

PATTON BOGGS, L.L.P.  
2550 M STREET, N.W.  
WASHINGTON, D.C. 20037-1350  
(202) 457-6000  
FACSIMILE: (202) 457-6315

WRITER'S DIRECT DIAL

(202) 457-6405

April 22, 1996

Lawrence M. Noble, Esquire  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Attn: Mary L. Taksar, Esquire

Re: MUR 4323  
Huckabee U.S. Senate Election Committee and  
Prissy Hickerson, as Treasurer

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
APR 23 8 44 AM '96

Dear Mr. Noble:

Respondents in the above-captioned matter filed by the Democratic Senatorial Campaign Committee ("DSCC") urge the Federal Election Commission ("FEC") to dismiss this utterly baseless complaint. Once past the overheated rhetoric, the simple fact is Respondents did not violate the Federal Election Campaign Act ("Act"). The DSCC's evident purpose of trying to score political points by making outlandish charges not borne out by their evidence should not obscure this point.

Rather than coming forward with any credible evidence of wrongdoing, the complaint instead attempts to create an illusion of substance by: (1) repeating the exact same allegations that are currently the subject of MUR 4317, and (2) drudging up reporting issues stemming back from Mr. Huckabee's 1992 Senate campaign. The fact that the complaint relies so heavily on rehashed and previously addressed allegations confirms that it is nothing more than a frivolous and politically motivated "fishing expedition." The response in MUR 4317 answers these allegations.

The complaint also mischaracterizes an unsubstantiated Arkansas Times article in charging Lt. Governor Huckabee with using improper funds to pay for a trip to Washington D.C. The facts demonstrate that this was not a "testing the waters" trip under federal law, as the complaint alleges. (Turner Affidavit, ¶ 11). Rather, the sole purpose of the trip on August 1-3, 1995, was to discuss an outstanding debt owed to political consultant Richard Morris for services

PATTON BOGGS, L.L.P.

Lawrence M. Noble, Esquire  
April 22, 1996  
Page 2

provided during the 1994 Lt. Governor's campaign. (Turner Affidavit, ¶¶ 6-8). Lt. Governor Huckabee was accompanied by the Campaign Director of his 1994 Lt. Governor's race, Brenda Turner, because she was in charge of all debt retirement efforts stemming from that race. (Turner Affidavit, ¶¶ 2, 6).

In fact, Lt. Governor Huckabee and Ms. Turner never even intended to go to Washington, D.C. since the initial plan was to have Mr. Morris travel to Arkansas. (Turner Affidavit, ¶ 6). Washington, D.C. became the meeting site only after indictments of Governor Tucker and the Starr Whitewater investigation made it problematic for Mr. Morris to travel to Arkansas given his past role as an advisor to President Clinton. (Id.).

During the August 1-3, 1995 trip, extensive meetings were held with Mr. Morris on both August 1st and 2nd to settle the debt owed to him. (Turner Affidavit, ¶ 8). As would be expected, during free time Lt. Governor Huckabee made several courtesy visits to various Republican leaders, organizations sharing his conservative philosophy and members of the press. (Turner Affidavit, ¶ 9). Indeed, many prominent Republicans wanted to meet Lt. Governor Huckabee as the first Republican to win a state-wide election in President Clinton's home state. (Turner Affidavit, ¶ 9).

While none of these meetings were intended, either directly or indirectly, to determine whether Lt. Governor Huckabee should become a candidate for the U.S. Senate, political and legal events in Arkansas were discussed. (Turner Affidavit, ¶¶ 10-11). Specifically, Lt. Governor Huckabee was repeatedly asked about Governor Tucker's future and the possibility that Huckabee could become governor if Tucker were convicted. (Id.). On several instances, Lt. Governor Huckabee was also asked informally to comment on Mr. Starr's Whitewater investigation, potential candidates to succeed Senator Pryor who had announced his intention to retire in April 1995, and potential candidates for other offices in Arkansas. (Id.). Beyond these informal conversations initiated by others, Lt. Governor Huckabee's political future was not discussed. (Turner Affidavit, ¶ 11).

The bottom line is that the sole reason Lt. Governor Huckabee and Ms. Turner traveled to Washington, D.C. on August 1-3, 1995 was to settle a debt with Mr. Morris. Therefore, it was perfectly legitimate for the expenses relating to this trip to be paid out of the funds relating to the 1994 Lt. Governor's race. Unsubstantiated and speculative claims made in a newspaper story do not change this basic fact and are wholly inadequate to justify an investigation by the Commission.

Just as the Arkansas Times article cited in the complaint should not be given any credence by the Commission, neither should the Arkansas Democrat Gazette article cited by the

PATTON BOGGS, L.L.P.

Lawrence M. Noble, Esquire  
April 22, 1996  
Page 3

complaint as conclusive evidence of improper use of state funds to pay for a mailing. Had the authors of the complaint bothered to confirm the facts surrounding this mailing before publicly leveling such an allegation, they would have found that mailing in question clearly not intended as a "testing the waters" activity.

The truth of the matter is that the May 1995 mailing referenced in the complaint had a dual purpose. The main purpose was to retire debt from 1994 Lt. Governor's campaign. (Turner Affidavit, ¶ 5). Thus, the mailing contained a two-page debt retirement letter which briefly describes the previous state legislative session and then discusses the need for contributions to assist in satisfying outstanding debts. (Turner Affidavit, ¶ 3). At no point in this letter is the open U.S. Senate seat in Arkansas either directly or indirectly mentioned. (Id.).

The second purpose of the mailing was to allow Lt. Governor Huckabee to gauge his constituents' views on a number of important state issues. (Turner Affidavit, ¶¶ 4-5). Thus, attached to the two-page debt retirement letter was a ten-question opinion survey on issues such as school consolidation, highway taxes, sales taxes on food, an informed consent law, welfare system reform, the death penalty, drunk-driving laws and the certain amendments to the Arkansas Constitution. (Turner Affidavit, ¶ 4). Given that Senator Pryor's retirement announcement occurred only days earlier on April 21, 1995 and attracted a high level of media coverage, speculation as to who might succeed him was also a legitimate state issue of importance to the Lt. Governor's office. (Turner Affidavit, ¶¶ 4-5). For this reason alone, one brief question in the constituent survey asks for an opinion as to whether Lt. Governor Huckabee should consider running for the open U.S. Senate seat. (Turner Affidavit, ¶ 4).

Such a throw-away question, which does not advocate election or defeat, solicit money or even gauge support given the question's insignificant role in the mailing as a whole, cannot be construed as a "testing the waters" effort as speculatively alleged in the complaint on the basis of an unreliable newspaper story. The mailing was intended only as a vehicle for debt retirement and for Lt. Governor Huckabee to assess the views of his constituents on legitimate state issues. As such, the costs of this mailing were appropriately paid out of Lt. Governor Huckabee's state account.

Lastly, the complaint manufactures a charge of failing to comply with the Act's "best efforts" requirements. The charge, as all the others, is baseless. As a matter of policy and practice, Respondents ask all donors to provide information regarding their occupation when making a contribution. Nonetheless, some still do not. When this occurs, Respondents send out a second mailing to obtain the required information. When a report to the Commission is due before the information is received, the campaign still files its reports. Once the information is received, Respondents then go back and amend their reports. In fact, Respondents are in the

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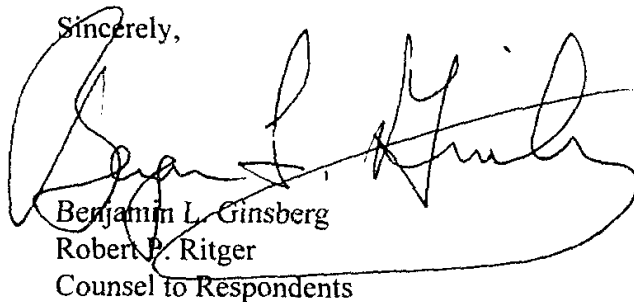
April 22, 1996

Page 4

process of obtaining the occupations of the 44 donors cited in the complaint. Copies of the letters sent to the donors are attached. Respondents believe that their procedures comply fully with the "best efforts" requirement of the Act, despite the charges leveled here without any supportable evidence.

In conclusion, this complaint is a cheap political shot consisting of nothing more than rehashed allegations and unreliable, inaccurate newspaper stories. Since this complaint is a baseless "fishing expedition," Respondents urge the Commission to dismiss it promptly. To allow this frivolous complaint to go forward would only encourage the use of the Commission complaint process for political points and one-day media stories.

Sincerely,



Benjamin L. Ginsberg  
Robert P. Ritger  
Counsel to Respondents

BLG/jmt

Enclosures

# <sup>Mike</sup> HUCKABEE

U.S. Senate



Post Office Box 1557 • Texarkana, Arkansas 75504-1557 • Tel. (501) 772-5344 • Fax (501) 773-0439

«MAILNAME»  
«ADDRESS1»  
«CITY» «STATE» «ZIP»

Dear «SALUTATION»:

Thank you so much for your recent contribution of \$«CPTOT» to my upcoming race for the U.S. Senate. I am extremely grateful for your generosity and support this early in the year. Your contribution will be posted to the primary period for the 1996 election cycle.

I want to be your next Senator, and I'm humbled by your very valuable help. This will be a very intense and hard-fought campaign, but I pledge to apply my convictions and my commitment to the prosperity of our state and its people.

Federal election laws require that we have occupation and employer information on file for each contributor for our reports. Please take the time to fill out that portion of the enclosed card and return it to us, if you have not already done so. We appreciate your help in complying with these requirements.

Thank you again for your support.

With sincere gratitude,

Mike Huckabee  
Lt. Governor of Arkansas

Enclosure

# <sup>Mike</sup> HUCKABEE

U.S. Senate



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«Prefix» «First» «MI» «Last»  
«Address\_Line1»  
«Address\_Line2»  
«City» «State» «Zipcode»

Dear «Prefix» «Last»:

The Federal Election Commission requires that we have the Employer and Occupation of every person who contributes to our 1996 U.S. Senate campaign. This applies to each person who signs the check donated to our campaign.

We do not have on file your Employer/Occupation. Please complete the enclosed card and return it in the enclosed envelope as soon as possible so that we will be in compliance with all Federal regulations.

Thank you again for your support of our 1996 Senate race. We will do our best to see your interests addressed in Washington.

Sincerely,

Brenda Turner  
Campaign Manager  
Mike Huckabee for U.S. Senate

Enclosures