  
Chairman of the  
COALITION FOR  
LOWER TAXES.

Cut taxes? Cut government spending? Some say it can't be done. Others, especially the special interests, say they'll stop it...at any cost!

But, Governor Whitman, good to her word, is determined to cut state spending by over \$1 billion and to cut your state income taxes by hundreds of dollars a year.

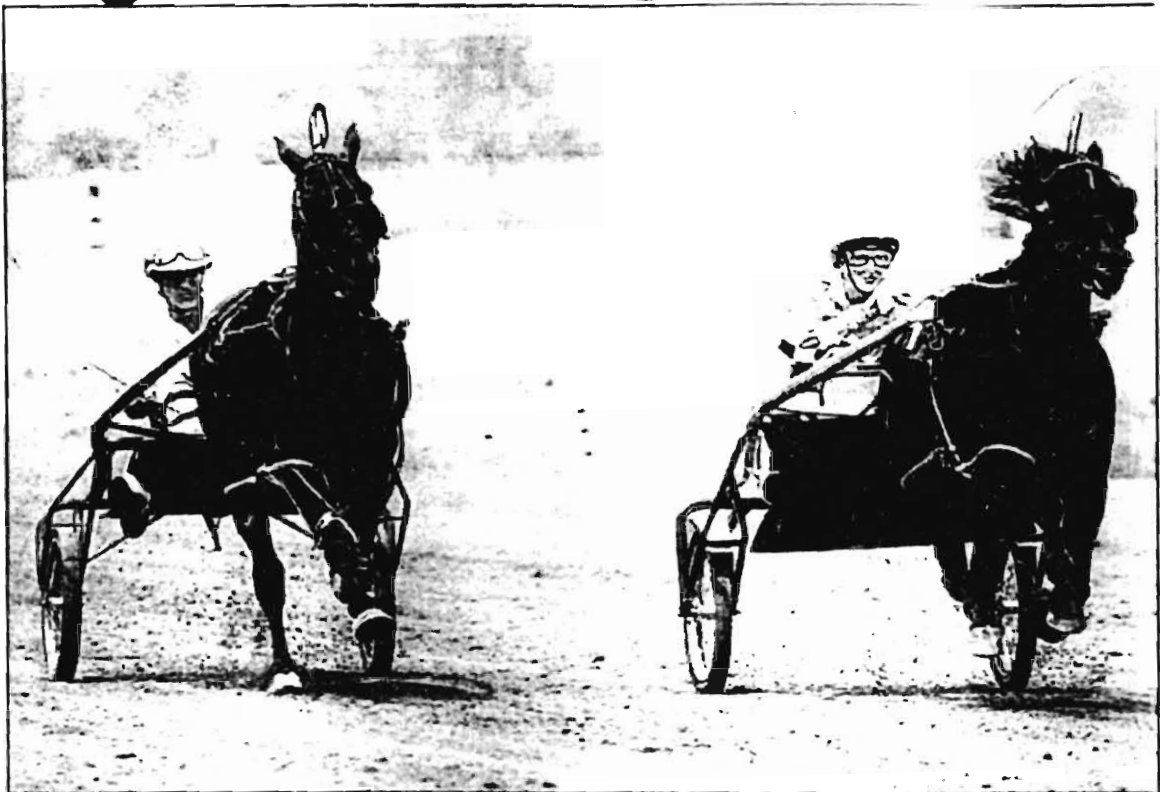
And we're determined to help her. That's what the COALITION FOR LOWER TAXES is all about.

We're a growing group of taxpayers and citizens dedicated to the idea that the fight

for lower taxes is not only Governor Whitman's fight, it's ours as well.

PLEASE JOIN US BY TAKING THESE THREE STEPS:

- Step 1:** Read inside to find out more about the COALITION FOR LOWER TAXES and how it's helping Governor Whitman get her 30% tax cut enacted.
- Step 2:** Join us by mailing back your personalized membership card...TODAY!
- Step 3:** Show your support by making your most generous financial contribution.



### Sulky smooth

Photo by Scott Lituchy

Gov. Christie Whitman, right, pulls ahead of state Secretary of Agriculture Art Brown in an exhibition harness race at the Meadowlands Racetrack. Whitman won the one-mile race, a rematch at the start of the New Jersey Sire Stakes, by half a length. Brown won last year's race against Whitman.

## DuHaime blasts Whitman gift to candidate

By DAVID WALD

Richard DuHaime, the Passaic County freeholder seeking the Republican nomination for U.S. Senate next year, yesterday criticized Gov. Christie Whitman's financial support for Rep. Dick Zimmer's senatorial campaign.

DuHaime said Whitman was "helping to kill the democratic process within the Republican Party. No candidate for any office should be simply anointed by party insiders."

DuHaime said he was the "true conservative" in the race, who would beat Democrat incumbent Bill Bradley and Whitman's chosen candidate.

It is natural that Mrs. Whitman would give her personal money to a candidate who is more reflective of her liberal views," DuHaime said in a statement.

Zimmer, Baller's son-in-law, is chairman of Whitman's successful 1994 campaign. Zimmer is the leading candidate for the Republican nomination against Bradley. A former state senator, he has been in Congress since 1991.

Zimmer announced Thursday that Whitman had personally given him \$100,000 for his campaign, the maximum allowed.

The Governor is planning to run in a bitter primary fight next year for the U.S. Senate nomination, as she did when Assembly Speaker Garret A. Hartnett and Assemblyman R. Warren gained the GOP nomination in 1990. She then ran unsuccessfully against Sen. Frank Lautenberg (D-N.J.).

DuHaime said Republicans have failed to defeat Bradley in the past because the party has run "social moderates" like Zimmer.

In 1990 the Republican nominee was Whitman. She lost by three percentage points.

In 1978, however, the Republican nominee was Jeffrey Bell, a trainee in the investment industry. He was one of the first candidates to advocate deep tax cuts and a balanced budget. He lost to the liberal incumbent Clinton Anderson by 13 points.

State Sen. Bell represents a Democratic district in Bergen County. He is also a member of the state's Republican who represents Bergen County and its suburbs. He has been a vocal critic of the governor's budget issues.

# NO FEES OF ANY KIND!

## NEW JERSEY

**'Fake' constituents pressure lawmakers**

By BARBARA FITZGERALD  
The Associated Press

TRENTON — Virginia Littell, chairwoman of the Republican State Committee, got a call recently urging her to contact her "liberal" state senator because he was among three Republicans hesitant to approve Governor Whitman's tax cut.

The lawmaker happens to be Littell's husband, Sen. Robert E. Littell, R-Sussex.

Littell, a ranking Republican who heads the Senate Budget Committee, is among three GOP senators who have been targeted for wavering on their support of Whitman's 15 percent income tax cut. They're hesitant because of uncertain state revenues and federal budget cuts.

In the past week, 125 callers contacted Littell's district office trying to pressure him into changing his mind.

Littell said he had no idea who was behind it until someone unwittingly asked him wife to join ranks against him.

**Anti-tax group behind phone campaign**

When Virginia Littell asked who was behind the effort, the caller said, "I can't tell you the name of our firm but we have a contract with the Coalition For Lower Taxes," Robert Littell said. "That just happens to be the outfit Congressman Dick Zimmer is chairman of."

Zimmer's office said the Coalition For Lower Taxes did supply another tax group, Hands Across New Jersey, with a copy of its membership list, but denied Zimmer had a hand in the phone campaign.

"Hands Across New Jersey was the impetus for this," said Zimmer's spokeswoman, Andrea Hofelich. "It's not something [Zimmer] would really play a part in." Zimmer is a Republican.

John Sheridan, an adviser to Hands Across New Jersey, said his group was behind the phone calls, which also targeted Sen. Richard J. LaRossa, R-Mercer,

and Sen. Peter A. Inverso, R-Mercer.

"We tried to make it appear as though the public was just responding," Sheridan said. "But it was our phone campaign."

Littell and LaRossa aren't happy about it.

"I consider it to be stupid, that's what I consider it," Littell said.

The operation was weak if it was meant to make it appear as if genuine constituents were calling, the lawmakers said.

"It was a phone bank where you could hear the operator placing the call and then they would turn to someone in the background and had them read a script," LaRossa said.

"Obviously, if somebody has a legitimate issue to raise with me, they can raise it with me," said LaRossa, who received between 150 and 200 calls. "Phone banks are typical of people who have no guts who are sanctimonious, hypocritical

and want to hide behind a cloak of anonymity."

The lawmakers also are angered because their fiscal philosophies have been called into question.

"I have an obligation to be fiscally responsible," LaRossa said. "There's a tremendous difference between being fiscally conservative and fiscally responsible. Where is the fiscal responsibility of having a blind agenda to cut taxes?"

Littell said such intimidating phone calls should not be "directed at somebody just because you're raising some questions or doubts about a particular idea."

"My record is pretty clear," Littell said. "In the three budgets I've been in charge of we've cut probably \$1.6 billion or \$1.7 billion."

Littell said the phone campaign has done nothing to persuade him to reconsider his position.

"Stupid things like this," he said, "don't change my mind."

# GOP lawmakers bristle at tax group's tactic

By CHARLES STILE  
Staff Writer

**TRENTON** When state Republican Party Chairwoman Virginia Littlel picked up the phone last Wednesday night, the caller tried persuading her to contact her "liberal" local senator who had been wavering on Gov. Christie Whitman's tax-cut plan.

Just one small problem: Her senator happens to be her husband, Sen.

Robert Littlel, a top Republican who chairs the powerful Senate budget committee.

His wife went along with the solicitor out of curiosity. The senator's office had been deluged with calls earlier in the week, pressuring him to change his mind. The Littlels had no idea who was behind the campaign.

She agreed to have her name printed on a form letter to be faxed to her husband's office. The letter

urged him to support Whitman's 15 percent tax cut proposal.

When Virginia Littlel asked who was conducting the phone campaign, the caller declined to identify the private company handling the job but said the "Coalition for Lower Taxes" was running the effort. The coalition is an anti-tax group and campaign vehicle chaired by U.S. Rep. Dick Zimmer, R-Delaware Township.

Because of Zimmer's connections to the coalition, the phone call has

sparked a political rift between Littlel and Zimmer, widely touted as the front runner to become the Republican nominee in next year's U.S. Senate race.

Littlel is angered at the phone bank tactic — which may add up backfiring by causing him to stiffen his resistance.

THE DISPUTE illustrates the friction that the phone campaign can cause. The targets in this case say the campaign is intimidating

and they still have reasonable evaluation of critical public policy issues.

Littlel believes Zimmer bears some responsibility for the calls. "The odd thing is that he never spoke to me or wrote to me or asked to find out what my position is," fumed Littlel, who is widely viewed as one of the state's leading fiscal conservatives.

But a coalition official said Zimmer

• see CAMPAIGN, A5

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## Campaign

Littlel's spokeswoman said the effort was organized and paid for by the state Republican Party. She said the anti-tax group was "committed to the state's fiscal future" and that the effort was "not a partisan effort." She said the group was "not a partisan effort" and that the effort was "not a partisan effort."

But Sen. Littlel said the project was "not a partisan effort" and that the effort was "not a partisan effort." He said the effort was "not a partisan effort" and that the effort was "not a partisan effort."

THE STRATEGY is to get in early and get out early. The strategy is to get in early and get out early. The strategy is to get in early and get out early. The strategy is to get in early and get out early.

JUN 05 1998

# Debate on tax cut to heat up

## Hesitant GOP senators target of 'stupid' calls

By BARBARA FITZGERALD  
Lafayette Press

**TRENTON** — Five months after Gov. Christie Whitman's announcement of another 15 percent cut in the income tax, the bill to make it happen finally near the light of day today.

The Assembly Policy and Rules Committee is scheduled to take up the proposal that would reduce income taxes 15 percent for most families starting next January. The cut is projected to draw \$247 million in revenues out of the \$16 billion budget. Whitman has proposed for the 1995-96 fiscal year.

The cut would allow Whitman to complete her 1993 campaign pledge of cutting income taxes 30 percent for most state residents.

But this cut has generated controversy as some lawmakers fear it will place too much strain on the state budget. These Republicans became the target of what was a mysterious phone campaign.

Republican State Committee Chairman Virginia Littell got a call recently urging her to contact her "liberal" state senator because he was among a trio of

**'Phone banks are  
typical of people  
who have no guts.'**

**Sen. Dick LaRossa**

## Tax

Continued from A1

Republicans hesitant to approve Whitman's tax cut.

The lawmaker happens to be Littell's husband, Sen. Robert Littell, R-Sussex, who calls the effort "stupid."

Littell, a ranking Republican who chairs the Senate budget committee and whose district covers portions of Morris County, is concerned because of uncertain state revenues and federal budget cuts.

In the past week, 128 callers had contacted Littell's district office trying to pressure him into changing his mind.

Littell said he had no idea who was behind it until someone unwittingly asked his wife to join ranks against him.

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"Hands Across New Jersey was the impetus for this," said Zimmer's spokeswoman, Andrea Hofelich. "It's not something (Zimmer) would really play a part in."

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Whitman announced the final cut Jan. 23. The first tax cut took effect January 1994 and provided every resident with a 5 percent reduction. The second cut for 10 percent took effect in January 1995 for all married couples who earn less than \$80,000 and for individuals who earn less than \$40,000. The cut was less in the upper income brackets.

While the majority of New Jersey taxpayers would get a total reduction of 30 percent when the overall cuts are finished over three years, wealthier residents would not get the full 30 percent reduction.

The cuts would average 23 percent across all income brackets.



# NEW JERSEY

## Zimmer accused of campaign violation

By MARY GAGNEY  
PRESS STATEHOUSE BUREAU

STATE SENATOR claims U.S. Rep. Richard A. Zimmer has improperly used a taxpayer group he chairs as a vehicle for his 1996 bid for the U.S. Senate.

State Sen. Richard J. LaRossa yesterday released copies of his complaint to the Federal Election Commission, which regulates campaign spending by candidates for federal office. LaRossa accuses Zimmer of aiding the anti-tax group Hands Across New Jersey when it targeted LaRossa in a recent mailing sent to homes in LaRossa's Mercer County district. Both LaRossa and Zimmer are Republicans.

The three-page complaint outlines the links between Zimmer and the Coalition for Lower Taxes, which Zimmer chairs. The complaint also points to quotes from Zimmer's press secretary, Andrea Hofelich, who acknowledged Zimmer's coalition lent its mailing list to Hands Across New Jersey.

In early June, "Hands" organized a telephone campaign aimed at LaRossa and two other state senators who openly doubted whether the state budget should withstand tax cuts that Governor James McGreevey will sign into law July

4. But LaRossa was the only one targeted in the direct-mail campaign.

In his complaint, LaRossa notes that he has been mentioned as a possible challenger to Zimmer for the GOP nod in next year's U.S. Senate race. "I believe I was singled out for this reason," LaRossa states.

Yesterday, Hofelich called the complaint "totally ridiculous" and said, "If Dick LaRossa thought he could oppose tax cuts and not hear from constituents, then he's not in touch with the people of Mercer County."

But when asked repeatedly whether Zimmer played any role in the planning or distribution of the anti-LaRossa postcards, Hofelich said only, "Dick Zimmer didn't get down and write the mailer or the phone script. Hands Across New Jersey is the impetus for the mailing."

LaRossa's complaint alleges that the coordination amounts to a violation of federal rules that require reporting of "soft money" expenditures if they aid a particular candidate. Ian Sturton, spokesman for the FEC, said the commission has made strides in recent years to beef up reporting requirements for contributions that are raised and spent by groups, rather than by individual candidates.

For example, Sturton noted that



**Richard J. LaRossa, a state senator, claims Zimmer broke federal election laws. LaRossa says:**  
Zimmer used a taxpayer group to attack LaRossa, who could challenge the congressman for the GOP nomination for a U.S. Senate seat.

GOPAC, the group founded by U.S. House Speaker Newt Gingrich, now has two accounts, a registered account



**Richard A. Zimmer, U.S. representative, denies Zimmer broke federal election laws. Zimmer says:**  
The postcard itself accurately states that LaRossa introduced legislation to repeal Whitman's earlier income tax cuts and that he would not support the 15 percent cut passed by the Legislature this week. Those who received the postcard, including LaRossa himself, were urged to call the state senator and ask him to change his mind.

that helps candidates and another that does not have to report its contributions.

LaRossa's complaint states that the Coalition for Lower Taxes has not registered with either the FEC or the New Jersey Election Law Enforcement Commission, while Hands has recently registered with ELEC.

Sturton could not say whether the activities by Zimmer's coalition violated federal rules. "That would be an issue for the commission," he said.

FEC complaints can take years to resolve, in part because the agency does not have set fines for violations. Instead, the commission and the candidate negotiate fines.

The postcard itself accurately states that LaRossa introduced legislation to repeal Whitman's earlier income tax cuts and that he would not support the 15 percent cut passed by the Legislature this week. Those who received the postcard, including LaRossa himself, were urged to call the state senator and ask him to change his mind.

He didn't. On Monday, LaRossa abstained during the vote to trim income taxes another 15 percent. That might not help LaRossa in a statewide campaign, but it will probably play well in a district with 17,000 state workers. Employee unions face significant givebacks as they negotiate a new three-year contract with the Whitman administration.

## DIGEST

The Legislature approves a referendum for an open space bond act **Page A11**  
Legislative briefs appear on **Page A11**

A bill to take limits off sports betting and sporting events to be taken up next week by the Legislature **Page A16**

## LOTTERIES

June 29, 1995  
NEW JERSEY

PICK 3: 104-11-12-13-14  
WIN \$500.00  
PICK 4: 104-11-12-13-14  
WIN \$5,000.00  
PICK 5: 104-11-12-13-14-15  
WIN \$25,000.00

NEW YORK

DAILY 4: 104-11-12-13-14  
WIN \$5,000.00  
PICK 5: 104-11-12-13-14-15  
WIN \$25,000.00  
PICK 6: 104-11-12-13-14-15-16  
WIN \$100,000.00

PENNSYLVANIA

DAILY 4: 104-11-12-13-14  
WIN \$5,000.00  
PICK 5: 104-11-12-13-14-15  
WIN \$25,000.00

## PRESSTO!

New Jersey, New York and Pennsylvania winning numbers are available at midnight. Just call (800) 918-1000. Enter these four digits: 1746

## Campaign lies bill passes Assembly



# Hands' support seen in its PAC spending

By STEPHEN KEATING  
Times Staff-Change Bureau

**TIMMONT** — The best indicator of Hands Across New Jersey's endorsement and support for Gov.-elect Christie Whitman this year is in the campaign spending of the group's political action committee (PAC) against Gov. Jim Florio.

The Hands PAC spent a modest \$2,000, but all the activity was in the month before the election, and their favored media vendor was Jamestown Associates of South Orange, which also worked for the Republican State Committee, GOP legislative candidates and a PAC controlled by a Whitman adviser.

Jamestown Associates, a political consulting and public relations firm, was recommended to Hands by the office of Republican Congressman Richard A. Zimmer of Delaware Township, said the firm's president, Larry Weitzel, last week.

Zimmer, a co-chair of Whitman's campaign, said while that may be so, he knows of no coordination between Hands and the Whitman campaign.

Hands President Patricia Ralston, who performed with Zimmer in a radio commercial last year opposing federal tax hikes, concurred with Zimmer's statement that the Hands effort was independent.

Coordination of campaign activities is a sensitive issue because of the \$5.1 million spending cap that both major gubernatorial candidates must work under to receive public matching funds. If a disbursement by a third party was made with the approval of either campaign, it would count against the spending cap.

Failed to vote three times on the legislation. But as GOP State Chairman between 1977 and 1979, Frank had seen his pro-gun Republican colleagues collect more than \$200,000 in campaign contributions from the NRA.

In his press release, Franks stated that he himself would never get the full support of the NRA "because Bob Franks refused to abide by their dangerous position on gun control."

"I hit the ceiling," said Feldman, then in Atlanta, but in contact with Rich Miller, head of the sportmen's coalition.

Through Miller, Feldman contacted several of the state's newspapers, including the Asbury Park Press and the Home News. Feldman told reporters that he had been paid at

The issue is particularly crucial because the Nov. 3 election is under federal investigation due to allegations by Whitman's campaign manager Ed Relling that \$200,000 was paid to black clergy and Democratic campaign workers to help sway the black vote in the election. His cash money has yet been traced.

Campaign records show that Hands received a \$7,000 check from a campaign on Oct. 8 from John F. Williams, a spokesman for one of Hands' favored state and radio ads that targeted Democratic Gov. Jim Florio for defeat. In the past month, Hands spent an additional \$21,500 with the firm, records show.

"Yeah, I did it at one," said Weitzel of his firm's in-kind contribution to Hands. "I just want the people."

Also in October, Jamestown Associates collected \$10,000 for "consulting services" for the campaign of three incumbent Republican legislators in Middlesex County: Sen. Stanley Corbin and Assemblymen Stephen Mirisch and Ernest Orsi.

In August, the Republican State Committee paid Jamestown Associates \$400 for direct mail fund-raising.

In February, Whitman's firm collected \$2,500 from the Committee For An Affordable New Jersey, a PAC controlled by Whitman adviser Frank Belmont. In April, Whitman's campaign contributed \$200 to Hands.

Though Hands supported Whitman at the top of the ticket, the group's county organizations did oppose certain Republican legislators who opposed their reform agenda, such as Sen. John Spring and Assemblyman Walter Keyes, both of whom represent Gloucester County, both of whom are Democrats.

Heard \$20,000 from the NRA, which was sent through Franks' office. Hands and report back that Franks' office had received the money. Franks stated that he had not seen the cash and was not sure for whom it was intended.

Franks' statement that he had not seen the cash and was not sure for whom it was intended. Franks' statement that he had not seen the cash and was not sure for whom it was intended.

On Friday, Feldman said that he was paid by either the NRA or Franks for his work with Hands. He said in fact, that he used in the hands of the group.

Whatever all this was about, Feldman said he was not now about his involvement with Hands "because I have nothing to hide."

either turned out of his to run in the 1980 election in which Republican majorities in both houses.

I was asked that year direct contributions, though the state failed to overturn such after Assembly.

Raytheon wired it to a time all along into a one of the state's offices. In, even days after his financial investigation into the vote suppression.

Whitman ran and received 1.5 support — in one that she was so well above the anti-tax movement, with support of legislative and referral of elected officials. In fact, is the one who New Jersey built up and helped in the state's political.

is as and they got election recently. "And I said didn't do

are did roll back the sales tax in 1982, worked by 1,300 a recall on the ballot is got overwhelming. The rest of the process yet to materialize, planned by internal over politics, the 200 of Hands Across New support to Whitman of this year, both in it is the general elec-

tion Florio to win, the remains president 10 years after Bush's nomination that the one a tool of the Republican. I said a last year, in attempt to get on at Florio in this year's party, that turned and against Whitman in it of the campaign.

I endorsed Florio is Whitman was worse, " (When claims to be the Republicans, and called the attempted sale by Feldman and

armed Democrats had

repeatedly made an

Then Democratic the Philip Keegan "called a State Chairman Bob immediately and their tricks operations to manipulate allies are HAPPA," read in Aug. release from the state or day after Bush's exit.

That the plan never had the federal world was a testament both a did carefully with who was viewed as the political ladder for both the Democrats.

Feldman said Rich La negative reporter for the Press, came close to in October, 1980 article reported on Feldman's NRA. The article quoted saying Feldman was "insane" and that he help wherever it could go.

"He was a lot closer than he realized," said Link. "When I read

Feldman said he he Hands organizers not "to in the gay lines," even was some crossover campaign of New Jersey, pro-gun group aligned with

"For a just two upper reformed advising, since I person membership, who bucks against usually, in to just on the gun in state's spirit. Funds are

Feldman, who departed late 1980 when his own support and the group in from internal conflict, mutual working in the state.

"I stayed on for a reporters as I said," as "My role was to be in the ground as far as possible year. Afterward, people their heads and said conspiracy, that I was in the NRA. I wish I was looking for a big crash in the NRA. But if you it, you're all it.

Feldman did reporters that, and the circumstances public statements that I gun lobby loyalties and

Assemblyman Bob Franks for Congress in October of 1979, issued a law-breaking statement flouting his pro-gun opponent, Larry Mondak, for getting support from the NRA.

Franks' position on Florio's gun ban was uncertain because he had

## Clinton had illicit sex

Clinton said in a Sunday night. He said ad conversations about the stories were being

tions by any of his security force. During AP inquiries in 1976 and 1979, at least 11 troopers from the Clinton security details said they never saw Clinton with any of the women.

and had into the governor's mansion disguised in a trench coat after Clinton became presidential.

During the 1980 campaign, night-club owner Connie Wilcox said in a



96043741712



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 3, 1995

The Honorable Richard J. LaRossa  
Senator, State of New Jersey  
150 Bull Run Road  
Trenton, NJ 08638

RE: MUR 4238

Dear Mr. LaRossa:

This letter acknowledges receipt on July 28, 1995, of your complaint 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 4238. 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,

Mary L. Taksar

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

96043741713



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 3, 1995

David Millner, Treasurer  
Zimmer for Senate, Inc.  
P.O. Box 6888  
Lawrenceville, NJ 08648

RE: MUR 4238

Dear Mr. Millner:

The Federal Election Commission received a complaint which indicates that Zimmer for Senate, Inc. ("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 4238. 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 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.

96043741714

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

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosures

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

96043741715



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

August 3, 1995

The Honorable Dick Zimmer  
228 Cannon Building  
Washington, D.C. 20515

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*Celebrating the Commission's 20th Anniversary*

YESTERDAY TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043741716

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*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosures

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

96043741717





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 3, 1995

The Honorable Dick Zimmer, Chairman  
The Coalition for Lower Taxes  
741 Alexander Road  
Princeton, NJ 08540

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Dear Mr. Zimmer:

The Federal Election Commission received a complaint which indicates that the Coalition for Lower Taxes 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 4238. 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 Coalition for Lower Taxes 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.

96043741718

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

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosures

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

26043741719



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 3, 1995

Larry Weitzner, Political Coordinator  
The Coalition for Lower Taxes  
741 Alexander Road  
Princeton, NJ 08540

RE: MUR 4238

Dear Mr. Weitzner:

The Federal Election Commission received a complaint which indicates that you 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 4238. 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 you 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.

96043741720

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

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosures

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

26043741721



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

August 3, 1995

Patricia Ralson, President  
Hands Across New Jersey  
P.O. Box 7334  
Somerset, NJ 08875

RE: MUR 4238

Dear Ms. Ralson:

The Federal Election Commission received a complaint which indicates that Hands Across New Jersey 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 4238. 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 Hands Across New Jersey 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.

96043741722

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

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosures

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

26043741723





**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

August 3, 1995

Dave Murray, Consultant  
741 Alexander Road  
Princeton, NJ 08540

RE: MUR 4238

Dear Mr. Murray:

The Federal Election Commission received a complaint which indicates that you 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 4238. 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 you 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.

*Celebrating the Commission's 20th Anniversary*

YESTERDAY TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

96043741724

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

Sincerely,

*Mary L. Taksar*

Mary L. Taksar, Attorney  
Central Enforcement Docket

Enclosures

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

26043741725

**David J. Murray & Associates, Inc.**

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIL ROOM

AUG 14 8 04 AM '95

August 10, 1995

Mary L. Taksar, Attorney  
Central Enforcement Docket  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 4238

Dear Ms. Taksar,

In regards to your letter of August 3, 1995:

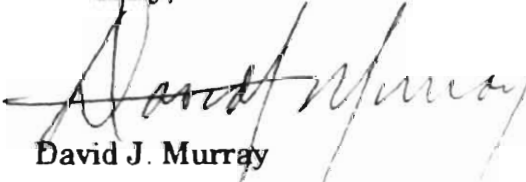
Neither myself nor my company, David J. Murray and Associates, have ever been in the employ of Zimmer for Congress, Zimmer for U.S. Senate, Hands Across New Jersey or the Coalition for Lower Taxes as a paid consultant or in any other capacity.

The relationship that exists between myself and any of the above mentioned organizations is the fact that Mr. Larry Weitzner and I share common office space located at 741 Alexander Road, Princeton, NJ 08540.

Mr. Weitzner and I on occasion work on joint projects under the name Murray/Weitzner Group. However, I have never worked with Mr. Weitzner under the name Murray/Weitzner Group on behalf of Zimmer for Congress, Zimmer for U.S. Senate, Hands Across New Jersey, or the Coalition for Lower Taxes as a paid consultant or in any other capacity.

Should you have any other questions please feel free to call me at  
(609) 799-3957.

Sincerely,

  
David J. Murray

26043741726

# Zimmer

FOR SENATE

August 11, 1995

Ms. Alva E. Smith  
General Counsel's Office  
Federal Election Commission  
999 E. Street, N.W.  
Washington, D.C. 20463

Aug 17 9 46 PM '95  
RECEIVED  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RE: MUR 4238

Dear Ms. Smith,

As per our phone conversation today, it will be impossible for me to respond to your inquiry within 15 days because many of the people I must consult with are unavailable during this summer vacation period.

I will respond to your inquiry no later than September 8, 1995.

Thank you for your patience and consideration in this matter.

Sincerely,



David M. Millner  
Treasurer

DMM/rac

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 18, 1995

David Millner, Treasurer  
Zimmer for Senate, Inc.  
P.O. Box 6888  
Lawrenceville, NJ 08648

RE: MUR 4238

Dear Mr. Millner:

This is in response to your letter dated August 11, 1995, requesting an extension until September 8, 1995 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 September 8, 1995.

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

Sincerely,

Alva E. Smith, Paralegal  
Central Enforcement Docket

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# HANDS ACROSS NEW JERSEY, INC.

Citizens for Honest and Efficient Government

Post Office Box 7334  
Somerset, NJ 08875-7334  
(908) 247-HANJ (4265)

Bobbie Horowitz, *President*  
Mickey Stobie, *Vice-President*  
Holly Ferraro, *Treasurer*  
Ellen Thorvund, *Secretary*  
Gina A. Calogero, *General Counsel*

August 18, 1995

Mary L. Tasker, Esquire  
Central Enforcement Docket  
Federal Election Commission  
Washington, D.C. 20463

RE: Matter Under Review 4238 -- Hands Across New Jersey

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
AUG 21 2 05 PM '95

Dear Ms. Tasker:

On behalf of Hands Across New Jersey, a grassroots activist group, this will answer the complaint received from the Federal Election Commission filed by the State Senator Richard LaRossa. Senator LaRossa was the subject of a mailing we sent to a small number of constituents in an attempt to get him to vote in support of Governor Whitman's tax cut when it came before the New Jersey State Senate.

Senator LaRossa's letter states that we made "independent expenditures" under federal law. That is not true. All of our activities concerned Senator LaRossa's vote in the New Jersey State Senate and we sent the mail piece about him only to taxpayers in his own state Senate district. After reading the definition of an "independent expenditure" in his complaint, it is clear that is not what we did. In fact, we were not aware he was considering running for Senate and, to our knowledge, he has yet to make such announcement. HANJ did nothing that involved anyone in his or her capacity as a candidate.

All our activity was aimed at a very specific goal: impact the vote by Senator LaRossa (and two other Senators who publicly expressed opposition) to Governor Whitman's tax cut package in the New Jersey State Senate. Senator LaRossa loomed as a major obstacle to passage of the plan. Further, he is the only Senator to introduce legislation aimed at repealing the Whitman tax cut plan.

Our activities were solely related to a vote in the New Jersey State Legislature. That Senator LaRossa did not like the pressure is understandable, but that does not mean we have violated election laws. It is ludicrous to suggest that sending a few thousand mailers at a cost of \$2,500 to his legislative district was part of a scheme to help elect Dick Zimmer to the U.S. Senate.

We ask that the Federal Election Commission dismiss this complaint.

Sincerely,

*Bobbie Horowitz*  
Bobbie Horowitz, President

HANJ IS A NON-PROFIT, NON-PARTISAN, GRASSROOTS ORGANIZATION



RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
AUG 30 9 30 AM '95



## COALITION FOR LOWER TAXES

August 29, 1995

Mary L. Tasker, Esquire  
Central Enforcement Docket  
Federal Election Commission  
Washington, D.C. 20463

RE: Matter Under Review 4238 -- The Coalition For Lower Taxes and Larry Weitzner, Political Coordinator

Dear Ms. Tasker:

This will respond to the complaint filed in this matter against the Coalition for Lower Taxes, a 501C4 corporation, and Larry Weitzner, its political director.

The Coalition was founded in 1993 as an organization involved in fighting for less taxes and spending. Our goal is to generate grassroots support for our tax cuts and opposition to tax increases. To do this we have run radio ads and sent out mailings focusing on cutting taxes and spending (primarily in 1993 & 1994). As a result, we generated thousands of calls to legislators from our members urging support for less taxes. We have never urged the election or defeat of any candidates.

Given these limitations on its activity, the Coalition does not qualify as a political committee under either federal or New Jersey law. Larry Weitzner, an independent political consultant, has been its political coordinator since its inception. As an independent consultant he has numerous other clients including, Congressman Zimmer.

The complaint letter sent by the Federal Election Commission is from New Jersey State Senator Richard LaRossa. He alleges that the Coalition targeted him because he is a potential candidate against Dick Zimmer. This is not true. Senator LaRossa's opposition to the Whitman tax plan was the reason we worked with Hands Across New Jersey, another taxpayer group to generate grassroots pressure to vote for the tax cut. He was publicly identified as one of three Republicans who might oppose the tax cut.

Mr. LaRossa was not then and is not now a declared candidate for U.S. Senate. As of June 30, he had not raised any money for a Senate campaign. In early June, when the

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effort to gain support for Governor Whitman's tax cut took place, we were not aware of any public statements that he might be or would be a candidate

No matter what the coordination between the Coalition and Hands Across New Jersey, nor the clientele of Mr. Weitzner, the activity complained of here does not fall under the Federal Election Campaign Act. Neither does Congressman Zimmer's long-time involvement with our organization (he has, for the record, resigned as Chairman, effective July 3, 1995).

In order to fall under the Federal Election Campaign Act, the activity must involve a federal election. Nothing cited in State Senator LaRossa's letter, or in his exhibits, advocates the election or defeat of any candidate and there is no solicitation for funds for any federal candidate. The mailing criticized by Sen. LaRossa was not sent out by the Coalition. Further, it pertains solely to state legislation and by the Senator's own admission, went only into his State Senate district.

Under any fair reading of the federal election law, that is not engaging in federal election activity and is not a violation of the Federal Election Campaign Act. We ask the Commission to dismiss this action.

Sincerely,

Larry Weitzner, Political Director

Encl.: Resignation letter

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**COALITION FOR LOWER TAXES**

August, 1995

Dear \_\_\_\_\_,

I am writing to let you know that, on July 3rd, I resigned as Chairman of the Coalition For Lower Taxes.

We have accomplished a great deal since we were founded in 1993. I am proudest of our role in helping Governor Christie Whitman enact her historic 30% tax cut and the part we played in defeating President Clinton's plan for government-run health care.

We have helped to make history in New Jersey. With 30,000 current members and significant victories under our belt, I feel I am leaving the Coalition in good order and ready to take on future battles for New Jersey taxpayers.

Bill Bogliolio, our Monmouth County coordinator, is taking over as Chairman. I am sure he will do a fine job.

Please do not hesitate to call on me if I can be of further assistance.

Sincerely,



Dick Zimmer

# Zimmer

## FOR SENATE

September 6, 1995

Mary L. Taksar, Esquire  
Central Enforcement Docket  
Federal Election Commission  
Washington, D.C. 20463

SEP 11 10 10 AM '95  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

RE: Matter Under Review 4238 - Zimmer for Senate Committee,  
The Honorable Dick Zimmer

Dear Ms. Taksar:

This will respond to the complaint filed in this matter against the Zimmer for Senate Committee and Congressman Dick Zimmer, who is a candidate for the Republican nomination to the United States Senate in 1996 from the State of New Jersey. This matter was generated by a New Jersey state senator who has indicated he will be a primary opponent of Mr. Zimmer's, so the political motivation is self-evident.

As an initial matter, this appears to be less a complaint than a request for an advisory opinion. The only alleged violation is that of improper independent expenditures. As discussed below, neither Congressman Zimmer or the Zimmer for Senate Committee has engaged in "independent expenditures." But the real purpose of the "complaint" letter is in its last five paragraphs which ask the Commission to deal with purely hypothetical questions. Under the Commission's Regulations, these questions are not acceptable for Advisory Opinion Requests. Neither should they be acceptable for enforcement actions.

That State Senator Richard L. LaRossa has taken this tack is understandable, but there is no violation of the Federal Election Campaign Act, or the Commission's Regulations, here. The only evidence of the "independent expenditure" he complains of is a mail piece by Hands Across New Jersey about a vote in the New Jersey state legislature. The piece has nothing to do with a federal (or state) election - there is no mention of a federal candidate or election; there is no advocacy and there is no discussion of election or defeat of a candidate.

Indeed, State Senator LaRossa states specifically: "My district was the only district in the entire state of New Jersey into which this attack piece was mailed." Complaint at 6, ¶¶ 6, 8. This statement alone requires dismissal of this complaint. It admits that the activity complained of, the mail piece cited and Hands Across New Jersey's and the Coalition for Lower Taxes (also named in the complaint) actions generally are truly about a state issue and not a federal election. If the motivation was the United States Senate primary, then a mailing would obviously have to go to more than State Senator LaRossa's own district. The mailing and telephone campaigns of

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these organizations generally have targeted constituents of state legislators, like Senator LaRossa, who had indicated they might oppose Governor Whitman's state tax and spending cuts.

Given all this, the actions complained of cannot rise to a violation of federal election law and certainly not to the definition of an "independent expenditure" as State Senator LaRossa asks.

What further corrodes the credibility of the charge is Mr. Zimmer's longtime involvement in New Jersey state politics and issues. Dick Zimmer began his public life as Chairman of New Jersey Common Cause, a grassroots citizen's lobby that campaigns for state political reforms. He resigned from that position to serve as counsel for the first gubernatorial campaign of Tom Kean. He served for nine years as a state legislator and was a member of the State Senate Revenue, Finance and Appropriations Committees, where he vigorously advocated lower state taxes and spending. As a Congressman he remained active in state politics, serving as co-chairman of Christie Whitman's gubernatorial campaign in the 1993 primary and general elections and participating in the deliberations of her transition task force on state budgetary issues.

For the Commission's information, Mr. Zimmer resigned as Chairman of the Coalition on July 3, 1995. Nonetheless, other FEC advisory opinions would seem to permit the limited involvement Mr. Zimmer has had thus far with the Coalition for Lower Taxes as he begins his Senate campaign, a full ten months before the Republican primary and eight months before the filing deadline. There certainly has been no soliciting for Mr. Zimmer's campaign by the Coalition or Hands Across New Jersey, nor does the mail piece complained of (or any communications by the Coalition or Hands Across New Jersey that we are aware of) advocate the election or defeat of Mr. Zimmer or any other candidate. See FEC AOs 1988-27, 1986-37, 1986-26.

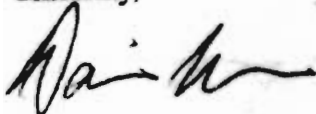
Furthermore, in a slightly different factual context, the Commission said in AO 1977-54, that a candidate's name could appear in a statewide petition drive's mailings and advertisements during the actual campaign. In AO 1982-56, the Commission said it was permissible for a federal candidate running for re-election to appear in a commercial for a state candidate seeking state office as long as the mention was limited and the purpose of the ad was not promoting the federal candidate. And lastly, any involvement by Mr. Zimmer in this mailing appears to be permissible under the guidelines set out by the Commission in AO 1990-5.

In conclusion, Mr. Zimmer has had a long-term commitment and involvement in the issues being discussed in this matter. He has not been involved in any activity that could be defined as an independent expenditure under the Act. Indeed, his activity with the Coalition for Lower

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Taxes, from which he has resigned, appears to be permissible under the Commission's Advisory Opinions. We therefore ask that the Commission dismiss this complaint against the Zimmer for Senate Committee and Congressman Dick Zimmer.

Sincerely,

A handwritten signature in dark ink, appearing to read "David M. Millner", with a stylized flourish at the end.

David M. Millner  
Treasurer

96043741735



**FEDERAL ELECTION COMMISSION**  
999 E Street, NW  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

MAY 9 12 05 PM '96

**FIRST GENERAL COUNSEL'S REPORT**

**SENSITIVE**

MUR 4238

DATE COMPLAINT FILED: 7/28/95

DATE OF NOTIFICATION: 8/3/95

DATE ACTIVATED: 3/22/96

STAFF MEMBER: Anne A. Weissenborn

COMPLAINANT: Richard J. LaRossa

RESPONDENTS: Zimmer for Senate, Inc. and  
David Millner, as treasurer  
Richard Zimmer  
Hands Across New Jersey  
The Coalition for Lower Taxes  
Larry Weitzner  
David J. Murray

RELEVANT STATUTES: 2 U.S.C. § 431(17)  
2 U.S.C. § 441a  
2 U.S.C. § 434(c)(1)  
11 C.F.R. § 109.1

INTERNAL REPORTS CHECKED: Zimmer for Senate  
LaRossa/U.S. Senate '96

FEDERAL AGENCIES CHECKED: None

**I. GENERATION OF MATTER**

This matter originated as a complaint filed on August 3, 1995, by Richard J. LaRossa, a member of the New Jersey State Senate representing the Fifteenth Legislative District, and, after filing the complaint, a candidate for the Office of U.S. Senator from the State of New Jersey in

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the 1996 primary election. His authorized committee, LaRossa/U.S. Senate '96, filed a Statement of Organization with the Commission on August 18, 1995.

The complaint alleges "interconnections" and, implicitly, coordination between and among the Coalition for Lower Taxes, which was allegedly chaired at the time of the complaint by U.S. Representative Richard Zimmer; Hands Across New Jersey; Zimmer for Senate, the authorized campaign committee of Congressman Zimmer; and certain consultants to that campaign committee and to Congressman Zimmer. At the time of the complaint Congressman Zimmer was a declared and registered candidate for election to the United States Senate from the State of New Jersey; Zimmer for Senate had filed its Statement of Organization on May 1, 1995. The complaint also requests that the Commission determine whether the Coalition for Lower Taxes and Hands Across New Jersey have become political committees under the Federal Election Campaign Act and thus "should be required to file federal disclosure reports."

## II. FACTUAL AND LEGAL ANALYSIS

### A. The Law

2 U.S.C. § 431(2) defines "candidate" as "an individual who seeks nomination for election, or election, to Federal office . . . ." In addition, any individual who "has received contributions or made expenditures in excess of \$5,000" becomes a candidate under the Federal Election Campaign Act ("the Act"). Once this monetary threshold has been reached, the candidate has fifteen days to designate a political committee. 2 U.S.C. § 432(e)(1).

2 U.S.C. § 431(8) and (9) define "contribution" as "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office . . .," and "expenditure" as "any purchase, payment, distribution, loan

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advance, deposit, or gift of money" again made by any person to influence a federal election. "Anything of value" is defined as including all in-kind contributions or "the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services." 11 C.F.R. §§ 100.7(a)(1)(iii) and 100.8(a)(1)(iv).

2 U.S.C. § 431(4)(A) defines "political committee" as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 in a calendar year." Once a political committee has either been designated by a candidate or has met the definition of political committee pursuant to 2 U.S.C. § 431(4)(A), it must register with the Commission and file reports of receipts and expenditures. 2 U.S.C. §§ 433(a) and 434. Pursuant to 2 U.S.C. § 434(b), political committees are required to itemize on their reports all contributions received and expenditures made which aggregate in excess of \$200.

An expenditure made by any person in cooperation, consultation or concert with a candidate is a contribution to that candidate. 2 U.S.C. § 441a(a)(7)(B)(i). An "independent expenditure" is "an expenditure . . . expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate." 2 U.S.C. § 431(17).

"Expressly advocating" is defined in the Commission's regulations as "a communication containing a message advocating election or defeat, including but not limited to the name of the candidate, or expressions such as *vote for*, *elect*, *support*, *cast your ballot for* and *Smith for*

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*Congress or vote against, defeat or reject.*” 11 C.F.R. § 109.1(b)(2). A “clearly identified candidate” is one whose name or photograph appears on a communication, or a drawing of whom is included, or the identity of whom “is otherwise apparent by unambiguous reference.” 11 C.F.R. § 109.1(b)(3).

In Advisory Opinion 1988-22 the Commission discussed whether payments by a political organization for several categories of activities would constitute expenditures under the Act. One of the categories involved anticipated expenditures for communications that would reference clearly identified candidates but which would neither expressly advocate their election or defeat, nor be made in cooperation, consultation or coordination with those candidates. The Commission stated that “[p]ayments for such communications are not specifically allocable to candidates.” However, “[e]xpenses associated with those communications nevertheless constitute ‘expenditures’ for federal political activity within the meaning of the Act, so as to count toward the political committee threshold and to require reporting if made by a political committee.”

#### **B. Allegations in the Complaint**

The complaint begins by setting out a series of “popularly accepted facts;” newspapers articles attached to the complaint are cited as sources. The asserted facts as of the date of the complaint (July 21, 1995) include the following:

1. Congressman Richard Zimmer had filed with the Commission as a candidate for the U.S. Senate, naming Zimmer for Senate as his authorized committee.
2. The Complainant, Richard LaRossa, had “been mentioned in several newspapers as a potential opponent to Congressman Zimmer for Republican nomination to the U.S. Senate . . . .”

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3. Congressman Zimmer was the chairman of the Coalition for Lower Taxes.
4. Larry Weitzner, a campaign consultant to Congressman Zimmer, had been named "in newspapers" as the "political coordinator" of the Coalition for Lower Taxes.
5. Mr. Weitzner was, according to newspaper reports, "run[ning] his operation out of the office of Zimmer's media and political consultant, Mr. Dave Murray."
6. Mr. Murray's business address was the same as that of the Coalition for Lower Taxes.
7. Hands Across New Jersey had identified itself "as a 'member' of the Coalition for Lower Taxes" and had filed a registration form with the New Jersey Election Law Enforcement Commission, but not with the FEC.
8. The Coalition for Lower Taxes had not registered with either the New Jersey Election Law Enforcement Commission or the FEC.

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According to the complaint, in early June 1995 a telephone campaign was conducted by a professional telephone bank in three New Jersey State Senate districts for a client identified by phone bank personnel as the Coalition for Lower Taxes ("the Coalition"). Larry Weitzner, political director of the Coalition, was reported as claiming at the time that Hands Across New Jersey was the actual client. Hands Across New Jersey had acknowledged using a Coalition membership list for the telephone campaign. According to the newspaper articles attached to the complaint, and to an attached publication of Hands Across New Jersey, the telephone campaign targeted the constituents of State Senators Peter Inverso, Richard LaRossa and Robert Littell, asking the recipients of the calls to urge these senators to support the tax cut plan of New Jersey Governor Christine Todd Whitman. The script for the telephone campaign was not included with the complaint.

The complaint goes on to state that on or about June 16, 1995, a direct mail piece "was sent into the 15th District" allegedly attacking the Complainant. (See Attachment 1, presumably the first direct mail communication referenced in the Complainant's allegation.) One side of the mailing read:

Does Senator Dick LaRossa care more about preserving  
big government than cutting taxes and spending?

LaRossa says he is a conservative. Yet, he has INTRODUCED  
LEGISLATION TO REPEAL THE WHITMAN TAX CUT PLAN.

CALL him at 771-0330

Tell him we pay too much in taxes. Tell  
LaRossa we need less government. (Emphases in original).

The apparent reverse side of this mailing stated:

HANDS ACROSS NEW JERSEY is supporting Governor Whitman's  
plan to cut income taxes 30%

BUT

Senator Dick LaRossa wants to stop it.

LaRossa has introduced legislation (S-963) to repeal the  
Whitman tax cut plan. He says he might vote against the next tax cut.

CALL Senator La Rossa at 771-0330 and urge him to SUPPORT THE  
WHITMAN TAX CUT PLAN. (Emphases in original).

According to the Complainant, "The mailing . . . featured an unflattering photograph of me and questioned my record on cutting taxes and spending, as well as my conservative credentials." The Complainant alleges that his was the only district in the state "into which this attack piece was mailed." The piece contained a disclaimer reading "Hands Across New Jersey."

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On or about June 23, 1995, a second mailing "was sent into the 15th District." (See

Attachment 2.) This mailing read on one side:

Tired of government that costs too much?  
Fed up with unresponsive politicians who care more  
about the special interests?

### **FIGHT BACK!**

Join HANDS ACROSS NEW JERSEY - the largest taxpayer organization  
in the state.

**WE ARE COMMITTED TO**  
Less taxes and less government  
Initiative and referendum  
Campaign finance reform  
Term limits

**SUPPORT OUR EFFORTS** to cut taxes and spending and reform the  
political process. Call **908-247-HANJ** and be part of a growing  
movement to change politics. (Emphases in original).

The second side of the second mailing read:

**Senator Dick LaRossa wants to REPEAL Governor  
Whitman's tax cut.**

It will cost you about \$500 more a year in **HIGHER TAXES** to  
pay for bigger government.

**CALL Senator Dick LaRossa at 771-0330 and TELL HIM TO  
SUPPORT GOVERNOR WHITMAN'S TAX CUT PLAN.**  
(Emphases in original).

According to the complaint, this second piece was not sent into other legislative districts. It bore a disclaimer reading "Hands Across New Jersey." The complaint states that each of the mailings cited a permit number that "[c]orrespond[ed] to that used on mailings put out by the Coalition for Lower Taxes."

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The complaint alleges that "the Coalition for Lower Taxes is a promotional front for Congressman Zimmer."<sup>1</sup> The activities described in the complaint assertedly "indicate a significant level of spending."

The Complainant sees the basic issue in his complaint as being whether a federal candidate may "create an unaccountable committee with which to raise and expend large amounts of money in an operation against potential challengers who hold office at the state and local levels?" (Emphasis added.) He also asks "whether, and at what point, an unaccountable committee that retains a political consultant as its self-admitted 'political coordinator' has crossed the line and should be required to file federal disclosure reports?"

### C. Responses to Complaint

#### 1. Coalition for Lower Taxes

According to the response to the complaint submitted on August 29, 1995 by Larry Weitzner, executive director of the Coalition, this organization is incorporated and has been granted tax exempt status pursuant to 26 U.S.C. § 502(c)(4).

Mr. Weitzner states:

The Coalition was founded in 1993 as an organization involved in fighting for less taxes and spending. Our goal is to generate grassroots support for our tax cuts and opposition to tax increases. To do this we have run radio ads and sent out mailings focusing on cutting taxes and spending (primarily in 1993 and 1994). As a result, we generated thousands of calls to legislators from our members urging support for less taxes. We have never urged the election or defeat of any candidate. (Emphasis in original.)

<sup>1</sup> The complaint also cites newspaper articles discussing the possibility of Congressman Zimmer's earlier coordination of Hand Across New Jersey activities on behalf of the gubernatorial campaign of Christine Todd Whitman.

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Mr. Weitzner states that as a political consultant he has "numerous other clients including, Congressman Zimmer." He asserts that the Coalition "does not qualify as a political committee under either federal or New Jersey Law." In addition, he states that the mailing cited in the complaint "was not sent out by the Coalition" and that "it pertains solely to state legislation and by the Senator's own admission, went only into his State Senate district."

According to Mr. Weitzner, the Coalition "worked with Hands Across New Jersey to generate grassroots pressure to vote for the tax cut" because of Senator LaRossa's opposition to such a cut. Mr. Weitzner states, "He was publicly identified as one of three Republicans who might oppose the tax cut." He goes on to say, "Mr. LaRossa was not then, and is not now [as of the date of the response] a declared candidate for U.S. Senate. As of June 30, he had not raised any money for a Senate campaign. In early June, when the effort to gain support for Governor Whitman's tax cut took place, we were not aware of any public statements that he might be or would be a candidate."

According to Mr. Weitzner and to an attached letter apparently sent to Coalition members in August 1995, Mr. Zimmer resigned as Chairman of the Coalition on July 3, 1995.

## 2. Hands Across New Jersey

The response submitted on behalf of Hands Across New Jersey ("HANJ") on August 18, 1995, is signed by Bobbie Horowitz, President. Ms. Horowitz denies that HANJ "made 'independent expenditures' under federal law." She states that "[a]ll of our activities concerned Senator LaRossa's vote in the New Jersey State Senate and we sent the mail piece about him only to taxpayers in his own state Senate district . . . . In fact, we were not aware he was considering running for Senate and, to our knowledge, he has yet to make such an announcement. HANJ did nothing that involved anyone in his or her capacity as candidate."

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**Ms. Horowitz goes on:**

All our activity was aimed at a very specific goal: impact the vote by Senator LaRossa (and two other Senators who publicly expressed opposition) to Governor Whitman's tax cut package in the New Jersey State Senate. Senator LaRossa loomed as a major obstacle to passage of the plan. Further, he is the only Senator to introduce legislation aimed at repealing the Whitman tax plan. (Emphasis in original).

According to Ms. Horowitz, the cost of the mailings at issue was \$2,500.

### **3. Richard Zimmer and Zimmer for Senate**

David M. Millner, treasurer of Zimmer for Senate ("the Committee"), filed a response on behalf of the Committee and Richard Zimmer on September 8, 1995. This response states that Mr. Zimmer has remained active, while a member of the U.S. Congress, "in state politics, serving as co-chairman of Christie Whitman's gubernatorial campaign in the 1993 primary and general elections and participating in the deliberations of her transition task force on state budgetary issues." Mr. Millner also states, "[Congressman Zimmer's] activity with the Coalition for Lower Taxes, from which he has resigned, appears to be permissible under the Commission's Advisory Opinions." As support for the latter statement, Mr. Millner cites Advisory Opinions 1977-54, 1986-26, 1986-37, 1988-27, and 1990-5.

### **4. David J. Murray**

David J. Murray responded to the complaint on August 10, 1995. He states that neither he nor his company, David J. Murray and Associates, has ever been employed by an authorized committee of Richard Zimmer or by Hands Across New Jersey or the Coalition "in any capacity," including under the name Murray/Weitzner Group. He states that he and Larry Weitzner share office space and have "on occasion work[ed] on joint projects" under the name Murray/Weitzner Group.

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## **D. Analysis**

### **1. Telephone Bank and Direct Mail Campaigns as Expenditures**

As stated above, the Act defines "expenditure" as a payment "made for the purpose of influencing . . . a Federal election." 2 U.S.C. § 431(9). The threshold issue to be addressed in this matter is whether the telephone bank and direct mail campaigns cited in the complaint involved disbursements for communications that met the definition of "expenditure" under the Act. Only if the disbursements met this definition would issues become relevant as to the independence or coordination of the expenditures involved. The same would hold true as to whether the expenditures resulted in required registration and reporting by the committee(s) which paid for the communications.

The Commission has addressed questions concerning expenditures for candidate involvement in issue-related activities in a number of advisory opinions. For example, Advisory Opinion 1977-54, which is cited in the Committee's response to the complaint, considered the planned participation of U.S. Representative Newt Gingrich, then a candidate for Congress, in a statewide petition drive in Georgia aimed at stopping ratification of the Panama Canal Treaty. Mr. Gingrich was to serve as chairman of this drive, and his name was to be on all of the mailings and other publicity. The campaign had been initiated by the State Republican Party and the costs were to be met by contributions from individuals and corporations. The Commission determined that the expenses of the drive would not be considered contributions to Mr. Gingrich's Congressional campaign so long as the drive-related activities did not involve

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"the solicitation, making or acceptance of campaign contributions" to his own campaign or "include any communication expressly advocating his nomination or election to Federal office or the defeat of another candidate for Federal office."

In Advisory Opinion 1988-27 the Commission examined the payment by a separate segregated fund of the costs of a banquet at which a member of the U.S. Congress, who was also a candidate for re-election, would be the guest speaker, and the payment of an honorarium to that speaker. The invitees were to be stockholders of the PAC's connected organization. The Commission reiterated its earlier opinions that the participation of an officeholder in certain events is not campaign-related just because the officeholder is also a candidate. Rather, such an event would be campaign-related if there were any solicitations of contributions for the officeholder/speaker or if there were express advocacy of a person's election or defeat. The absence of either solicitations or express advocacy would not, however, preclude a determination that an event was election-related.<sup>2</sup>

In Advisory Opinion 1990-05 the Commission addressed the issue of whether a newsletter published by a company that was owned by a candidate should be considered

<sup>2</sup> Advisory Opinions 1986-26 and 1986-37, which are also cited in the Committee's response, addressed requests submitted by the Conservative Foundation concerning invitations to potential candidates to be speakers at a convention to be held in 1987. In its responses, the Commission restated its earlier positions on similar issues:

[P]ublic appearances by candidates at such events as charitable functions, public affairs programs, constituent service activities and testimonials, or as part of their private employment will . . . be campaign-related if such events include any express advocacy of the election or defeat of any candidate or the solicitation of contributions to any candidate or political committee. The Commission has also concluded that the absence of express advocacy or solicitations will not preclude a determination that public appearances by candidates are campaign-related.



campaign-related so that the newsletter's operating expenses would be deemed expenditures for purposes of influencing a federal election. The Commission stated:

Here, publication of the newsletter has been originated, sponsored, implemented and funded by you, a current candidate for federal office. [The newsletter] was apparently inspired by your experience as a previous candidate for Congress. It is sent primarily to persons whom you encountered during your prior campaign . . . . Persons involved in your campaign for Congress are also apparently involved in publishing your newsletter. The contents of the newsletter include articles concerning public policy issues that may broadly be related to local and national political concerns, including the makeup of Congress. Therefore, any reference to or discussion of your candidacy or campaign in the newsletter, or presentation of policy issues or opinions closely associated with you or your campaign, would be inevitably perceived by readers as promoting your candidacy, and viewed by the Commission as election-related and subject to the Act.

Two additional advisory opinions not cited by the respondents are relevant to this matter.

In Advisory Opinion 1978-56 the Commission addressed the continued leadership by a presidential candidate of a non-profit, voluntary, unincorporated association. The Commission concluded that the candidate's relationship with the association could continue without expenses incident to his leadership role being deemed contributions to his candidacy for federal office, provided, inter alia, that the candidate was not "directly or indirectly . . . recognized, promoted or otherwise identified as a candidate" in association publications. This determination also assumed that the candidate's association with the organization would not involve him in "the solicitation, making or acceptance of campaign contributions," nor include "any communication expressly advocating his nomination or election . . . ."

Later, in Advisory Opinion 1983-12, the Commission set out a number of factual elements which were important in its determination that the participation of incumbent U.S. Senators/candidates in creating film footage for a series of political committee-sponsored

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television spots would be election-related. The crucial elements cited in this opinion included the timing of the planned communications and the absence of any "specific and significant non-election related aspects that might distinguish [the planned spots] from election influencing activity."

In the present matter, in June and July, 1995, Richard Zimmer, a member of the U.S. Congress who had already announced his candidacy for re-election, served as chairman of the Coalition for Lower Taxes, a "grassroots organization" assertedly formed in 1993 to address tax-related issues. In June of 1995 this organization admittedly "cooperated with" Hands Across New Jersey, Inc., another grassroots organization, to send mailings into the district of a member of the New Jersey State Senate, Richard LaRossa, who had been cited in the press as a potential primary opponent of Congressman Zimmer in the 1996 elections. According to information attached to the complaint, a June 1995 telephone campaign apparently paid for by Hands Across New Jersey was also aimed at Mr. LaRossa and at two other members of the New Jersey legislature.<sup>3</sup>

Although both the Coalition and Hands Across New Jersey admit involvement in a direct mail campaign which urged opposition to Mr. LaRossa's positions on issues in the New Jersey State Senate, and although secondary sources point to the involvement of at least Hands Across New Jersey in a telephone bank operation apparently designed for the same purpose, both of these respondents argue that their efforts were aimed solely at Mr. LaRossa's opposition to Governor Whitman's tax plan. According to the president of Hands Across New Jersey, "Our

<sup>3</sup> In their responses to the complaint neither Hands Across New Jersey nor the Coalition address the issue of a separate telephone campaign raised in the complaint; the Coalition's response only claims to have "generated thousands of calls to legislators urging support for less taxes."

activities were solely related to a vote in the New Jersey State Legislature." The Coalition states, "We have never urged the election or defeat of a candidate." And, indeed, there is no language in the direct mail pieces attached to the complaint that indicates otherwise. None of the language that the courts and the Commission have agreed constitutes express advocacy of the election or defeat of a candidate, federal or otherwise, appears in these publications. Nor do the mailings contain a solicitation of election-related contributions. The scripts for the telephone banks are not in hand; however, there is nothing in the press reports about these telephone calls to indicate that the callers either solicited contributions or expressly advocated the election of Mr. Zimmer or the defeat of Mr. LaRossa.

As noted above, the Commission has stated that it is not limited solely to the presence of solicitations and/or of express advocacy when making determinations as to whether certain activity is election-related. The Commission opinions cited above, in particular Advisory Opinion 1983-12 and Advisory Opinion 1990-05, set out other factors which could lead to a finding of election relatedness, such as the proximity in time of a communication to an election, the targeting of a particular voting population relevant to an upcoming election, or the absence of other, non-election-related purposes for a particular communication.

In the present matter, the two mailings at issue were targeted only to Mr. LaRossa's State Senate District, not to the entire State of New Jersey as would have been appropriate if the intention was to influence a potential race for the U.S. Senate. The mailings were sent in mid- and late June, 1995, almost a year before the June 9, 1996 primary election for the U.S. Senate in New Jersey and two months before Mr. LaRossa and his authorized committee registered with the Commission. The LaRossa committee's reports show that its first

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contribution of more than \$200 was not received until July 21, 1996 and that its first expenditure in excess of \$200 was not made until August 4, 1996.

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According to the director of Hands Across New Jersey, Mr. LaRossa not only was one of three Republican members of the New Jersey Legislature who had voiced public opposition to the Governor's tax program, but he had also been "the only Senator to introduce legislation aimed at repealing the Whitman tax cut plan." Thus, the content of the June 1995 mailings and, apparently, the subject addressed by the telephone bank were directly related to Mr. LaRossa's legislative activities at the state level. It is a fact that Congressman Zimmer was serving as the chairman of one of the organizations responsible for the communications at issue, namely the Coalition, while at the same time beginning his own campaign for re-election. These dual roles are not, however, enough to assign election-relatedness to the communications here at issue, given the direct relationship between the subject matter of the communications and the non-federal election-related activities of the targeted individual, and the absence of solicitation language, candidate status on the part of the target, express advocacy, close proximity to an election, or any other evidence of election-relatedness. Thus, there is no evidence that any of the respondents named in the complaint have violated the Act by making or otherwise being involved with expenditures for the communications here at issue.

## 2. Political Committee Status

Given the absence of evidence that the communications directed toward Mr. LaRossa's constituents by the Coalition and/or Hands Across New Jersey constituted expenditures under the Act, there is no basis in the complaint for finding that these organizations have achieved

political committee status and thus should have registered with the Commission and filed reports as a result of its expenditures for the communications cited in the complaint.

As stated in the summary of the complaint at page 8, the Complainant also questions in rather veiled terms the effect of an "unaccountable committee's" employment of a political consultant as a "political coordinator" upon its political committee status. In light of the "facts" presented in the complaint, it is assumed that the Complainant is referring to the dual roles of Larry Weitzman as a campaign consultant to Congressman Zimmer and as political coordinator of the Coalition. Given, however, the absence of evidence that the Coalition made "expenditures" in 1994 as they are defined by the Act, or that Mr. Weitzman was involved in any such "expenditures," his employment by both Congressman Zimmer and the Coalition would not have conferred political committee status upon the Coalition.

#### **E. Conclusion**

The Office of the General Counsel recommends that the Commission find no reason to believe that Zimmer for Senate and David Millner, as treasurer; Richard Zimmer; Hands Across New Jersey; The Coalition for Lower Taxes; Larry Weitzner, and David Murray; violated any provisions of the Act and close the file in this matter.

### **III. RECOMMENDATIONS**


1. Find no reason to believe that Zimmer for Senate and David Millner, as treasurer, Richard Zimmer, Hands Across New Jersey, The Coalition for Lower Taxes, Larry Weitzner and David Murray violated any provisions of the Federal Election Campaign Act.

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2. Close the file in this matter.
3. Approve the appropriate letters.

Lawrence M. Noble  
General Counsel

5/8/96  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments

1. Copy of first direct mail piece
2. Copy of second direct mail piece

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Zimmer for Senate, Inc. and David )

Millner, as treasurer; )

Richard Zimmer; )

Hands Across New Jersey; )

The Coalition for Lower Taxes; )

Larry Weitzner; )

David J. Murray. )

MUR 4238

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 14, 1996, the Commission decided by a vote of 5-0 to take the following actions in MUR 4238:

1. Find no reason to believe that Zimmer for Senate and David Millner, as treasurer, Richard Zimmer, Hands Across New Jersey, The Coalition for Lower Taxes, Larry Weitzner and David Murray violated any provisions of the Federal Election Campaign Act.
2. Close the file in this matter.
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated May 8, 1996.

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

Attest:

5-15-96

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat: Thurs., May 09, 1996 12:05 p.m.  
Circulated to the Commission: Thurs., May 09, 1996 4:00 p.m.  
Deadline for vote: Tues., May 14, 1996 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

May 20, 1996

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

The Honorable Richard J. LaRossa  
Senator, State of New Jersey  
150 Bull Run Road  
Trenton, NJ 08638

RE: MUR 4238  
Zimmer for Senate, Inc.,  
et al.

Dear Mr. La Rossa:

On May 14, 1996, the Federal Election Commission reviewed the allegations of your complaint dated July 21, 1995, and found that, on the basis of the information provided in your complaint and information provided by the respondents, there is no reason to believe Zimmer for Senate and David Millner, as treasurer, Richard Zimmer, Hands Across New Jersey, the Coalition for Lower Taxes, Larry Weitzner and David Murray violated any provisions of the Federal Election Campaign Act. Accordingly, on May 14, 1996, the Commission closed the file in this matter. A copy of the First General Counsel's Report in this matter is enclosed.

The Federal Election Campaign Act of 1971, as amended ("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,

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

96043741755



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 20, 1996

David Millner, Treasurer  
Zimmer for Senate, Inc.  
P.O. Box 6888  
Lawrenceville, NJ 08648

RE: MUR 4238

Dear Mr. Millner:

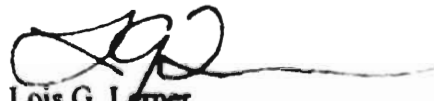
On August 3, 1995, the Federal Election Commission notified Zimmer for Senate ("the Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 14, 1996, the Commission found, on the basis of the information in the complaint and information provided by you and others, that there is no reason to believe that the Committee and you, as treasurer, violated any provisions of the Federal Election Campaign Act. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

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**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20461

**May 20, 1996**

**The Honorable Dick Zimmer  
U.S. House of Representatives  
228 Cannon Building  
Washington, DC 20515**

**RE: MUR 4238**

**Dear Mr. Zimmer:**


On August 3, 1995, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 14, 1996, the Commission found, on the basis of the information in the complaint and information provided by you and others, that there is no reason to believe that you violated any provisions of the Federal Election Campaign Act. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

Enclosure

First General Counsel's Report

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 20, 1996

Larry Weitzner, Political Director  
Coalition for Lower Taxes  
741 Alexander Road  
Princeton, NJ 08540

RE: MUR 4238

Dear Mr. Weitzner:

On August 3, 1995, the Federal Election Commission notified the Coalition for Lower Taxes ("the Coalition") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 14, 1996, the Commission found, on the basis of the information in the complaint and information provided by the Coalition and others, that there is no reason to believe that the Coalition violated any provisions of the Federal Election Campaign Act. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

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**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D C 20463

May 20, 1996

Larry Weitzner  
c/o Coalition for Lower Taxes  
741 Alexander Road  
Princeton, NJ 08540

RE: MUR 4238

Dear Mr. Weitzner

On August 3, 1995, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 14, 1996, the Commission found, on the basis of the information in the complaint and information provided by you and others, that there is no reason to believe that you violated any provisions of the Federal Election Campaign Act. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

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**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

**May 20, 1996**

**Bobbie Horowitz, President  
Hands Across New Jersey  
P. O. Box 7334  
Somerset, NJ 08875-7334**

**RE. MUR 4238**

**Dear Ms. Horowitz:**

On August 3, 1995, the Federal Election Commission notified Hands Across New Jersey of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 14, 1996, the Commission found, on the basis of the information in the complaint and information provided by you and others, that there is no reason to believe that Hands Across New Jersey violated any provisions of the Federal Election Campaign Act. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble  
General Counsel

  
BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

96043741760



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20461

May 20, 1996

David Murray, Consultant  
741 Alexander Road  
Princeton, NJ 08540

RE: MUR 4238

Dear Mr. Murray:

On August 3, 1995, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 14, 1996, the Commission found, on the basis of the information in the complaint and information provided by you and others, that there is no reason to believe that you violated any provisions of the Federal Election Campaign Act. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 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 before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in black ink, appearing to read "Lois G. Lerner", is written over a horizontal line.

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4238

DATE FILMED 6/13/96 CAMERA NO.     

CAMERAMAN EES

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