



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4490

DATE FILMED 5-16-67 CAMERA NO. 4

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October 1, 1996

MUR 4490

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 1 4 01 PM '96

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

Re: Tally Complaint

Dear Larry:

Enclosed please find the original and two copies of our Tally Complaint which we would appreciate your filing with the FEC. The extra copy is for your use.

Sincerely,

*Benjamin L. Ginsberg*

Benjamin L. Ginsberg

BLG/jmt



**BEFORE THE FEDERAL ELECTION COMMISSION  
OF THE UNITED STATES OF AMERICA**

In the matter of: )  
)  
Democratic Senatorial Campaign Committee and )  
Paul Johnson, as treasurer )  
Friends of Max Baucus and )  
Nancy Nicholson, as treasurer )  
Roger H. Bedford for U.S. Senate and )  
Richard Todd, as treasurer )  
Beshear for U.S. Senate Committee and )  
Charles Stivers, as treasurer )  
Citizens for Biden - 1996 and )  
Melvyn Monzack, as treasurer )  
Jim Boren for U.S. Senate Committee and )  
Patty Myers, as treasurer )  
Brennan for U.S. Senate and )  
William Troubh, as treasurer )  
Tom Bruggere for U.S. Senate and )  
Robert Van Brocklin, as treasurer )  
Committee to Elect Winston Bryant for U.S. )  
Senate and Clifford Block, as treasurer )  
Friends of Max Cleland for the U.S. Senate, )  
Inc. and H. Wayne Howell, as treasurer )  
Elliott S. Close for U.S. Senate and )  
Harry Dalton, as treasurer )  
Friends of Dick Durbin Committee and )  
Michael Daly, as treasurer )  
Joan Finney for U.S. Senate Committee and )  
Dan Lykins, as treasurer )  
Harvey Gantt for Senate Campaign Committee and )  
Bobby Martin, as treasurer )  
Houston Gordon for Senate: Friends of Houston )  
Gordon and Charles Bone, as treasurer )  
Citizens for Harkin and )  
Theresa Kehoe, as treasurer )  
Ieyoub for Senate Committee, Inc. and )  
Ruth Lynn Russell, as treasurer )  
Tim Johnson for South Dakota, Inc. and )  
Berniece Mayer, as treasurer )  
Karpan for Wyoming and )  
Robert Schreiner, as treasurer )

Matter Under Review

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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Kerry Committee and	)
William Elsbree, as treasurer	)
Mary Landrieu for Senate Committee, Inc. and	)
Thomas Delahaye, as treasurer	)
Friends of Senator Carl Levin and	)
Robert Naftaly, as treasurer	)
Minnick for Senate and	)
Gardner Skinner Jr., as treasurer	)
Victor Morales for Senate Campaign Committee	)
and Susan Hays, as treasurer	)
Nebraskans for Neison and	)
Michael Shrier, as treasurer	)
Alaskans For Theresa Nangle Obermeyer PHD	)
and Thomas Obermeyer, as treasurer	)
Shawn O'Hara U.S. Senate and	)
Alan Webster, as treasurer	)
Reed Committee and	)
Elizabeth Young, as treasurer	)
Friends of Senator Rockefeller and	)
Martha Wehrle, as treasurer	)
Friends of Tom Strickland Inc. and	)
Christopher Romer, as treasurer	)
Swett for Senate and	)
Katrina Lantos Swett, as treasurer	)
Sally Thompson for U.S. Senate and	)
Joan Wagnon, as treasurer	)
Torricelli for U.S. Senate Inc. and	)
Stephen Moses, as treasurer	)
Committee to Elect Art Trujillo and	)
Skip Eaton, as treasurer	)
Friends of Mark Warner and	)
Gerald McGowan, as treasurer	)
Wellstone for Senate and	)
Richard Kahn, as treasurer	)
John and Jane Doe Contributors	)

### COMPLAINT

The Democratic Senatorial Campaign Committee ("DSCC") and its Democratic Senate candidates are conspiring to raise illegal and excessive earmarked contributions to fund their races this fall. As their own documents demonstrate, the DSCC and its Democratic Senate

candidates have used the tally program as a vehicle to circumvent federal election laws governing earmarked and excessive contributions. This renewal of the same "tally program" the Federal Election Commission ("Commission") has already ruled violates the Federal Election Campaign Act ("Act") constitutes a knowing and willful violation of the Act.

Accordingly, the Commission must immediately review this complaint and institute the appropriate investigation and enforcement actions to stop, once and for all, these illegal funds from being used in U.S. Senate elections. At a minimum, the FEC must subpoena and examine the tally sheets and other documents prepared for each Democratic Senate candidate as part of the tally program. *See e.g.* Exhibits 6-26. In addition, the FEC should contact and investigate all contributors who donated the maximum to a Democratic Senate candidate and then contributed to the DSCC to determine if that donor was told or believed his or her contribution would benefit any specific candidate. These donors are referred to in this complaint as "John and Jane Doe Contributors".

Accordingly, pursuant to 2 U.S.C. § 437g(a)(1), the National Republican Senatorial Committee ("NRSC") submits the following complaint against the participants in the DSCC's "tally program" during the 1995-96 election cycle -- the DSCC, Friends of Max Baucus, Roger H. Bedford For U.S. Senate, Beshear For U.S. Senate Committee, Citizens For Biden - 1996, Jim Boren For U.S. Senate Committee, Brennan For U.S. Senate, Tom Bruggere For U.S. Senate, Committee to Elect Winston Bryant U.S. Senate, Friends of Max Cleland For the U.S. Senate Inc., Elliott S. Close For U.S. Senate, Friends of Dick Durbin Committee, Joan Finney For U.S. Senate Committee, Harvey Gantt For Senate Campaign Committee, Houston Gordon For Senate: Friends of Houston Gordon, Citizens For Harkin, Ieyoub For Senate Committee Inc.,



Tim Johnson For South Dakota Inc., Karpan For Wyoming, Kerry Committee, Mary Landrieu For Senate Committee Inc., Friends of Senator Carl Levin, Minnick For Senate, Victor Morales For Senate Campaign Committee, Nebraskans For Nelson, Alaskans For Theresa Nangle Oberneyer PHD, Shawn O'Hara U.S. Senate, Reed Committee, Friends of Senator Rockefeller, Friends of Tom Strickland Inc., Swett For Senate, Sally Thompson For U.S. Senate, Torricelli For U.S. Senate Inc., Committee to Elect Art Trujillo, Friends of Mark Warner, Wellstone For Senate, and John and Jane Doe Contributors.

### INTRODUCTION

This complaint is based on internal documents of the DSCC and its Democratic Senate candidates which demonstrate that the DSCC's tally program never was, and is not now, an informal fundraising program. Rather, the documents show that the tally program in this and prior election cycles is a systematic scheme to raise illegal earmarked and excessive contributions from donors who have already given the legal maximum to a candidate and then funnel their excessive contributions into coordinated expenditures spent by the DSCC for that same candidate. As such, this scheme violates the Act.

Rather than complying with the Act, the DSCC has chosen instead to evade it by implementing purely cosmetic measures to create the appearance of compliance. The evidence set forth below demonstrates that, beneath this superficial veneer, the DSCC is in this election cycle using the tally program in the same manner it admitted in MUR 3620 is illegal; namely, as an elaborate scheme to circumvent federal contribution limitations by soliciting illegal earmarked contributions disguised as legitimate contributions to the DSCC, and then funneling such funds to the "tallied" candidate in the form of coordinated expenditures.

The DSCC is not alone in this elaborate tally scheme to evade federal contribution limitations. Joining the DSCC as accomplices in violation of the Act are each Democratic Senate candidate whose campaign has knowingly recruited funds for the DSCC's tally program and will receive DSCC coordinated expenditures during the 1995-96 cycle.

Given the scope of the violations of the Act committed through the DSCC tally program and the potentially irreparable damage to the fairness and integrity of the 1996 elections for the United States Senate, the Commission must institute an immediate investigation and enforcement action with regard to such violations.

#### FACTS:

The legality of the DSCC tally program first came into question when a complaint was filed with the Commission on September 24, 1992 charging the DSCC and several Democratic Senate candidates with "engaging in a common scheme or design to circumvent and violate federal election laws when it comes to raising campaign contributions." NRSC Complaint, attached as Exhibit 1.

This "common scheme" was the DSCC's "tally" program, a fundraising mechanism under which contributors to the DSCC can "tally" their contribution to a specific candidate or group of candidates so that the DSCC will use those funds for its coordinated expenditures on behalf of these candidates. To raise funds for this program, the DSCC and its candidates produced and distributed written and oral solicitations requesting that contributions be sent to the DSCC and informing potential contributors of the tally option.

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Although the DSCC argued that this tally system was merely an "informal accounting process established by the DSCC to keep track of the amount of money raised for the Committee's use by a particular candidate" (DSCC Response, attached as Exhibit 2), the Commission rejected that argument. The Commission's ruling was based on substantial evidence that the tally program was an elaborate scheme to evade federal contribution limitations by knowingly soliciting and collecting contributions "earmarked" for specific candidates, and then funneling such funds back to the specific candidates in the form of coordinated expenditures. See Exhibit 1. The DSCC admitted that the total amount of money "tallied" by a particular candidate was "taken into consideration as one of several factors used by the DSCC" in determining the level of coordinated expenditures made on behalf of such candidate. DSCC Response, attached as Exhibit 2.

Based on the evidence presented by the NRSC and the Commission's own investigation, the Commission found on October 4, 1994 that it had "reason to believe" that the DSCC had violated the federal election laws and regulations governing earmarked contributions, including 2 U.S.C. § 441a(a)(8), 11 C.F.R. § 110.6(c)(1), 11 C.F.R. § 110.6(b)(2)(iii), and 11 C.F.R. § 102.8. See FEC Certification, Exhibit 3. Shortly thereafter, the Commission initiated an informal conciliation process with the DSCC regarding MUR 3620.

**The Conciliation Agreement:**

This process resulted in a Conciliation Agreement signed by the DSCC on August 11, 1995 and the Commission on August 21, 1995. See Conciliation Agreement, Exhibit 4. In this Conciliation Agreement:



- The DSCC voluntarily and expressly agreed that its tally program operations in the 1991-92 and 1993-94 election cycles were soliciting and generating illegal earmarked contributions that were then given to Democratic Senate candidates as coordinated expenditures.
- The DSCC agreed to pay a civil penalty of \$75,000 for violating the Act, the largest fine to date against any political party committee.
- The DSCC also voluntarily and expressly agreed to radically alter its tally program and corresponding solicitations by implementing a series of remedial measures designed to ensure that illegal earmarking activities would not reoccur in 1995-96 and future election cycles. Specifically, the DSCC agreed it would:
  1. not accept any earmarked contributions in the future and would refund any such contribution to the donor or forward it directly to the designated candidate so it would count against the donor's limits to that candidate;
  2. provide on-going education and training to DSCC staff and all other tally participants regarding the prohibition against earmarked contributions;
  3. utilize standard language in all tally program solicitations informing potential contributors that the DSCC does not accept earmarked contributions and that all tallied contributions would be distributed as the DSCC determines within its sole discretion; and
  4. implement procedures to review all tally program solicitations to make sure that they do not solicit earmarked contributions.

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- ♦ The DSCC and the Commission agreed that the DSCC would be taken directly to court for any similar illegal tally activities in the future or any other failure to comply with the terms of the Conciliation Agreement.

Simply stated, the DSCC promised the Commission it would discontinue its illegal tally program activities or else be taken to court. However, as this Complaint and the attachments demonstrate, the DSCC and its Democratic Senate candidates are continuing the exact tally activities the DSCC promised would cease. In reality, the DSCC has made only cosmetic changes to its tally program in the form of over-lawyered "disclaimer language" intended to give the appearance of compliance. See, e.g., Solicitation for DSCC's 1996 "Take Back the Senate Dinner," Exhibit 5.<sup>11</sup> Despite its legalese, the DSCC and its candidates have continued to act together to knowingly and willfully use the tally program in the 1995-96 election cycle as they have in the past; namely, as an elaborate scheme to avoid federal contribution limitations by soliciting and collecting contributions illegally earmarked for a specific candidate and then funneling such funds back to Democratic Senate candidates under the guise of coordinated expenditures.

#### **How the Tally Program Works:**

The DSCC's use of its tally program to evade federal election law contribution limits is being carried out in conjunction with all its Democratic Senate candidates. Illustrative are the

<sup>11</sup> Obscured in the back of the fundraising solicitation for this "Take Back the Senate Dinner," the DSCC includes language stating that it "does not accept contributions earmarked for a particular candidate" and that tallied contributions will be spent as the DSCC determines "within its sole discretion." See Exhibit 5. No such language appears on the contribution card accompanying the solicitation. *Id.* Furthermore, as shown herein, the actions of the DSCC and its candidates belie its own language and the requirements of the Act.

DSCC's 1995-96 tally activities with Senator Carl Levin from Michigan and his campaign committee (the "Friends of Senator Carl Levin"). Here's how it works.

First, the DSCC actively coordinates with Senator Levin in the preparation and distribution of oral and written solicitations for the tally program. As the documents attached to this Complaint demonstrate, these solicitations represent thinly veiled attempts to obtain illegal earmarked contributions from certain targeted donors, especially those individuals who have already given the legal maximum in direct contributions to the Levin campaign:

1. In an October 9, 1995 letter attached as Exhibit 6 regarding a DSCC fundraising dinner, Senator Levin tells the Chrysler Corporation Nonpartisan PAC that their "support of the DSCC is very important to me" and stresses that "[i]t would be a tremendous help to me if you would buy a ticket or table and credit your contribution to me." (emphasis added). Levin also states that this "fundraising event is crucial to my reelection effort next year." This direct soliciting of an earmarked contribution in violation of the Act and the Conciliation Agreement is not negated by weak disclaimer language that the "amount of money to be spent by the DSCC on my behalf is based in part on my tally, among other factors. . ."
2. In the December 29, 1995 solicitation letter to the National Structured Settlements PAC attached as Exhibit 7, Senator Levin describes in detail his Senate race, the "spending capabilities" of his opponents, and his campaign's need for additional funds to compete in this "tremendously expensive race." Following this description of his own campaign's need for money, Levin goes on to state that he is "hoping you will be able to help me in a very specific way: would you be able to tally all or part of your 1996 DSCC contribution

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to me?" (emphasis added). Again, this clear request for an earmarked contribution cannot be negated by the weak disclaimer language in the letter.

3. In the April 17, 1995 "call sheets" attached as Exhibit 8, the DSCC encourages Senator Levin to orally solicit contributions to the DSCC for his tally from the United Steelworkers of America, the National Association of Letter Carriers, the Maintenance of Way Employees, the International Association of Fire Fighters, the Kellogg Better Government Committee, the International Ladies Garment Workers Union, the Service Employees International Union, the American Federation of State, County & Municipal Employees, the United Rubber Workers, Comerica Incorporated PAC, and Mr. and Mrs. Jerome Zimmerman.<sup>2/</sup> Many of these call sheets suggest that the purpose of the calls was to solicit earmarked contributions for Levin, such as: (a) "the monies may be tallied to your campaign"; (b) "Please ask them to join the DSCC Roundtable by making a \$5,000 contribution and tallying to you"; and (c) "she maxed to your last campaign" and her husband "has given to you as well", so "[a]sk them to attend the DSCC reception . . . and tally \$5,000 to your campaign."

After such written and oral solicitations are made, the next step is for the contributors to respond with contributions to the DSCC earmarked for Senator Levin's campaign, as demonstrated by the following documents:

1. In the June 21, 1996 letter attached at Exhibit 9, a contributor informs Senator Levin that he is "a participant in the DSCC Majority Trust Program and perhaps could be of some

<sup>2/</sup> These call sheets are dated before the signing of the Conciliation Agreement in August of 1995, but they apparently were never turned over to the Commission as part of MUR 3620.

help via that mechanism." The contributor goes on to state that "a Majority Trust 'tally' to the Levin Campaign in the amount of \$1,500 has been made."

2. In the August 5, 1996 letter attached at Exhibit 10, the same contributor again writes to Senator Levin to reiterate that "a DSCC 'tally' in the amount of \$1,500 was made to your campaign" and to wish Senator Levin "every success" in his campaign.
3. In the June 25, 1996 letter attached at Exhibit 11, another contributor earmarks \$2,000 to the Levin campaign.
4. In the April 4, 1996 letter attached at Exhibit 12, a representative of the National Committee to Preserve Social Security and Medicare instructs the DSCC to add a \$2,000 contribution "to Senator Carl Levin's Tally Sheet."

The DSCC keeps a specific, detailed accounting of all such earmarked contributions and periodically provides Senator Levin with a "Tally Report" listing the names of all contributors to his tally as well as the dates and amounts of the contributions. Three such Tally Reports sent to Senator Levin in January, March and June of 1996 are attached at Exhibit 13. These Tally Reports show that the DSCC and the Levin campaign have violated the Act by accepting contributions earmarked for Senator Levin from a wide range of individuals and political action committees during the 1995-96 election cycle,<sup>11</sup> including:

<sup>11</sup> Given that the most recent of the attached Tally Reports is dated June 6, 1996, it is certain that the DSCC has subsequently received additional contributions earmarked for Senator Levin from other individuals and PACs. For example, the letters attached at Exhibits 9 and 10 indicate that the contributor provided the DSCC with a contribution earmarked for Senator Levin on June 20, 1996. The discovery process can identify other contributors who have provided similar earmarked contributions since June 6, 1996.

1. A \$5,000 contribution on March 14, 1996 from Chrysler Corporation's political action committee, which appears to be the same organization that Senator Levin solicited in the previously discussed October 9, 1995 letter attached at Exhibit 6.
2. A \$4,500 contribution on October 25, 1995 and another \$2,500 on March 31, 1996 from the American Federation of State, County and Municipal Employees PAC, the same organization that was targeted in one of Senator Levin's solicitation "call sheets" attached at Exhibit 8.
3. A \$2,000 contribution on February 29, 1996 from the National Committee to Preserve Social Security and Medicare PAC. This same organization wrote to Senator Levin on April 4, 1996 informing him of this earmarked contribution. See Exhibit 12.
4. A \$4,000 contribution on March 15, 1995. As indicated in the June 25, 1996 letter attached at Exhibit 11, the contributor has also earmarked an additional \$2,000 to the Levin campaign.

Consistent with the tally program's purpose of circumventing federal contribution limitations, reports on file with the Commission show that many of the contributors listed in Senator Levin's Tally Reports provided their earmarked contribution after, or at about the same time, they gave the maximum direct contribution to the Friends of Senator Carl Levin Committee. These contributors include the American Federation of State, County and Municipal Employees, the United Auto Workers, Maryanne Hanson Alix, Madeleine Berman, Mandell Berman, Maurice Cohen, Sadie Cohn, Linda Dresner, Dorothy Gerson, Irwin Green, Doreen



Hermelin, Robert Larson, David Mondry, Miriam Mondry, Richard Rogel, Susan Rogel, Joel Tauber and Timothy Wuliger.<sup>41</sup> See Exhibit 13.

According to the DSCC's Reports of Receipts and Disbursements on file with the Commission, the DSCC has not refunded or forwarded any of the earmarked contributions of these or any of the contributors listed in Senator Levin's Tally Reports, as required by the Act and the Conciliation Agreement.

Once these earmarked contributions are collected and tallied to Senator Levin, the final step is for the DSCC to funnel these funds back to the Levin campaign in the form of coordinated expenditures. The "Tally Reports" sent by the DSCC to Senator Levin in January, March and June of 1996 demonstrate this *quid pro quo*. See Exhibit 13. In these reports, Senator Levin is given a detailed, side-by-side accounting of: (1) the total amount of coordinated expenditures allowed to be allocated to Levin's campaign; (2) the total tally amount raised by Levin to date; and (3) the total amount spent by the DSCC on Levin's campaign to date. According to the June 6th Tally Report, the amount of coordinated expenditures available for Levin's race in Michigan at the time was \$886,690, the total that Levin had raised in earmarked tally contributions was \$542,000, and the total amount he had received was \$17,500.

Collectively, these various steps within the DSCC's tally program comprise a willful and knowing circumvention of federal contribution limitations by soliciting earmarked contributions from donors who have already made the maximum direct contribution to specific Democratic Senate candidates. The knowing and willful nature of the illegal tally activities conducted by the

<sup>41</sup> It is expected that this list of names will grow when the DSCC files its next report with the Commission.

DSCC and the Levin campaign is evidenced by the following series of documents relating to a contributor named Robert Nathan:

1. First, an invitation to a September 16, 1996 fundraiser for Senator Levin in Beverly Hills was circulated to Mr. Nathan. *See* Levin Fundraiser Invitation, attached as Exhibit 14. According to reports on file with the Commission, this donor had previously given the maximum direct contribution to Senator Levin's campaign.
2. Matthew Erickson, the Levin campaign's Deputy National Fundraiser, then contacted Mr. Nathan by fax to solicit an earmarked tally contribution from him for the September 16th event which was clearly to be held for the benefit of the Friends of Senator Carl Levin. *See* Levin Fax, attached as Exhibit 15. As part of the blatant attempt to cover up the true nature of the illegal earmarked contribution of this donor, the cover sheet of the fax specifically instructs the donor that "it is very important that you not put Senator Levin's name on the check itself". The letter alone is sufficient to insure that the contribution is tallied to Senator Levin." *Id.* (emphasis added). The fax cover sheet also thanks the donor for his "help" and states "[w]e'll see you on the 16th." *Id.* Attached to this cover sheet are two additional documents intended to disguise the earmarked nature of the contribution: a letter to the donor containing the standard disclaimer language and a prepared letter for the contributor to sign stating that "I understand the tally system as it has been explained to me." *Id.*
3. Finally, in the internal guest list for the September 16th event attached as Exhibit 16, it is documented that Mr. Nathan will attend and that he is "at personal max -- bringing DSCC tally."

This series of documents demonstrates clearly the calculated efforts of the DSCC and the Levin campaign to give tally contributors step-by-step instructions on how to cover-up their illegal earmarked contributions in order to create the appearance of compliance with the Act.

**Violations By Individual Candidates:**

Senator Levin's situation illustrates how the DSCC tally program is being used to knowingly and willfully violate the Act. However, the Levin campaign is not alone. Overwhelming evidence shows the DSCC and all its Senate candidates running in the 1995-96 election cycle use the same tally scheme the DSCC admitted in MUR 3620 is illegal. For example, in the memo attached at Exhibit 17 regarding the "1995 DSCC Annual Senate Dinner," the DSCC informs its candidates that any "[c]ontributions to the 1995 Fall dinner may be tallied to any Democratic U.S. Senator or any 1996 nominee for the U.S. Senate." Specifically:

- Friends of Max Baucus has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Roger H. Bedford For U.S. Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.

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- Beshear For U.S. Senate Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Citizens For Biden - 1996 has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Jim Boren For U.S. Senate Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Brennan For U.S. Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Tom Bruggere For U.S. Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his

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DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.

- Committee to Elect Winston Bryant U.S. Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Friends of Max Cleland For U.S. Senate Inc. has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Elliott S. Close For U.S. Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He has also violated the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures. Reports on file with the Commission show that the DSCC has accepted at least \$70,000 in earmarked and excessive contributions from several of Elliott Close's family members who had already donated the maximum direct contribution to his campaign. Demonstrating that the tally program is a means to launder illegal excessive contributions to candidates, just days after receiving this \$70,000 in

earmarked and excessive funds, the DSCC made coordinated expenditures of \$74,461 on behalf of the Close campaign for television ads from a number of South Carolina television stations. See Summary of Television Purchases, attached as Exhibit 18.<sup>21</sup> When the Close campaign receives additional coordinated expenditures from the DSCC, it will again be guilty of violating federal election laws governing excessive and illegally earmarked contributions.

- Friends of Dick Durbin Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures. As evidence thereof, Dick Durbin is quoted in August 30, 1996 *Associated Press* report attached as Exhibit 19 as stating that "[t]he only way the Democratic Senatorial Campaign Committee money goes to me is if I raise the money and it is tallied to me." (emphasis added). Moreover, in the June 25, 1996 letter attached as Exhibit 11, a contributor tells the DSCC to tally \$1,000 to Dick Durbin.
- Joan Finney For U.S. Senate Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for her DSCC "tally." She is about to violate the federal election laws governing

<sup>21</sup> Exhibit 18 is a summary of the DSCC's purchases of ads for the Close campaign at various South Carolina television stations. This summary was prepared based on the personal review of the books of the various stations by three volunteers of the Re-Elect Thurmond Committee who were prohibited by the stations from making photocopies. Sworn affidavits from these three aides testifying to the veracity of the summarized information will be forwarded to the Commission shortly.



excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.

- Harvey Gantt For Senate Campaign Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Houston Gordon For Senate: Friends of Houston Gordon has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Citizens For Harkin has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures. For example, in the June 25, 1996 letter attached as Exhibit 11, a contributor tells the DSCC to tally \$1,000 to Senator Harkin.
- Ieyoub For Senate Committee Inc. has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing

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excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.

- Tim Johnson For South Dakota Inc. has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Karpan For Wyoming has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for her DSCC "tally." She is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Kerry Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures. For example, in the June 25, 1996 letter attached as Exhibit 11, a contributor tells the DSCC to tally \$1,000 to Senator Kerry.
- Mary Landrieu For Senate Committee Inc. has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for her DSCC "tally." She is about to violate the federal election laws governing

excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.

- Minnick For Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Victor Morales For Senate Campaign Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures. In fact, when asked during a September 25, 1996 interview how much money his campaign has "ready to spend", Morales responded: "I think we have a little over \$200 -- maybe \$300,000. And then there's some tally money of about \$150,000. Tally money that, you know, people have tallied in my name to the DSCC." (emphasis added). Morales Interview Transcript and Tape, attached as Exhibit 20.
- Nebraskans For Nelson has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.



- Alaskans For Theresa Nangle Obermeyer PHD has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for her DSCC "tally." She is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Shawn O'Hara U.S. Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Reed Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Friends of Senator Rockefeller has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Friends of Tom Strickland Inc. has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his

DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures. As evidence thereof, the January 10, 1996 *Rocky Mountain News* article attached as Exhibit 21 describes a letter sent by DSCC Chairman Senator Bob Kerrey of Nebraska to Tom Strickland and all other Democratic candidates in Colorado's primary. In this letter, Kerrey asks Strickland to help raise \$10,000 for a DSCC Majority Trust event in Aspen and "reminds [Strickland]. . . and his donors that the money raised for the DSCC can be earmarked right back to the candidate" if he wins the primary. (emphasis added)

- Swett For Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Sally Thompson For U.S. Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for her DSCC "tally." She is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Torricelli For U.S. Senate Inc. has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and

illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.

- Committee to Elect Art Trujillo has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.
- Friends of Mark Warner has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures. For example, in the August 7, 1996 letter attached as Exhibit 22, DSCC Chairman Bob Kerrey writes to Mark Warner asking him to participate in the "Annual Senate Issues Conference and Dinner" on September 26, 1996. Kerry also: (a) informs Warner that "you have raised \$97,250.00 against your overall tally of \$636,442.00," which, significantly, is the exact amount of coordinated expenditures permitted in Virginia; (b) stresses that the event "will provide a terrific opportunity" for Warner "to raise significant tally money"; and (c) states that "this dinner will give you a chance to meet our major donors from across the country who will in turn be supportive of your campaign's fundraising efforts."
- Wellstone For Senate has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his



DSCC "tally." He is about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures. The following documents demonstrate the Wellstone campaign's involvement in the illegal tally scheme:

1. In the January 31, 1996 letter attached as Exhibit 23, the Transportation Political Education League, the political committee of the United Transportation Union ("UTU"), instructs the DSCC to tally a \$14,250 contribution to Senator Paul Wellstone. This letter seems to have been generated at the request of the Wellstone For Senate committee based on a fax sent to the UTU stating "that without something from the UTU the DSCC will hold-up crediting your check to Paul." Wellstone For Senate Fax, attached as Exhibit 24. Moreover, reports on file with the Commission show that the UTU had already given the maximum direct contribution of \$10,000 to Wellstone For Senate.
2. In the February 3, 1995 letter attached as Exhibit 25, Senator Wellstone thanks a contributor for his "willingness to consider supporting my re-election efforts" and then describes his campaign's need for money due to his status as the Republican's "top target for the 1996 elections."<sup>62</sup> Wellstone then states that he is "starting from scratch with the DSCC, so anything you can tally would be a tremendous help. Your early support means a great deal to me." *Id.* (emphasis added). This clear solicitation of an earmarked contribution does not contain any of disclaimer language.
3. In the March 28, 1995 "call sheets" attached as Exhibit 26, the DSCC encourages Senator Wellstone to orally solicit contributions to the DSCC for his tally from the American

<sup>62</sup> This letter is dated before the signing of the Conciliation Agreement in MUR 3620, but was never turned over to the Commission.

Federation of State, County & Municipal Employees, the Human Rights Campaign Fund, and the Service Employees International Union.<sup>21</sup>

The bottom line is that the DSCC has not altered the tally program in any substantive manner during the 1995-96 cycle to comply with the requirements of the Act. All the DSCC has done is incorporate cosmetic "disclaimer" language into some of its tally solicitations. But actions speak louder than words; the DSCC and its Democratic Senate candidates continue to conspire to use the tally program in the same manner as in prior election cycles to circumvent federal contribution limitations by soliciting and accepting illegal earmarked contributions disguised as legitimate contributions to the DSCC, and then funneling these funds to the "tallied" candidate in the form of coordinated expenditures.

Moreover, each contributor who donated the maximum to a Democratic Senate candidate and then contributed to the DSCC tally program may be guilty of violating the Act if it is determined after an investigation by the Commission that the contributor knowingly participated in the scheme to circumvent the Act.

## LAW

### **I. Conciliation Agreement in MUR 3620**

Pursuant to the Conciliation Agreement regarding MUR 3620 signed by the DSCC on August 11, 1995 and the Commission on August 21, 1995, the parties expressly and voluntarily agreed to the following:

<sup>21</sup> These call sheets are dated before the signing of the Conciliation Agreement in MUR 3620, but were never turned over to the Commission.

1. The "DSCC and certain of its candidates prepared and distributed fundraising solicitations for the DSCC's tally program which can be fairly and reasonably read to mean that contributions would be earmarked for a particular candidate." Section V(1).
2. In response to the DSCC tally solicitations, "some contributors earmarked their contributions to the DSCC for a particular candidate." *Id.*
3. The DSCC did not treat such earmarked contributions "as being earmarked for the designated candidate" in violation of 2 U.S.C. § 441a(a)(8), 11 C.F.R. § 102.8, 11 C.F.R. § 110.6(b)(2)(iii) and 11 C.F.R. § 110.6(c)(1). Section V(2).
4. "Some of the funds received by the candidate committees as coordinated party expenditures from the DSCC were earmarked contributions which the DSCC . . . failed to report as earmarked contributions" in violation of 11 C.F.R. § 110.6(b)(2)(iii). *Id.*
5. The solicitations used in the DSCC tally program "could have been clarified to avoid soliciting earmarked contributions." Section V(3).
6. The DSCC will pay a \$75,000 civil penalty to the Commission for violating the Act. Section VI(1).
7. The DSCC will implement remedial measures to ensure that any contributions received by the DSCC in the future through its tally program that "appear to be earmarked" will be refunded to the contributor or forwarded to the designated candidate in accordance with the requirements of the Act. Section VI(2)(a).
8. The DSCC will provide on-going "education and training to DSCC staff and participants in the tally program, including the staff of Democratic Senate candidates, which will emphasize that: (1) DSCC does not accept contributions earmarked for a particular



candidate; (2) tallied contributions will be spent for DSCC activities and programs as the Committee determines within its sole discretion; and (3) contributors must be advised of (1) and (2) above when the DSCC and the tally program participants solicit tallied contributions." Section VI(2)(b).

9. The DSCC will "utilize standard language" in its future solicitations pertaining to the tally program which states, at a minimum, "that the DSCC does not accept contributions earmarked for a particular candidate and that tallied contributions will be used as the DSCC determines in its sole discretion." The DSCC also agreed to instruct all of the candidates and committees that participate in the tally program to include this standard language in any tally solicitations that they distribute. Section VI(2)(c).
10. The DSCC "will implement reasonable procedures to review DSCC and Democratic Senate candidate fundraising solicitations pertaining to the tally program to ensure that the solicitations cannot be reasonably read to solicit earmarked contributions." Section VI(2)(d).
11. The Commission, on the request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) or on its own motion, may review compliance with the Conciliation Agreement. Section VII. If the Commission determines that any provision of the Conciliation Agreement has been violated, the Commission "may institute a civil action for relief in the United States District Court for the District of Columbia." *Id.*

## **II. Earmarked Contributions**

Under 2 U.S.C. § 441a(a)(8), a contribution made by a person, either directly or indirectly, on behalf of a particular candidate, which is in any way earmarked or otherwise

directed through an intermediary or conduit, shall be treated as a contribution from such person to such candidate. The term "earmarked" is defined at 11 C.F.R. § 110.6(b)(1) as a designation, instruction or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee. The term "conduit or intermediary" is defined at 11 C.F.R. § 110.6(b)(2) as any person who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee.

Under 11 C.F.R. § 110.6(b)(2)(iii), any person who receives an earmarked contribution is required to forward such earmarked contribution to the candidate or the candidate's authorized committee in accordance with 11 C.F.R. § 102.8, which provides that earmarked contributions must be forward no later than 10 days after receipt.

Pursuant to 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c)(1), the intermediary or conduit of an earmarked contribution must report the source of the contribution and the intended recipient to the Commission and to the intended recipient. Recipient candidates or candidate committees are in turn required by 11 C.F.R. § 110.6(c)(2) to report earmarked contributions and each conduit or intermediary who forwards one or more earmarked contributions which in the aggregate exceed \$200 in any calendar year.

### **III. Excessive Contributions**

Under 2 U.S.C. § 441a(a)(1)(A), no person shall make contributions to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed \$1,000. The term "person" includes an individual, partnership, committee, association, corporation, labor organization or any other organization or group of persons.

2 U.S.C. § 431(11). All contributions by a person to a candidate, "including contributions which are in any way earmarked or otherwise directed to the candidate through an intermediary or conduit," are contributions from the person to the candidate. 11 C.F.R. § 110.6(a).

Under 2 U.S.C. § 441a(a)(2)(A), no multi-candidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed \$5,000.

Under 2 U.S.C. § 441a(f), no candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the limitations set forth in section 441a of the Act. Furthermore, no officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under section 441a of the Act.

### DISCUSSION

**I. THE DSCC AND ITS DEMOCRATIC SENATE CANDIDATES HAVE USED THE 1995-96 TALLY PROGRAM TO KNOWINGLY AND WILLFULLY VIOLATE FEDERAL ELECTION LAWS GOVERNING EARMARKED CONTRIBUTIONS.**

As their own documents and actions show, the DSCC and its Democratic Senate candidates have not stopped the tally program and the techniques the DSCC admitted are unlawful and promised to cease in MUR 3620. The only change has been in the program's packaging, not its operation. As demonstrated by the attached documents such as Exhibits 14 through 16, despite the "disclaimer" language the DSCC and its candidates have been using to cover up their illegal actions, they are continuing to solicit and accept earmarked contributions



through its tally program during the 1995-96 election cycle in violation of the federal election laws governing earmarked contributions. In fact, the DSCC and its candidates have violated the Act by doing precisely what its "disclaimer" language says it will not do.

The DSCC has violated the Act and regulations by actively coordinating with the campaigns of its 1995-96 Democratic Senate candidates to prepare and distribute tally program solicitations clearly intended to solicit earmarked contributions from certain targeted donors. These solicitations are intended to generate earmarked contributions because they are asking the contributor to place a "designation, instruction or encumbrance" on their contribution "which results in all or part of" such contribution "being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee." 11 C.F.R. § 110.6(b)(1).

To illustrate, consider the tally solicitation letters sent by Senator Levin to contributors on October 9, 1995 and December 29, 1995. In the October 9th letter, Levin stresses to Chrysler's PAC that a tallied contribution "is crucial to my reelection effort next year." Exhibit 6. Likewise, in the December 29th letter, Levin follows a detailed description of his campaign's need for money by stating that he hopes the National Structured Settlements PAC "will be able to help me in a very specific way: would you be able to tally all or part of your 1996 DSCC contribution to me?" Exhibit 7. Without question, these solicit an earmarked contribution for Senator Levin's campaign. The weak disclaimer language in these letters is irrelevant given that it does not in any way suggest that the contributor cannot earmark a contribution or that the DSCC exercises discretion over tallied funds.

Besides these written solicitations, the Levin "call sheets" demonstrate that the DSCC also encourages its tally participants to solicit aggressively earmarked contributions over the

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phone from major interest groups such as the United Steelworkers, the American Federation of State, County & Municipal Employees and the Kellogg Better Government Committee. See Exhibit 8. The instructions given to Senator Levin on these call sheets make it clear that the purpose of the calls was to solicit earmarked contributions. For example, Levin was informed on one call sheet that a contributor has "maxed out to your last campaign" and her husband has given to you as well", so "[a]sk them to . . . tally \$5,000 to your campaign." *Id.* Nothing in this or any of the other call sheets instructs or even suggests to Senator Levin that the donors called must be informed of the prohibition against earmarked contributions.

Senator Levin has not been alone in soliciting earmarked contributions for the DSCC tally program. Substantial evidence shows that all of the Democratic Senate candidates have been soliciting earmarked contributions as part of the tally program during the 1995-96 election cycle. To illustrate, the Wellstone For Senate campaign sent a January 31, 1996 fax to the United Transportation Union, an organization that had already donated the maximum amount to Wellstone's campaign. See Exhibit 24. In this fax, the Wellstone For Senate campaign specifically requests the UTU to earmark its substantial \$14,250 contribution to Wellstone by stating "that without something from the UTU the DSCC will hold-up crediting your check to Paul." *Id.* Moreover, in the February 3, 1995 letter attached as Exhibit 25, Senator Wellstone follows a description of his campaign's need for money by telling the contributor that "anything you can tally would be a tremendous help" and "[y]our early support means a great deal to me." This clear solicitation of an earmarked contribution does not contain any disclaimer language whatsoever.

Because tally solicitations such as those described above ask for earmarked contributions, many of the contributors who have responded to these solicitations during the current cycle have earmarked their contributions to the DSCC on behalf of a particular candidate. An example is the June 21, 1996 letter sent to Senator Levin from a tally contributor. See Exhibit 9. In this letter, the contributor informs Levin that he donated \$1,500 "via" the DSCC tally "mechanism" so he "could be of some help" to Levin's campaign. *Id.* This same contributor even sent a second letter to Levin describing the \$1,500 contribution and wishing Levin "every success" in his campaign. Exhibit 10. The Tally Reports given to Senator Levin by the DSCC show that this contributor is not alone. See Exhibit 13. As of June 6, 1996, over 100 other contributors had earmarked contributions to Senator Levin through the DSCC's tally program, including Chrysler's PAC, the American Federation of State, County and Municipal Employees and others the documents show had received specific written or oral solicitations from Levin. *Id.*

By virtue of accepting these earmarked contributions, the DSCC meets 11 C.F.R. § 110.6(b)(2)'s definition of a "conduit or intermediary." As such, the DSCC is required by:

- 2 U.S.C. § 441a(a)(8) to treat all the earmarked contributions it receives through the tally program as direct contributions to the tallied candidate;
- 11 C.F.R. § 110.6(b)(2)(iii) to forward all the earmarked contributions received through the tally program to the tallied candidate or authorized committee within the 10 day limit established by 11 C.F.R. § 102.8; and
- 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c)(1) to report the source of the contribution and the intended recipient to the Commission.



However, the DSCC's own reports on file with the Commission show that the DSCC has knowingly and willfully failed to: (1) treat any of the earmarked contributions received through the tally program as direct contributions to the tallied candidate in violation of 2 U.S.C. § 441a(a)(8); (2) forward any of the earmarked contributions to the tallied candidate or his/her authorized committee in violation of 11 C.F.R. §§ 110.6(b)(2)(iii) and 102.8; and (3) report the source of the earmarked contribution and the intended recipient to the Commission in violation 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c)(1).

Rather than complying with these requirements, the DSCC has instead knowingly and willfully continued to accept earmarked contributions through the tally program with the intent of funneling them back to the designated candidate at a later date in the form of coordinated expenditures. The Democratic Senate candidates are equally culpable because they are knowingly and willfully participating in the illegal tally scheme, yet reports on file with the Commission show that none of the candidates has reported the receipt of any earmarked contributions in violation of 11 C.F.R. § 110.6(c)(2).

As if this were not enough to prove that the DSCC and its candidates have knowingly and willfully conspired to violate the federal election laws governing earmarked contributions during the 1995-95 election cycle, there can be no doubt after:

- The series of documents attached as Exhibits 14 through 16 showing how the DSCC and the Levin campaign provided step-by-step instructions to a marked out donor on how to disguise his earmarked contribution by means of a paper trail and clever disclaimer language. The contributor was told "it is very important that you not put Senator Levin's

- name on the check itself" and was even provided with a prepared letter stating that he understands "the tally system as it has been explained." Levin Fax, attached as Exhibit 15;
- DSCC Chairman Bob Kerrey's statement to Democratic Senate candidates in Colorado that "the money raised for the DSCC can be earmarked right back to the candidate" if he or she wins the primary. *Rocky Mountain News* Article, attached as Exhibit 21;
  - Illinois Democratic Senate candidate Dick Durbin's confession that "the only way the Democratic Senatorial Campaign Committee money goes to me is if I raise the money and it is tallied to me." *Associated Press Report*, attached as Exhibit 19;
  - Texas Democratic Senate candidate Victor Morales' statement during an interview that his campaign is going to receive "tally money of about \$150,000. . .that, you know, people have tallied in my name to the DSCC." See Morales Interview Transcript and Tape, attached as Exhibit 20; and
  - The DSCC's purchase of \$74,461 worth of television ads on behalf of South Carolina Democratic Senate candidate Elliott Close's campaign shortly after receiving \$70,000 in earmarked tally contributions from several of Close's relatives. See Summary of Television Purchases, attached as Exhibit 18.

Thus, by the admission of its Chairman and two of its candidates, the entire tally program is an elaborate scheme between the DSCC and its candidates to circumvent federal laws and regulations concerning earmarked contributions. The truth of such admissions is confirmed by the DSCC "Tally Reports," which provide each Democratic Senate candidate with a detailed, side-by-side accounting of: (1) the total amount of coordinated expenditures allowed to be allocated to the candidate's campaign; (2) the total tally amount raised by the candidate to date;

and (3) the total amount spent by the DSCC on the candidate's campaign to date. *See, e.g.,* Levin Tally Reports, Exhibit 13.

Each contributor who earmarked funds to a specific candidate through the DSCC tally program may also be guilty of violating the Act if it is determined after an investigation by the Commission that the contributor knowingly participated in the earmarking scheme.

**II. THE DSCC AND ITS DEMOCRATIC SENATE CANDIDATES HAVE USED THE 1995-96 TALLY PROGRAM TO KNOWINGLY AND WILLFULLY VIOLATE FEDERAL ELECTION LAWS GOVERNING EXCESSIVE CONTRIBUTIONS.**

The tally program operated by the DSCC and its candidates is not designed to generate earmarked contributions from just any random individuals or political action committees. Rather, the tally program is and has always been a deliberate and systematic scheme to evade the federal contribution limitations of 2 U.S.C §§ 441a(a)(1)(A) and (2)(A) by raising excessive contributions from targeted donors who have already given the legal maximum to a candidate and then funneling such excessive contributions back to the specific candidates under the guise of coordinated expenditures.

Senator Levin's Tally Reports attached as Exhibit 13 demonstrate how the DSCC and its candidates are using the tally program to circumvent federal contribution limitations. Reports on file with the Commission show that many of the individuals listed in Senator Levin's Tally Reports provided their earmarked contribution after, or at about the same time, they gave the maximum direct contribution of \$2,000 to the Friends of Senator Carl Levin Committee, 2 U.S.C § 441a(a)(1)(A). Moreover, several of the political action committees listed in the Levin Tally Reports gave their earmarked contribution after, or at about the same time, they gave the



maximum direct contribution of \$10,000 to the Levin campaign. U.S.C § 441a(a)(2)(A). These contributors include Maryanne Hanson Alix, Madeleine Berman, Mandell Berman, Maurice Cohen, Sadie Cohn, Linda Dresner, Dorothy Gerson, Irwin Green, Doreen Hermelin, Robert Larson, David Mondry, Miriam Mondry, Richard Rogel, Susan Rogel, Joel Tauber, Timothy Wuliger, the American Federation of State, County & Municipal Employees, and the United Auto Workers.<sup>21</sup> *Id.*

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The clear purpose of the tally program to solicit illegally earmarked and excessive contributions is also demonstrated by the series of documents attached as Exhibits 14 through 16. These documents show that the DSCC and its candidate Levin are not only targeting donors that have already given the maximum direct contribution to Senator Levin, but are also providing such donors with step-by-step instructions on how to create the appearance of compliance with the Act. For example, a donor was contacted with instructions to attend a September 16th fundraiser for Senator Levin and earmark a contribution to Senator Levin's campaign through the tally program, but "not put Senator Levin's name on the check itself." See Levin Fax, attached as Exhibit 15. (emphasis added). On the guest list for this event, there is a notation documenting that this donor was at his "personal max -- bringing DSCC tally." See Levin Fundraiser Guest List, attached as Exhibit 16.

Senator Levin is not the only campaign participating in this scheme as an accomplice to the DSCC. Rather, the DSCC has operated similar same tally activities in coordination with each of the Democratic Senate candidates for the 1995-96 election cycle for the same purpose of evading federal contribution limits. For example, on January 31, 1996, the DSCC received a

<sup>21</sup> It is expected that this list of names and PACs will grow when the DSCC files its next report with the Commission.

\$14,250 contribution earmarked for Senator Wellstone from the United Transportation Union, an organization which had previously donated the maximum \$10,000 direct contribution to the Wellstone For Senate campaign. See Exhibit 23. Moreover, reports on file with the Commission show that the DSCC received \$70,000 in contributions earmarked for South Carolina Democratic Senate candidate Elliott Close from several of Close's family members who had already given the maximum \$2,000 in direct contributions to the Elliott S. Close For U.S. Senate committee.

Once such excessive contributions are collected, the DSCC and each of its candidates arrange to have such funds funneled back to the candidate in the form of coordinated expenditures. For example, logs from a number of South Carolina television stations show the DSCC purchased a total of \$74,461 in television ads on behalf of Elliott Close's campaign shortly after receiving the \$70,000 in earmarked contributions from Close's relatives. See Exhibit 18. The conspiracy of the DSCC and its candidates to circumvent federal contribution limits is also confirmed by the statements of DSCC Chairman Bob Kerrey, Illinois Democratic Senate candidate Dick Durbin and Texas Democratic candidate Victor Morales:

- In the January 10, 1996 *Rocky Mountain News* article attached at Exhibit 21, DSCC Chairman Bob Kerrey "reminds" Democratic Senate candidates "that the money raised for the DSCC can be earmarked right back to the candidate." (emphasis added).
- Dick Durbin is quoted in August 30, 1996 *Associated Press* report attached at Exhibit 19 as stating that "[t]he only way the Democratic Senatorial Campaign Committee money goes to me is if I raise the money and it is tailied to me." (emphasis added).
- When asked during a September 25, 1996 interview how much money his campaign had "ready to spend", Victor Morales responded that his campaign is going to receive "some

tally money of about \$150,000... that, you know, people have tallied in my name to the DSCC." Morales Interview Transcript and Tape, attached as Exhibit 20. (emphasis added).

Senator Levin's Tally Reports also demonstrate the *quid pro quo* of tally funds for excessive contributions disguised as coordinated expenditures. See Exhibit 13. In these reports, Senator Levin is given a detailed, side-by-side accounting of: (1) the total amount of coordinated expenditures allowed to be allocated to Levin's campaign; (2) the total tally amount raised by Levin to date; and (3) the total amount spent by the DSCC on Levin's campaign to date. *Id.* All of the other Democratic Senate candidates receive similar tally reports keeping them abreast of the amount of excessive contributions that will be funneled into their campaigns.<sup>2/</sup>

Given that the DSCC's coordinated expenditures serve as a vehicle to knowingly funnel excessive contributions raised through the tally program to its candidates, the DSCC is guilty of violating 2 U.S.C. § 441a(f) for those coordinated expenditures that have already been made. Furthermore, the DSCC is about to violate 2 U.S.C. § 441a(f) further by making additional coordinated expenditures between now and the November election.

Each Democratic Senate candidate who has knowingly raised and benefited from DSCC coordinated expenditures so far during the 1995-96 cycle is guilty of violating 2 U.S.C. § 441a(f)'s prohibition against the acceptance of excessive contributions. Moreover, each Democratic Senate candidate who is going to benefit from coordinated expenditures he or she helped "tally" to the DSCC is about to violate 2 U.S.C. § 441a(f) by knowingly accepting excessive contributions.

<sup>2/</sup> Through the discovery process, the Commission must investigate the illegal tally activities of each of the Democratic Senate candidates during the 1995-96 cycle.



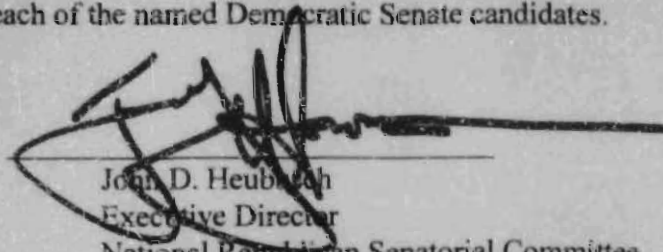
Because the DSCC and its candidates have conspired to operate the 1995-96 tally program in violation of the contribution limitations which serve as the fundamental tenant of federal election laws, the Commission must initiate enforcement actions against the DSCC and each of the current Democratic Senate candidates.

Moreover, each contributor who donated the maximum to a Democratic Senate candidate and then contributed to the DSCC tally program may be guilty of violating 2 U.S.C §§ 441a(a)(1)(A) or (2)(A) if it is determined after an investigation by the Commission that the contributor knowingly participated in the scheme to circumvent the Act.

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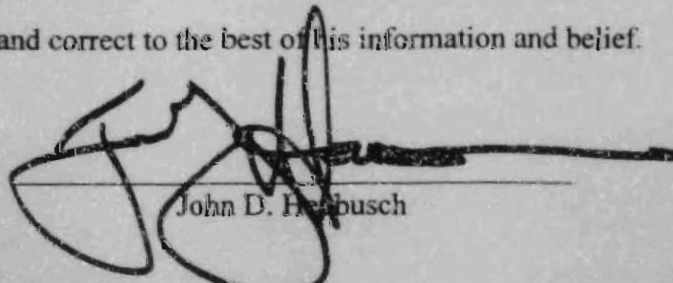
**CONCLUSION**

For the reasons set forth above, the Federal Election Commission must initiate enforcement actions against the DSCC and each of the named Democratic Senate candidates.

  
John D. Heubusch  
Executive Director  
National Republican Senatorial Committee

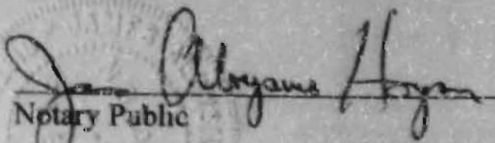
**VERIFICATION**

The undersigned complainant swears that the statements in the Complaint are based on the sources indicated, and, as such, are true and correct to the best of his information and belief.

  
John D. Heubusch

District of Columbia      )  
  ) ss

Subscribed and sworn to before  
me this 30<sup>th</sup> day of September, 1996

  
Notary Public

My Commission Expires Nov 30, 2000

# National Republican Senatorial Committee

EXHIBIT 1

NATIONAL REPUBLICAN SENATORIAL COMMITTEE  
CHAIRMAN

JEB HENSARL, JR.  
EXECUTIVE DIRECTOR

September 24, 1992

Mrs. Joan Aikens  
Chairman  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

MUR 3620

Dear Madam Chairman:

This letter constitutes a formal complaint filed under 2 U.S.C. 437g(a) of the Federal Election Campaign Act ("FECA") on behalf of the National Republican Senatorial Committee (the "NRSC"). It is the NRSC's belief, based on information set out below, that the Yeakel for Senate Committee (the "Yeakel Campaign"), the Feinstein for Senate Committee (the "Feinstein Campaign"), the Terry Sanford for U.S. Senate Committee (the "Sanford Campaign") and the Democratic Senatorial Campaign Committee (the "DSCC"), political committees registered with the Federal Election Commission ("the Commission"), have violated FECA and the Commission's regulations.

As the Commission well knows, under the law, all personal contributions that are "earmarked" for a particular candidate are deemed contributions from the contributor to the candidate. 11 C.F.R. 110.6(a). This precludes both the candidate and the contributor from evading the limits FECA imposes on the amount any person may contribute to a federal campaign. Based upon the evidence set out below, the NRSC believes that the Yeakel Campaign, the Feinstein Campaign, the Sanford Campaign and the DSCC have violated these legal provisions.

The DSCC has repeatedly and openly solicited contributions from persons who wish to avoid federal limitations. The Yeakel Campaign, the Feinstein Campaign and the Sanford Campaign have obviously sought to take advantage of the DSCC's solicitations:

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92 SEP 24 AM 10:30



1. In the invitation attached at Exhibit 1, the DSCC announced that its "U.S. Senate Campaign Countdown" is "designed for a senate campaign's maxed-out donors and top contributors who are interested in further supporting their candidates through the DSCC's tally system. The DSCC provides donors with the opportunity to tally contributions to the Democratic Senate nominees of their choice." The invitation included a form by which the contributors could "tally" an explicit amount to candidates of their choice.

2. In the memorandum attached at Exhibit 2, the DSCC defined its "tally" option as ensuring that individuals could earmark large contributions to particular candidates and thus evade federal limitations.

3. In the memorandum attached at Exhibit 3, the DSCC encouraged all Senate staff and campaign finance directors "to encourage maxed-out and high dollar contributors to tally \$10,000 or more (per couple) in new money to their preferred Democratic Senate candidate(s)."

4. In the document attached at Exhibit 4, Senate candidate Dianne Feinstein, acting on the encouragement of the DSCC, asked her contributors to evade federal limitations through "the DSCC tally."

5. In the document attached at Exhibit 5, Senate candidate Terry Sanford, also encouraged by the DSCC, asked his contributors to evade federal limits through the "tally sheet."

6. In the invitation attached at Exhibit 6, Norman Braman asks contributors to honor "Lynn Yeakel, Candidate for United States Senate," with a \$5,000 contribution made payable to the DSCC.

These documents show that the Yeakel Campaign, the Feinstein Campaign, and the Sanford Campaign are engaging in a common scheme or design to circumvent and violate federal law when it comes to raising campaign contributions. The Yeakel Campaign's current active solicitation of large contributions and the DSCC's plan to target "maxed-out" donors, combined with the DSCC's pledge to "tally" contributions to favored candidates and the DSCC's long-standing promise to make a Yeakel victory a national priority, virtually ensure that the DSCC intends to continue its scheme and to "honor" Lynn Yeakel by "tallying" contributions raised at the upcoming Braman fundraiser.

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The NRSC believes that this attempt to launder contributions and evade the law must be condemned. Accordingly, I ask that the Commission's Office of General Counsel expeditiously review this complaint and take appropriate action with regard to these apparent violations of the FECA.

The above is true and correct to the best of my knowledge, information and belief.

Respectfully,

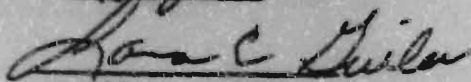


Jay Velasquez  
on behalf of the  
National Republican Senatorial Committee

National Republican Senatorial Committee

Sworn to and subscribed

before me this 24 day  
of Sept, 1992

  
Notary Public

Isa C. Silva -  
Notary Public, District of Columbia  
(My Commission Expires July 14, 1997)

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## PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
 600 FIFTH AVENUE, N.W. • WASHINGTON, D.C. 20002-2121  
 (202) 638-0000 • FACSIMILE (202) 638-1000

August 17, 1994

RECEIVED  
 U.S. DEPARTMENT OF JUSTICE  
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Lawrence Noble, Esq.  
 General Counsel  
 Federal Election Commission  
 999 E Street, N.W.  
 Washington, DC 20463

Re: MUR 4010

Dear Mr. Noble:

The Democratic Senatorial Campaign Committee ("DSCC") seeks by this letter immediate dismissal of the complaint filed by the National Republican Senatorial Committee ("NRSC") on July 18, 1994. That complaint alleges in "Count II" that DSCC in collaboration of Respondents, Dianne Feinstein and her principal campaign committee, The Feinstein for Senate, have violated or "are about to violate" the Act by engaging in prohibited "earmarking."

The NRSC in this case and in others still pending has rehearsed these same allegations before. That Committee typically identifies some representation in fundraising materials, then mischaracterizes those representations or their legal significance; and when is all done, fashions out of these misrepresentations a supposed "earmarking" case. But the NRSC, having missed the mark before in these matters, misses it yet again on this occasion.

TALLY PROGRAM

DSCC has stated before in responding to MURs 3617, 3620, 3653 and 3658 and repeats here the essential background about the tally program not mentioned by NRSC.

\* NRSC also alleges that a letter prepared by a DSCC supporter hosting an event in her home omitted the "disclaimer" required under 2 U.S.C. § 441d. That section applies, however, to "general public political advertising," whereas the letter in question was a personal invitation to "a small group of women" to attend an in-home fundraising event.

[04005-0048/DA942290.030]

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Lawrence Noble, Esq.  
August 17, 1994  
Page 2

The Tally Sheet is an informal accounting process established by the DSCC to keep track of the amount of money raised for the Committee's use by a particular candidate. The program is simply and exclusively an information gathering procedure. Each contribution raised for the DSCC by a candidate is "tallied" or credited to that candidate's "tally sheet." The total amount of money raised by a particular candidate for the Committee is then taken into consideration as one of several factors used by the DSCC when it decides on funding decisions under the spending authority provided at 2 U.S.C. § 441a(d).

DSCC has an express policy of not accepting earmarked contributions. When a contribution is received by the DSCC with a designation by a contributor which would appear to constitute earmarking, a letter is sent to clarify the contributor's intent. Sample copies of this letter have been provided to the Commission in connection with its response to MURs 3617, 3620, 3653 and 3658. As the letter shows, the DSCC offers the opportunity of a refund to each contributor who did not intend to "tally" to a particular candidate.

All tallied contributions (and all other contributions) are placed into the general DSCC bank accounts and used entirely at the DSCC's discretion. The funds tallied to a particular candidate are not "passed through" the DSCC to the candidate who helped raise the funds. Nor are the funds spent on a dollar-for-dollar exchange for the amounts raised by a candidate. When funds are deposited in the DSCC's account, they are used for the Committee's most pressing expenses first. This may be, for example, administrative expenses of the DSCC, or Section 441a(d) spending on behalf of another candidate. There are examples of a candidate who raised large amounts of money for the DSCC (such as the case of a barely challenged incumbent), but received little or no Section 441a(d) funding in return. Similarly, there are candidates who have raised little or no money for the Committee, but received full funding under the relevant contribution and expenditure limitations available to the DSCC.

The DSCC has never raised sufficient funds to "max out" under the coordinated party spending limits to each of its party's Senate nominees in any election cycle. Because of this, the Committee has had to ensure that the monies the party did have available were used to the maximum effect. To this end, in determining which candidates will receive funding

under Section 441a(d) and to what extent, the DSCC looks to a variety of factors:

- Whether the race is winnable;
- Whether the candidate has a serious challenger;
- Whether the candidate has been successful in his or her own campaign's fundraising;
- Whether the candidate has assisted the DSCC in its fundraising efforts;
- Whether the DSCC has more pressing expenditures that must be made.

These criteria have been provided and emphasized repeatedly, orally and in writing, to DSCC contributors and Democratic candidates. The significance of the tally, in short, is its role as an incentive to its candidates to support its fundraising efforts. The Committee operates under the direction of Democratic United States Senators and candidates for the benefit of all Democratic Senate candidates, both incumbent and challenger. As the Committee has no independent funding source, it must draw on their efforts to raise the monies required to perform its functions.

An earmarked contribution is one which is made with:

a designation, instruction or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of a clearly identified candidate or a candidate's authorized committee.

11 C.F.R. § 110.6(b)(2) (emphasis added). None of the contributions received by the DSCC and tallied to a particular candidate can be considered earmarked, since such tallied contributions do not result in the funds being spent on behalf of a particular candidate designated by the contributor, nor are contributors allowed to so condition these contributions.



Lawrence Noble, Esq.  
August 17, 1994  
Page 4

#### REPRESENTATIONS IN NRSC COMPLAINT

NRSC constructs its tally case out of a letter proposed by Ms. Lynn Cutler who by that letter was inviting potential contributors to an event in her home for the Women's Council of the DSCC. The Women's Council is a project of DSCC, dedicated to the support of women seeking election to the U.S. Senate as Democrats. In her letter, Ms. Cutler encouraged recipients of the letter to contribute to DSCC's Women Council and "tally" their contributions to Ms. Feinstein. NRSC cites, particular, Ms. Cutler's statement that contributions tallied in this way "will go to [Senator Feinstein's] effort."

Ms. Cutler has acknowledged that her representations were not authorized by the DSCC. Also, she is not a donor. At most NRSC might be expressing "concern" that the wording of this letter would encourage donors to believe that a "tally" was an "earmarking" instruction or to "earmark" their contributions.

There is no evidence that such is the case. Any inaccuracy in the wording of this letter, by someone admittedly acting without authorization of the DSCC, cannot bind the DSCC or influence its liability or the liability of any other donors under the Act. DSCC has made available to donors and to the Commission a precise explanation of "tally" and it acts promptly to correct any misunderstanding about "tally." DSCC does not accept earmark contributions and any contributions so earmarked are immediately returned to the contributor. At all times DSCC maintains full control over the funds that it raises and discretion in the expenditure of those monies.

#### GENERAL LEGAL CONSIDERATIONS

As we noted, the Commission has once before, 17 years ago, addressed directly the line of demarcation between "earmarking" and party fundraising under section 441a(d) which focuses appeals on the candidates who will benefit from strong party funding and also enlists those candidates in fundraising efforts. In MUR 377, the Commission concluded that a rulemaking would be required to clarify the issues and develop the appropriate legal standards distinguishing the permissible from the impermissible. The Commission has taken no action since then.



The standard remains, therefore, unelaborated and, for all practical purposes, unavailable to organizations such as DSCC. Yet DSCC depends vitally as a party organization on its known relationship to and support for candidates affiliated with the same political party.

In these circumstances, Courts have ruled that, in enforcing its governing statute, a federal agency must proceed in accordance with "ascertainable standards." See Pension Benefit Guaranty Corp. v. LTV Corp., 875 F.2d 1008, 1021 (2d Cir. 1987); Patachogue Nursing Center v. Bowen, 797 F.2d 1137, 1143 (2d Cir. 1986); Holmes v. New York City Housing Authority, 398 F.2d 262, 265 (2d Cir. 1968), cert. denied, 479 U.S. 1030 (1987); Baker-Chaput v. Cammett, 406 F.Supp. 1134, 1140 (D.N.H. 1976) ("The establishment of written, objective and ascertainable standards is an elementary and intrinsic part of due process.")

While a federal agency may establish such standards through adjudicatory proceeding or rulemaking, it may not act with uncontrolled discretion and absent an ascertainable standard by which parties are put on notice. See generally, Matlovich v. Secretary of the Air Force, 591 F.2d 852, 861 (D.C. Cir. 1978). Although courts have not dictated the use of one method over another, the advantages of rulemaking have been recognized. See e.g., Id. at 861; Standard Rate and Data Service, Inc. v. United States Postal Service, 584 F.2d 473 (D.C. Cir. 1978) ("...rulemaking assures that any modification in position will represent a generalized approach to a general problem, avoiding the uneasiness that results from the greater possibility of discrimination in a case-by case approach"...) (Leventhal, J., concurring).

The Commission has nonetheless addressed two cases bearing on the issues in this case. In MUR 2632, the Commission addressed the issue of earmarked contributions through a state party committee. This case is distinguishable from the matter before the Commission here, inasmuch as the Commission found in that case a clear designation of the funds by the contributor (despite denials of the contributor) and the apparent use of the funds, in fact, to benefit the designated candidate. Moreover, in MUR 2632, unlike this case, a condition of "earmarking" -- that the designation "results in" the contribution being spent in full to benefit the designated candidate -- appears to have been satisfied.

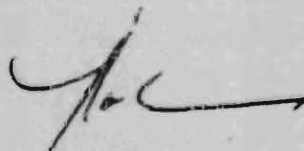
Lawrence Noble, Esq.  
August 17, 1994  
Page 6

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In a recent case, pre-MUR 261 (1994), the Commission considered a recommendation of the Office of General Counsel in the matter of a contribution made from surplus funds from the former Governor of Florida, Bob Martinez, to the Republican Party of Florida. Mr. Martinez forwarded the contribution to the Party with the stated "hope" that it would be used to support the Bush-Quayle Republican Presidential ticket. The General Counsel concluded that this statement bound the Party in the receipt of the funds, indicating that it was "earmarked for federal activity." See, First General Counsel's Report, at 7 (June 17, 1994). As a result, the party could not accept the contribution for the federal account (the amount far exceeding any limit available under the Act), or for the nonfederal account since the Martinez statement would preclude any use for nonfederal purposes. The Commission, however, rejected the OGC's recommendations by a vote of 5-0.

The Commission did not explain its rationale, but it should be apparent that the Martinez case presents "earmarking" elements not at all present in these DSCC matters. First Martinez (or his committee) was the donor, so unlike the case here, the statement made was the donor's and the donor's intent was squarely at issue. Second, the donor did make a statement, a clear one, of preference that the contribution be used for federal election related purposes. Third, the party received the contribution and apparently took no action to clarify the use it expected to make of the contribution.

So to the extent that pre-MUR 261 speaks at all to the issues in this case, it supports a dismissal of the claims made by NRSC against DSCC.



Robert F. Bauer  
B. Holly Schadler  
Counsel to Democratic  
Senatorial Campaign  
Committee

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
Feinstein for Senate Committee and	)	MUR 3617
Michael J. Barrett, as treasurer.	)	
Feinstein for Senate Committee and	)	
Michael J. Barrett, as treasurer;	)	MUR 3620
Democratic Senatorial Campaign	)	
Committee and Donald J. Foley, as	)	
treasurer;	)	
Yeakel for Senate Committee and	)	
Sidney D. Rosenblatt, as treasurer;	)	
Sanford for Senate Committee and	)	
Alton G. Buck, as treasurer.	)	
Abrams Committee, f/k/a Abrams	)	
'92 Committee and Lawrence B.	)	MUR 3658
Buttenwieser, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 4, 1994, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to MURS 3617, 3620, and 3658:

- A. MUR 3617: Merge this matter into MUR 3620, and hereafter refer to this matter as MUR 3620.
- B. MUR 3658: Merge this matter into MUR 3620, and hereafter refer to this matter as MUR 3620.

(continued)

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C. MUR 3620:

1. Find reason to believe that the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. § 441a(a)(8) 11 C.F.R. § 110.6(c)(1); 11 C.F.R. § 110.6(b)(2)(iii) and 11 C.F.R. § 102.8.
2. Find reason to believe that the Feinstein for Senate Committee and Michael J. Barrett, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).
3. Find reason to believe that the Sanford for Senate Committee and Alton G. Buck, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).
4. Find reason to believe that the Abrams Committee, f/k/a Abrams '92 Committee, and Lawrence B. Battenwieser, as treasurer, violated 2 U.S.C. 441a(f) and 11 C.F.R. § 110.6(c)(2).
5. Find no reason to believe, based on the allegations of the complaint, that the Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. § 441a(f) or any other applicable section of the Act and close the file as to these Respondents.

(continued)

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6. Open a MUR and find reason to believe that the Coverdell for Senate Committee and Marvin Smith, as treasurer, violated 11 C.F.R. § 110.6(c)(2).
7. Approve appropriate letters pursuant to the actions taken in these matters and the Commission discussion.
8. Approve the Factual and Legal Analyses attached to the General Counsel's September 19, 1994 report subject to the revisions agreed upon during the meeting discussion.
9. Approve the Subpoenas for the Production of Documents and Answers to Interrogatories to the Democratic Senatorial Campaign Committee, the Feinstein for Senate Committee, the Sanford for Senate Committee, the Abrams Committee, f/k/a Abrams '92 Committee, and the Coverdell for Senate Committee, as recommended in the General Counsel's September 19, 1994 report.

Commissioners Aikens, McDonald, McGarry, Potter and Thomas voted affirmatively for the decision; Commissioner Elliott was not present.

Attest:

10-5-94  
Date

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

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## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Democratic Senatorial )  
 Campaign Committee and )  
 Donald J. Foley, as )  
 treasurer )  
 Abrams Committee, f/k/a )  
 Abrams '92 and Lawrence B. )  
 Bittenwieser, as treasurer )  
 Feinstein for Senate '94 and )  
 Michael J. Barrett, as )  
 treasurer )  
 Sanford for Senate )  
 Committee and Alton G. )  
 Buck, as treasurer )

MUR 3620

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OFFICE OF GENERAL  
COUNSEL

## CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints by the National Republican Senatorial Committee and the John Seymour for U.S. Senate Committee. The Federal Election Commission ("Commission") found reason to believe the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, ("DSCC" or "Respondents") violated 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 102.8; 11 C.F.R. § 110.6(b)(2)(iii); and 11 C.F.R. § 110.6(c)(1). The Commission also found reason to believe that the Abrams Committee, f/k/a Abrams '92, and Lawrence B. Bittenwieser, as treasurer; Feinstein for Senate '94, and Michael J. Barrett, as treasurer; and Sanford for Senate Committee, and Alton G. Buck, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).

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NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Democratic Senatorial Campaign Committee is a national committee within the meaning of 2 U.S.C. § 431(14).

2. Donald J. Foley is treasurer of the Democratic Senatorial Campaign Committee.

3. A contribution made by a person, either directly or indirectly, on behalf of a particular candidate, which is in any way earmarked or otherwise directed through an intermediary or conduit, shall be treated as a contribution from such person to such candidate. 2 U.S.C. § 441a(a)(8).

4. Earmarked is defined as a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.

11 C.F.R. § 110.6(b)(1).

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5. A conduit or intermediary means any person (except for a few limited exceptions not applicable to this matter) who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee. 11 C.F.R. § 110.6(b)(2).

6. 11 C.F.R. § 110.6(b)(2)(iii) provides that any person who receives an earmarked contribution shall, among other requirements, forward such earmarked contribution to the candidate or authorized committee in accordance with 11 C.F.R. § 102.8.

7. Section 102.8 provides, inter alia, that earmarked contributions must be forwarded no later than 10 days after receipt.

8. Pursuant to 2 U.S.C. § 441a(a)(8), the intermediary or conduit of an earmarked contribution must report the source of the contribution and the intended recipient to the Federal Election Commission and to the intended recipient. See also, 11 C.F.R. § 110.6(c)(1).

9. Recipient candidates or candidate committees must report earmarked contributions and each conduit or intermediary, who forwards one or more earmarked contributions which in the aggregate exceed \$200 in any calendar year in accordance with 11 C.F.R. § 110.6(c)(2).

10. The national committee of a political party may make expenditures in connection with the general election campaign of a candidate for the office of Senator or of a Representative from a state which is entitled to only one Representative that equals the greater of two cents multiplied by the voting age population of the state, or \$20,000. 2 U.S.C. § 441a(d); 11 C.F.R. § 110.7(b).

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11. The Federal Election Campaign Act of 1971, as amended, (the "Act") does not prohibit party committees from referring to and promoting party candidates in soliciting funds for the committee and candidates may assist party committees in soliciting funds for the committee.

12. The DSCC has utilized and utilizes a "tally" program as a means of raising funds on behalf of Democratic senate candidates. Tallied funds are used in part to fund coordinated party expenditures pursuant to 2 U.S.C. § 441a(d) as well as other DSCC activities on behalf of its candidates.

13. Under this program a contributor has the option to "tally" a contribution to the DSCC in the name of a particular candidate, thereby expressing support for that candidate or crediting the candidate with the raising of the contribution for the DSCC's "coordinated expenditure" program and other activities.

14. As part of the tally program, the DSCC and the candidate committees produced and distributed fundraising solicitations requesting contributions be sent to the DSCC and indicating that the contributors can tally their contributions to a specific candidate.

15. Some of these solicitations can be fairly read to solicit earmarked contributions and did not contain further clarification and explanation to avoid such a reading; the following examples are illustrative:

a. "For those of you who have already maxed out to my campaign, the DSCC tally is an avenue through which you can offer more support";

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b. "[My] race will be close: the tally sheet will be of vital importance";

c. "As an individual, you can contribute up to \$1,000 directly to my committee. Contributions in excess of \$1,000 must be made payable to the DSCC and marked for my tally";

d. "You can tally your [DSCC] membership to [\_\_]'s campaign. This means that those dollars will go to [\_\_]'s effort";

e. The response card to a request from a candidate's committee to serve on the host committee for a fundraiser on behalf of the candidate, which provided no explanation of the DSCC's tally program, read as follows:

Please reserve a space in my name on the invitation as a Benefactor -- enclosed is my check for \$5,000 (payable to the "Democratic Senatorial Campaign Committee" marked for [\_\_]'s tally) or I pledge to raise \$5,000. Patron -- enclosed is my check for \$2,500 (payable to the "Democratic Senatorial Campaign Committee" marked for [\_\_]'s tally) or I pledge to raise \$2,500. Sponsor -- enclosed is my check for \$1,000 (payable to "[\_\_] for Senate") or I pledge to raise \$1,000;

f. "I must raise an additional \$4 million dollars over the next few weeks. . . . I am counting on you to help me pull it off. If you and [\_\_] have any room to make additional federal contributions, I would be grateful if you could tally money to the DSCC for this effort to defeat [my opponent]";

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g. "If you could make a \$2,000 contribution to [my committee] and a \$10,000 contribution to the DSCC for this effort to defeat [my opponent], it would be one of the building blocks of my campaign";

h. "If you choose to contribute through the DSCC, it is very important that you enclose a letter with your contribution indicating that it is meant for [my tally]. I hope you will consider this as our campaign really needs the support".

16. It was the DSCC's stated policy and practice to inform contributors that the DSCC did not accept earmarked contributions, that the amount of tallied contributions was a significant factor that the DSCC took into account in deciding the amount of 441a(d) expenditures to be made on behalf of a particular candidate, and that the DSCC retained final discretion regarding the use of any tallied contribution. The DSCC acknowledges that this information was not always conveyed to contributors.

17. Some percentage of contributors who responded to these "tally" solicitations earmarked their contributions to the DSCC on behalf of a particular candidate.

18. During the 1992 cycle, the DSCC raised approximately \$8,500,000 in tallied funds. During the 1994 cycle, the DSCC raised approximately \$11,000,000 in tallied funds. The Commission is not taking the position that all tallied contributions were earmarked, but, without conducting a full investigation, the percentage of contributors who intended that their tallied contributions be earmarked cannot be determined.

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19. The Commission acknowledges that the DSCC may not have intended to solicit earmarked contributions.

20. The tallied contributions that were earmarked for a designated candidate were not treated as earmarked by the DSCC, viz. forwarded to the recipient candidate committees within 10 days, reported as earmarked by the conduit and recipient, and applied to each contributor's limit to the candidate committee's campaign.

V. Because the parties desire an expeditious resolution of this matter, the parties enter into this conciliation agreement prior to the Commission completing its investigation. The parties agree that --

1. The DSCC and certain of its candidates prepared and distributed fundraising solicitations for the DSCC's tally program which can be fairly and reasonably read to mean that contributions would be earmarked for a particular candidate within the meaning of 2 U.S.C. § 441a(a)(8). In response to these solicitations, some contributors earmarked their contributions to the DSCC for a particular candidate.

2. Consistent with its stated policy and practice of not accepting earmarked contributions, the DSCC did not treat such tallied contributions as being earmarked for the designated candidate. When a contribution has been earmarked by a contributor for a particular candidate, a political committee receiving the contribution must follow the requirements of the Act, which the DSCC did not do in violation of 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 102.8, 110.6(b)(2)(iii) and

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110.6(c)(1). Some of the funds received by the candidate committees as coordinated party expenditures from the DSCC were earmarked contributions which the DSCC, inter alia, failed to report as earmarked contributions and the candidate committees, in turn, did not report as earmarked contributions, in violation of 11 C.F.R. § 110.6(c)(2).

3. The parties agree that the solicitations could have been clarified to avoid soliciting earmarked contributions by additional DSCC efforts to assure that its staff and the candidate committees had a better understanding of the tally program and communicated this understanding more effectively to donors when soliciting for the DSCC's tally program.

VI. 1. DSCC will pay a civil penalty to the Commission in the amount of seventy-five thousand dollars (\$75,000), pursuant to 2 U.S.C. § 437g(a)(5)(A); such penalty to be paid as follows:

a. An initial payment of \$25,000 due within 30 days after the effective date of this conciliation agreement.

b. Thereafter, two consecutive monthly installment payments of \$25,000 each, due 60 and 90 days after the effective date of this conciliation agreement.

c. In the event that any installment payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the DSCC. Failure by the Commission to

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accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

2. The DSCC agrees to implement the following remedial steps.

a. For contributions to the DSCC that appear to be earmarked, the DSCC will refund the contributions or forward the contributions to the designated candidate, in accordance with 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 102.8, 110.6(b)(2)(iii), and 110.6(c)(1).

b. On an on-going basis, the DSCC will provide additional education and training to DSCC staff and participants in the tally program, including the staff of Democratic senate candidates, which will emphasize that: (1) DSCC does not accept contributions earmarked for a particular candidate; (2) tallied contributions will be spent for DSCC activities and programs as the Committee determines within its sole discretion; and (3) contributors must be advised of (1) and (2) above when the DSCC and tally program participants solicit tallied contributions.

c. The DSCC will utilize standard language in its solicitations pertaining to the tally program and, as part of its education and training, will instruct its tally participants to include this language in solicitations distributed by such candidates, their committees and their agents. This language will provide, in substance, that the DSCC does not accept contributions earmarked for a particular candidate and that tallied

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contributions will be used as the DSCC determines in its sole discretion. At a minimum, the language will state that:

The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

d. The DSCC will implement reasonable procedures to review DSCC and Democratic Senate candidate fundraising solicitations pertaining to the tally program to ensure that the solicitations cannot be reasonably read to solicit earmarked contributions, in accordance with the requirements of Section VI(2)(b)-(c) of this agreement.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Except as provided in Section VI, paragraph (1)(b)-(c), Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

*Lawrence M. Noble (Lg)*  
Lawrence M. Noble  
General Counsel

8-21-95  
Date

FOR THE RESPONDENTS:

*Robert F. Bauer*  
Robert F. Bauer  
Counsel to Democratic  
Senatorial Campaign Committee

8-11-95  
Date

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THE TRAIL TO THE MAJORITY BEGAN IN OREGON



*Please join*

Senator Thomas A. Dawson  
DASH WATER LEADER

Senator J. Robert Kenney  
CHAIRMAN, THE DASH WATER  
STRATEGICAL CAMPAIGN COMMITTEE

*and*

The Democratic Members of  
the United States Senate

*for the*

EAST BACK TEE STATION DINNER

WEDNESDAY, MARCH 16, 1996  
EAST HALL - Upper SE Station  
WASHINGTON, D.C.

*Reception 6:00 pm  
Dinner 7:00 pm*

BUSINESS ATTIRE  
NO PAY CARD! ENROLLMENT  
PLEASE RSVP AT (202) 224-2447

## HONOREES

The Hon. Bruce Babbitt  
The Hon. Jesse Brown  
The Hon. Ron Brown  
The Hon. Carol Browner  
The Hon. Henry Cisneros

The Hon. Dan Glickman  
The Hon. Mickey Kantor  
The Hon. Hazel O'Leary  
The Hon. Leon Panetta  
The Hon. Federico Pena

The Hon. Robert Reich  
The Hon. Richard Riley  
The Hon. Alice Rivlin  
The Hon. Robert Rubin  
The Hon. Donna Shalala

## CO-CHAIRS

AFL-CIO  
Ben and Melanie Barnes  
Robert A. Blair  
Bill Boyd  
Arthur Coia  
Communication Workers  
of America

Robert B. Crowe  
Dionne Davies  
Lloyd DeVoe  
International Brotherhood  
of Electrical Workers  
Ramesh V. Kapur

Michael Lewan  
Charles T. Manatt  
Larry O'Brien  
Steve Powell  
Dalton Yancey

## VICE CHAIRS

American Association  
of Ophthalmology  
American Nurses  
Association  
American Physical  
Therapy Association  
AT&T  
Barnett Banks, Inc.  
Leonard Bickwit, Jr.  
Mos Billek, APFU  
Elizabeth Birch  
James Brunkenhoefer  
Stanley M. Chesley  
The Davidson  
Colling Group

Tad Davis  
Tom Dennis  
Julie Domenick  
Pepper English  
Fluor Corporation  
Monte Friedman  
Barry Gotschler  
William M. Hermelin  
Jeffrey Hirschberg  
International Brotherhood  
of Teamsters  
Michael L. Kerley  
J. Mark Leggett  
Peter B. Lewis  
Ellen Malcolm

John Merrigan  
National Education  
Association  
Tom O'Grady  
Howard W. Randolph, Jr.  
SBC Communications  
Tom Scully  
Randy Smith, NAHB  
Shelton and Sunny Smith  
Frederick P. Somers  
Southern California Edison  
Dorothy Walsh  
Sheryl W. Washington  
WMX Technologies, Inc.  
Daniel Zingale

## HOSTS

Amalgamated  
Transit Union  
American Association  
of Nurse Anesthetists  
Arnold & Porter  
Robert Glennon  
Tom Greene

G. David Hurd  
Independent Bankers  
Association  
The Principal  
Financial Group  
Phoenix Home  
Mutual Life

Entergy PAC  
David Rubenskin  
John Racor  
William R. Sweeney, Jr.  
Textron Inc.  
Robert M. Tobias  
Carl Turin

COMMITTEE IN FORMATION



97043804228

☐ Yes I will attend the March 6 Dinner (\$5,000 Contribution). Amount \$

☐ No, I am unable to attend, but enclosed is my Contribution of \$

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

WASHINGTON REPRESENTATIVE OF THE PAC AND/OR \_\_\_\_\_

SPONSORING GROUP \_\_\_\_\_

PERSON(S) ATTENDING THE DINNER \_\_\_\_\_

TREASURER OF PAC \_\_\_\_\_

CHECK SIGNED BY \_\_\_\_\_

TALLY TO SENATOR \_\_\_\_\_

CONTRIBUTIONS \_\_\_\_\_

TICKETS UNDER THE NAME OF \_\_\_\_\_ RESERVE

Contributions are not tax deductible. Paid for and authorized by the Democratic Senatorial Campaign Committee, Donald J. Foley, Treasurer, 430 South Capitol Street, S.E. Washington, DC 20003, (202) 224-2447

# INDIVIDUAL CONTRIBUTION

Please make checks payable to the Democratic Senatorial Campaign Committee.  
If you prefer to pay by credit card, please complete the following information:

☐ VISA

☐ MASTERCARD

NUMBER

EXP. DATE

Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

NAME

ADDRESS

CITY

STATE

ZIP

PHONE

BUSINESS PHONE

TITLE OR POSITION

☐ SELF EMPLOYED

EMPLOYER (OR FIRM)

BUSINESS ADDRESS

CITY

STATE

ZIP

PLEASE TALLY MY CONTRIBUTION TO:

CONTRIBUTION THROUGH THE EFFORTS OF:

TICKETS UNDER THE NAME:

RESERVE:

For seating purposes, contributions should be received no later than March 1. Payment prior to the Dinner is required. Contributions are not tax deductible.

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- The Democratic Senatorial Campaign Committee (DSCC) is a national party committee formed by the Democratic members of the U.S. Senate to help raise funds to provide campaign services for Democratic U.S. Senate incumbents and candidates throughout the country.
- Under federal law, the DSCC may contribute up to \$17,500 per election cycle to candidates for the U.S. Senate. In addition, the DSCC may make expenditures in connection with the general election campaigns of Democratic nominees for the U.S. Senate. The amount the DSCC may spend on behalf of a nominee is based on the voting age population of that nominee's home state. The DSCC raises funds in a variety of ways - through DSCC donor programs, the Next Majority Trust, Leadership Circle, DSCC Roundtable and Women's Council; and through special events and national fundraising activities.
- The DSCC can accept donations from individuals up to \$20,000 per calendar year (not to exceed the total \$25,000 yearly federal limit for an individual) and from PAC's up to \$15,000 per calendar year.
- The DSCC maintains a record (a "Tally") of how much money each candidate helps raise for the Committee. The DSCC does not accept contributions earmarked for a particular candidate. Contributions called for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.
- Paid for and authorized by the Democratic Senatorial Campaign Committee, Donald J. Foley, Treasurer. Contributions are not tax deductible.



*Senator Carl Levin*

October 9, 1995

Ms. Lisa Learner Maher  
Chrysler Corporation Nonpartisan PAC  
1100 Connecticut Avenue N.W.  
Suite 930  
Washington, DC 20036

Dear Lisa:

On Wednesday, November 1, 1995 the Democratic Senatorial Campaign Committee is having a major dinner with Democratic Members of the United States Senate. Former Governor Ann Richards will be the guest speaker. Your support of the DSCC is very important to me.

It would be a tremendous help to me if you would buy a ticket or a table and credit your contribution to me. The requested contribution is \$1,500 per person. This fundraising event is crucial to my reelection effort next year.

The DSCC maintains a record (a "tally") of how much money each candidate helps to raise for the Committee. The amount of money to be spent by the DSCC on my behalf is based in part on my tally, among other factors, like my likelihood of winning and my need for DSCC funds. It would be a big help if on the response card you would credit your contribution to me and if you want, request to sit at my table.

If you have any questions, please feel free to call me or Tina Stoll at (202) 544-8963. Your support is greatly appreciated. I hope to see you on November 1.

Sincerely,

  
Carl Levin

PHOTO BY COURTESY OF SENATOR CARL LEVIN

230 MASSACHUSETTS AVENUE, N.E., SUITE 2012, WASHINGTON, DC 20002, (202) 544-8963, FAX (202) 544-2324

Contributions are not deductible for Federal income tax purposes.

# Senator Carl Levin

December 29, 1995

Mr. William Dyer  
National Structured Settlements PAC  
1420 16th Street, NW  
Washington, DC 20006

Dear William:

I want to keep you up-to-date on the 1996 Michigan Senate race.

Right now, my prospects look pretty good. My poli numbers are solid, my campaign organization is coming together, and I'm confident that I have a good record to run on. My war chest (over \$2 million raised, \$1.5 million cash-on-hand) appears, at glance, to be enough to prevail.

However, I'm concerned about running as an incumbent in an anti-incumbent time. I'm also concerned about the spending capabilities of my opponents: a multi-millionaire who just wrote himself a \$700,000 check (and has vowed to spend up to \$8 million to defeat me), and a well-known talk show host. The media campaign needed to stand against either one of these challengers will be tremendously expensive.

The DSCC maintains a record (a "tally") of how much money each candidate helps to raise for the Committee. The amount of money to be spent by the DSCC on behalf of the party nominee is based on the nominee's tally record and, among other factors, the nominee's likelihood of winning and need for DSCC funds.

That's why I'm hoping you will be able to help me in a very specific way: would you be able to tally all or part of your 1996 DSCC contribution to me? I would greatly appreciate it.

Please do not hesitate to contact me or Tina Stoll at (202) 544-8963 if you have any questions about this. Thanks for your support.

Sincerely,

Carl Levin

97043804232

April 17, 1995

To: Tina  
From: Liz  
Re: Senator Levin calls

---

Here are some good tally calls for Senator Levin. The first set are the calls for the May 9th reception here in Washington. I have attached the fact sheet. These calls are event specific and many are past contributors for the Senator. These are our first priority. He should know most of the individuals. They are all Democrats, Jewish and politically active. I have given you a lot. He should call whoever he knows and feels comfortable about.

I have also included an event specific call for our Banking Breakfast on May 4th.

The others are basic donor club/tally calls that seem suited for Senator Levin. They are in priority order. All club information is included also. I am not sure if the Senator is familiar with the benefits of the different clubs.

Please disregard all past call sheets. They have since been updated and are included.

Thanks Tina. If you have any questions, call me at 202-485-3136. Let me know how it goes.

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Mr. Sam Dawson "Sam"  
 United Steelworkers of America  
 815 16th Street, N.W., 7th Floor  
 Washington, DC 20006  
 (202)638-6929 (B)

PAC Contributor; Status is Active

**Levin call**

Please call Sam and ask that they give \$15K to the DSCC as soon as possible to help retire our debt. The contribution can be tallied to your race.

(03/27/95 - young)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$15,000.00
1993	\$15,000.00
1992	\$15,000.00
1991	\$15,000.00
1990	\$15,000.00
1989	\$15,000.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

LA A Dec 31, 1995  
 LC A Jan 25, 1994 Renewed for Cong. Dinner

ALL ADDRESSES:

Five Gateway Center, Pittsburgh, PA 15222  
 815 16th Street, N.W., 7th Floor, Washington, DC 20006

ALL PHONES:

(202)638-6929 (Business)  
 (412)562-2371 (Business)  
 (412)562-2400 (Business)  
 (202)347-6735 (Fax)

- Call Results -

Mr. George B. Gould "George"  
Asst. to the President  
National Association of Letter Carriers  
100 Indiana Avenue, NW  
Washington, DC 20001  
(202)393-4695 (B)

PAC Contributor; Status is Active

Levin call

Please call George and ask that he give at least \$5,000 of  
his \$15,000 annual commitment to the DSCC now.

(03/28/95 - young)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$15,000.00
1993	\$15,000.00
1992	\$15,000.00
1991	\$15,000.00
1990	\$15,000.00
1989	\$15,000.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

ALL ADDRESSES:

100 Indiana Avenue, NW, Washington, DC 20001

ALL PHONES:

(202)393-4695 (Business)  
(202)737-1540 (Fax)

- Call Results -

Mr. Andrew T. Malleck "Andy"  
 National Legislative Representative  
 Maintenance of Way Employees  
 400 North Capitol Street, N.W., Suite 852  
 Washington, DC 20001  
 (202)638-2135 (B)

PAC Contributor; Status is Active

**Levin call**

Their cash on hand as of the last FEC filing on 12/31/94 was \$52,508. They did not give any money to the DSCC last cycle. Please ask them to resume their support of the DSCC and to commit to giving \$15K this year. The monies may be tallied to your campaign.

(03/28/95 - young)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$0.00
1993	\$15,000.00
1992	\$15,000.00
1991	\$15,000.00
1990	\$15,000.00
1989	\$15,000.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

LA E Dec 31, 1994  
 LC E Apr 1, 1994 Pays in installments of \$2,000.

ALL ADDRESSES:

400 North Capitol Street, N.W., Suite 852, Washington, DC 20001

ALL PHONES:

(202)638-2135 (Business)  
 (202)737-3085 (Fax)

- Call Results -



Mr. Frederick H. Nesbitt "Fred"  
 Legislative Manager  
 International Association of Fire Fighters  
 1750 New York Avenue, NW  
 Washington, DC 20006  
 (202)737-8484 (B)

PAC Contributor; Status is Active

Senator Levin call

Please ask Fred to contribute \$5,000 as soon as possible.

(04/17/95 - grossman)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$6,000.00
1993	\$3,000.00
1992	\$5,000.00
1991	\$4,500.00
1990	\$400.00
1989	\$0.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

LA A Dec 31, 1995  
 RT A Jun 10, 1995

ALL ADDRESSES:

1750 New York Avenue, NW, Washington, DC 20006

ALL PHONES:

(202)737-8484 (Business)  
 (202)737-8418 (Fax)

- Call Results -

Mr. John Ford "John"  
 Director, Government Relations  
 Kellogg Better Government Committee  
 601 Pennsylvania Avenue, NW, Suite 900  
 Washington, DC 20004  
 (202)434-8262 (B)

PAC Contributor; Status is Active

**Sen. Levin Roundtable Call**

In the past, Kellogg has only given to the DSCC when solicited by yourself or Bob Carr. Please ask them to join the DSCC Roundtable by making a \$5000 contribution and tallying to you.

(03/27/95 - grossman)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$1,000.00
1993	\$1,500.00
1992	\$1,750.00
1991	\$9,000.00
1990	\$5,000.00
1989	\$750.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

RT E Feb 1, 1992 he wants to sponsor an event for us

ALL ADDRESSES:

601 Pennsylvania Avenue, NW, Suite 900, Washington, DC 20004  
 One Kellogg Square, P.O. Box 3599, Battle Creek, MI 49016

ALL PHONES:

(202)434-8262 (Business)  
 (202)639-8238 (Fax)

- Call Results -

Ms. Evelyn Dubrow "Evy"  
 Vice President  
 International Ladies Garment Workers Union  
 815 16th Street, N.W., Room 103  
 Washington, DC 20006  
 (202)637-5353 (B)

PAC Contributor; Status is Active

**Levin call**

ILGWU has not given to us since 1992 because they were unhappy with Senator Graham. Please ask them to resume their contributions to the DSCC. Their cash on hand as of 12/31/94 was \$1,786,947. Their common reason for not contributing is a lack of funds. (?) Their contribution may be tallied to your race.

(03/28/95 - young)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$0.00
1993	\$0.00
1992	\$15,000.00
1991	\$15,000.00
1990	\$15,000.00
1989	\$15,000.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

LC E Jan 1, 1993 93' Upset with Sen. Graham for vote on textile bill.

ALL ADDRESSES:

1710 Broadway, New York, NY 10019  
 815 16th Street, N.W., Room 103, Washington, DC 20006

- Call Results -

97043604239



Mr. Daniel Lucas "Dan"  
 Political Director  
 Service Employees International Union  
 1313 L Street, N.W.  
 Washington, DC 20005  
 (202)898-3200 (B)

PAC Contributor; Status is Active

Levin call

Please ask Dan To contribute \$15K to the DSCC this month and  
 tally at least a portion to your campaign.

(04/17/95 - Grossman)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	50.00
1994	\$15,000.00
1993	\$15,000.00
1992	\$15,000.00
1991	\$15,000.00
1990	\$15,000.00
1989	\$15,000.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

ALL ADDRESSES:

1313 L Street, N.W., Washington, DC 20005

ALL PHONES:

(202)898-3352 (Business)  
 (202)898-3304 (Fax)  
 (202)898-3200 (Business)  
 (202)898-3217 (Business)

- Call Results -


9704380424C

Mr. Chuck Loveless "Chuck"  
American Federation of State, County &  
Municipal Employees  
1625 L Street, NW, Fourth Floor  
Washington, DC 20036  
(202)429-5020 (B)

PAC Contributor; Status is Active

Levin Call

Please ask Chuck to contribute \$14K to the DSCC this month  
and tally at least a portion to your campaign.

(04/17/95 - Grossman)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$1,000.00
1994	\$15,000.00
1993	\$15,000.00
1992	\$15,000.00
1991	\$15,000.00
1990	\$15,000.00
1989	\$15,000.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

Mar 27, 1995      \$1,000.00 LC   St. Patrick's Day Breakfast

CLUB INFORMATION:

ALL ADDRESSES:

1625 L Street, NW, Fourth Floor, Washington, DC 20036

ALL PHONES:

(202)223-3413 (Aux. Fax)  
(202)429-1185 (Business)  
(202)429-1197 (Fax)  
(202)429-5020 (Business)  
(202)429-1100 (Business)

- Call Results -

Mr. Larry Eanes "Larry"  
COPE Director  
United Rubber Workers  
570 White Pond Drive  
Akron, OH 44320  
(216)869-0320 (B)

PAC Contributor; Status is Active

Senator Levin call

Please ask Larry to contribute \$5,000 as soon as possible,  
and tally his contribution to you.

(04/17/95 - grossman)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$5,000.00
1993	\$5,750.00
1992	\$10,750.00
1991	\$5,000.00
1990	\$5,000.00
1989	\$5,100.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

LA A Dec 31, 1995  
RT A Apr 1, 1995

ALL ADDRESSES:

570 White Pond Drive, Akron, OH 44320

ALL PHONES:

(216)869-5627 (Fax)  
(216)869-0320 (Business)

- Call Results -



Mr. Michael McLauchlan "Mike"  
Comerica Incorporated PAC  
211 West Fort Street  
Detroit, MI 48226  
(313)222-3688 (B)

PAC Contributor; Status is Active

**Senator Levin Banking Call**

The DSCC is hosting a small breakfast for the Banking Community on May 4 with Senators Kerrey, Dodd, Conrad, Murray and Bryan (see attached sheet for more information). Please ask Mike to participate in this breakfast (or send a representative) by contributing \$5,000 to the DSCC and tallying to your campaign.

(04/17/94 - grossman)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$0.00
1993	\$0.00
1992	\$1,000.00
1991	\$0.00
1990	\$0.00
1989	\$0.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

ALL ADDRESSES:

211 West Fort Street, Detroit, MI 48226

ALL PHONES:

(313)222-3688 (Business)

- Call Results -

Mr. & Mrs. Jerome Zimmerman "Harriet and Jerome"  
4 Via Los Incas  
Palm Beach, FL 33480  
(407)832-1512 (B)

Cail  
Harriet

Individual Contributor; Status is Active

## Levin Call - AIPAC Reception

Harriet is an officer of AIPAC, and she maxed to your last campaign. Jerome has given to you as well. Ask them to attend the DSCC reception next Tuesday at the end of the AIPAC Policy Conference and tally \$5000 to your campaign.

(03/02/95 - Liz Silva)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$0.00
1993	\$0.00
1992	\$0.00
1991	\$0.00
1990	\$0.00
1989	\$0.00

## CONTRIBUTION HISTORY (CURRENT CYCLE):

**CLUB INFORMATION:**

RT A Feb 1, 1995

Jerome and Harriet have individual donor records, but requested to receive mail at this address in this form.

ALL ADDRESSES:

4 Via Los Incas, Palm Beach, FL 33480

ALL PHONES:

(407)832-1512 (Business)

**- Call Results -**

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O'BRIEN • CALIO

LAWRENCE F. O'BRIEN, III

June 21, 1996

The Honorable Carl Levin  
United States Senate  
459 Russell Senate Office Building  
Washington, D.C. 20510

Re: DSCC Tally - Levin

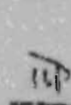
Dear Carl:

I was delighted to see you at the Archive's salute to Mark Hatfield on June 11 and to have a chance to chat briefly. The event was a well justified tribute a fine public servant.

In a brief aside at the end of the dinner, I mentioned that I am a participant in the DSCC Majority Trust program and perhaps could be of some help via that mechanism. By letter dated June 20, 1996, a Majority Trust "tally" to the Levin campaign in the amount of \$1,500.00 has been made.

Best of luck in your campaign.

Sincerely,

/s/ LOB 

Lawrence F. O'Brien III

97043804245



O'BRIEN • CALIO

LAWRENCE F. O'BRIEN, III

August 5, 1996

The Honorable Carl Levin  
Friends of Carl Levin  
236 Massachusetts Avenue, NE, #202  
Washington, DC 20002

(15)  
Dear Senator Levin:

I am in receipt of your letter, dated August 2, 1996.

By letter dated June 20, 1996, a DSCC "tally" in the amount of \$1,500.00 was made to your campaign. A file copy of my letter to you informing you of that is enclosed, just in case there was any confusion.

I enjoyed being with you at David Pryor's breakfast and wish you every success in your campaign.

Sincerely,

(15)  
Lawrence F. O'Brien, III

Enclosure

97043804246

Larry J. Hochberg

1400 South Wolf Road - Suite 200  
Wheeling, Illinois 60090 - 8524

June 25, 1996

The Honorable Bob Kerrey  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

Dear Bob:

Enclosed is my \$5,000 contribution to the Democratic  
Senatorial Campaign Committee. I would like this  
contribution tallied to these campaigns as follows:

Senator Carl Levin	\$2000
Congressman Dick Durbin	1000
Senate Campaign	
Senator Tom Harkin	1000
Senator John Kerry	1000

Should you have any questions, please call me at 847-  
520-0100.

Best of luck for a successful election season.

Best regards,



Larry J. Hochberg

LJH:js

enclosure

cc: ✓ The Honorable Carl Levin  
The Honorable Dick Durbin  
The Honorable Tom Harkin  
The Honorable John Kerrey

97043804247

April 4, 1996

Ms. Melissa Maxfield  
Director, Leadership Circle  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, SE  
Washington, DC 20003

Dear Ms. Maxfield:

The National Committee to Preserve Social Security & Medicare recently renewed its membership in the DSCC's Leadership Circle.

Please apply \$2,000 of that contribution to Senator Carl Levin's Tally Sheet.

Feel free to give me a call should you have any questions or need additional information.

Sincerely,

*Max Richtman*

Max Richtman  
Executive Vice President

CC: The Honorable Carl Levin



*Merv and Thea Adelson  
Bill and Barbara Belzberg  
Barbra Streisand*

Cordially invite you to attend a fundraiser in honor of  
***Senator Carl Levin of Michigan***

*September 16, 1996  
6:00 P.M. to 8:00 P.M.*

*at the home of*

*Bill and Barbara Belzberg  
811 North Alpine Drive  
Beverly Hills, California*

R.S.V.P. to Tina Stoll  
(202) 544-8963

**Suggested Donation:**  
\$500 or \$1,000

Paid for by Friends of Senator Carl Levin. Produced in-house.

***Senator Carl Levin***

Carl Levin has earned a reputation as one of the Senate's most determined and effective legislators. One Michigan paper noted that "regardless of whether one agrees with his philosophy, United States Senator Carl Levin is a breath of fresh air." Former Texas Governor Ann Richards said recently, "If Carl isn't careful, he's going to give politics a good name."

Carl was the driving force between the first successful lobbying reform bill in fifty years. Carl has also been a star performer in protecting a woman's right to choose, fighting against race and gender discrimination, working to protect the wall of separation between church and state, and defending arts funding from the cheap and politically easy attacks of the radical right.

As the senior Jewish member of the Senate, Carl feels a special responsibility to protect the unique relationship between the U.S. and Israel. As a ranking member on the Armed Services Committee, he's worked to fulfill that responsibility. He has consistently fought to extend foreign aid to Israel, helped promote joint U.S.-Israeli development of weapon systems, worked tirelessly on behalf of the Soviet and Ethiopian Jewish communities, and helped pass legislation to move the U.S. Embassy from Tel Aviv to Jerusalem.

Carl has a stellar record on issues crucial to the entertainment industry. From standing up to China to protect American intellectual property; to fighting for strong anti-piracy language in our international trade agreements; to working with rather than fighting against the industry on the V-chip, Carl has proven his commitment on issues that count.

Carl is one of the GOP's top targets this year. Carl's opponent, ~~Ronna~~ Romney, is a conservative radio talk-show host. She won a bitter primary with the help of well-organized and well-funded single issue groups like the Michigan Right-to-Life and the NRA. Soon she will be utilizing the money and grassroots operations of the same special interests to attack Carl. It's clear that Carl's opponents are willing to spend whatever it takes to defeat him.

We need to keep Senators like Carl Levin. Please give him your maximum support.

97043804249

**Friends of Senator Carl Levin**

236 Massachusetts Avenue, NE, Suite 202

Washington, DC 20002

Phone: (202) 544-8963 Fax: (202) 546-2321

**FAX COVER SHEET**

TO: Robert Nathan

FROM: Matthew Erickson

PAGES INCLUDING  
COVER SHEET: 3

COMMENTS: Please find attached the assorted documents regarding the DSCC's tally system. Individuals are permitted to tally up to \$20,000 per year.

For some reason, it is very important that you not put Senator Levin's name on the check itself. The letter alone is sufficient to insure that the contribution is tallied to Senator Levin.

Thanks for your help. We'll see you on the 16th.

Senator Carl Levin

August 29, 1996

Mr. Robert Nathan  
fax (818) 842-8321

Dear Mr. Nathan:

Thank you again for your generous support. I know that Senator Levin appreciates your enthusiasm for the cause.

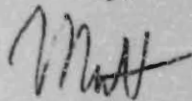
As we discussed, you can make out a check to the Democratic Senatorial Campaign Committee and tally it to Senator Levin.

The DSCC maintains a record (a "tally") of how much money each candidate helps to raise for the Committee. The amount of money to be spent by the DSCC on behalf of the party nominee is based on the nominee's tally record and, among other factors, the nominee's likelihood of winning and need for DSCC funds. However, the DSCC does not accept contributions earmarked for a specific candidate; contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

I have enclosed a letter to the DSCC for you to sign (or copy) and return with your check.

Please do not hesitate to contact me at (202) 544-8963 if you have any questions about the Levin campaign. Thank you very much for your generous support.

Sincerely,



Matthew Erickson  
Deputy National Fundraiser

Paid for by Friends of Senator Carl Levin

230 Massachusetts Avenue, N.E., Suite 202, Washington, DC 20002 (202) 544-8963, Fax (202) 544-2321

Contributions are not deductible for Federal income tax purposes





Liz Silva  
Democratic Senatorial Campaign Committee  
430 South Capitol Street  
Washington, DC 20003

Dear Ms. Silva:

Please find enclosed a check for \_\_\_\_\_ to the DSCC. I understand the tally system as it has been explained to me, and would like the check tallied towards Senator Carl Levin.

Sincerely,

Robert Nathan

97043804252

## LA Guest List

Donna Arnold  
 Hope Boonschaft  
 Hal and Carole Gaba  
 Martin Hamburger (sent \$500)  
 Stan and Marilyn Harris  
 \* Maurice Kraines (sent 500) ~~was there~~  
 \* Shirley Kraut (sent \$1000 -- not coming)  
 \* Norman Lear  
 Martin Lutin (sent \$100 -- not coming)  
 \* Mr. and Mrs. Frank Mancuso (sent \$1000)  
 Alfred Mann  
 Robert Nathan (at personal max -- bringing DSCC tally) ~~was there~~  
 Ann O'Connor  
 Harriet Ratner (sent \$150)  
 Fred Richman  
 Stan Ross (sent \$500)  
 Brad Ruderman  
 \* Corky and Mike Stoller  
 someone from WINPAC

\* = '90 Contributor

Matt  
 Please figure  
 out who we need to  
 follow up with

97043804253



# Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

Internet: info@dsc.org

I. Nelson Perry, NC  
Chairman

## Fact Sheet on the 1995 DSCC Annual Senate Dinner "The Trail to Victory Begins in Oregon"

### Program Chairs

Host Majority Travel  
John Braden, LA

Minority's Chairman  
Barbara Mikulski MD  
Bernard Bosser, CA

Leadership Circle  
Arlene Canine, ND

Labor Council  
Ruth Feingold, WI

DSCC Roundtable  
David Pryor AR  
Carol Moseley-Braun IL  
Patty Murray, WA

Honorary Chairman: Senator Robert C. Byrd

Chairman, DSCC: Senator Bob Kerrey

Dinner Co-Chairs: Senator Tom Daschle, Senator Wendell Ford,  
Senator Barbara Mikulski, Senator John Kerry,  
Senator Harry Reid, Senator Jay Rockefeller,  
Senator Byron Dorgan and Senator John Breaux

Date: Wednesday, November 1, 1995

Time: Reception 6:00 p.m.  
Dinner 7:30 p.m.

Place: Sheraton Washington Hotel  
2660 Woodley Road at Connecticut Avenue, N.W.  
Washington, DC

Attire: Business Attire

Ticket Price: \$1,500 individual  
\$15,000 table

Proceeds: Democratic Senatorial Campaign Committee  
to benefit 1996 U.S. Senate Candidates, including  
Democratic nominee in Oregon special election.

Annual Contribution Limits: An individual may contribute a maximum of \$20,000  
to the DSCC which counts against the \$25,000 annual  
federal limit. A PAC may contribute up to \$15,000.

Tally Credit: Contributions to the 1995 Fall Dinner may be tallied  
to any Democratic U.S. Senator or any 1996 nominee  
for the U.S. Senate

DSCC Contacts: Lisa Cowell (202) 485-3110  
Jonathan Grossman (202) 485-3112  
Melissa Maxfield (202) 485-3138

*Paid for and authorized by the Democratic Senatorial Campaign Committee  
Contributions are not tax deductible.*

97043804254



COLUMBIA

9-29

# 74,461 DSCC to be  
PAID FOR

WIS - TV

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

9/19 - 9/23

\$7,084 29 spots

9/23 - 9/29

\$12,099 62 spots

# 17,183

Does not include  
Fluorene or Fluorene  
for affiliates.

ELLIOTT CLOSE CAMPAIGN

10/26 - 11/3 on two separate schedules

\$16,294 50 spots

\$15,576 60 spots

# 3417 15 spots - (11-4)

WOLO - TV

DSCC

9/19 - 9/23

\$1,140 14 spots

9/24 - 9/30

\$2,040 26 spots

# 3040

ECC

10/21 - 11/5 on two separate schedules

\$5,520 80 spots

\$910 8 spots

WLTX - TV

DSCC

9/24 - 9/29

\$5,530 37 spots

ECC

10/21 - 11/5

\$13,715 92 spots

DSCC = 27,753

97043804255

CHARLESTON

WCSC - TV 5 (CBS)

DSCC

9/19 - 9/23

\$4,130 23 spots

9/24 - 9/29

\$6,490 50 spots

ECC

10/21 - 11/4

\$13,770 128 spots

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WCBD - TV 2 (NBC)

DSCC

9/19 - 9/23

\$2,310 16 spots

ECC

10/21 - 11/5

\$11,350 109 spots

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WCIV - TV 4 (ABC)

9/19 - 9/23

\$914 16 spots

9/23 - 9/29

\$1,944 38 spots

10/21 - 11/5

\$7,401 93 spot

*DSCC*  
*ECC*

*DSCC*  
*15,788*

*ECC*

\*The WCIV ad representative showed John Dimitri copies of two different cancelled checks. One check was dated 9/3/96 and was from the Elliott Close for Senate campaign for \$6,405. The other check, dated 9/12/96 and from the DSCC, totaled \$3,046.

GREENVILLE

WYFF - TV 4

DSCC  
9/25 - 9/29  
\$17,985

ECC  
10/21 - 11/5  
\$37,349

---

WSPA - TV 7

DSCC  
9/24 - 9/29  
\$12,935

ECC  
10/21 - 11/3  
\$33,485

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97043804257



Durbin Targets Salvi Over Tobacco Cash In Convention Speech  
Eds: Moved for Friday AM cycle.

By DENNIS CONRAD

Associated Press Writer

CHICAGO (AP) - Dick Durbin, for more than a decade Congress' leading tobacco lobby foe, took his moment on the Democratic National Convention's center stage to use the issue against his GOP rival in Illinois' Senate race.

Given the opportunity by President Clinton's convention handlers, the Springfield congressman on Thursday addressed the national cable audience before the president delivered his acceptance speech.

Although his election opponent, state Rep. Al Salvi, R-Mundelein, was not mentioned by name, Durbin was direct enough in his attack.

"I know there is a political price to pay for challenging the tobacco giants," he shouted in a hoarse voice weary from convention events. "My Senate opponent has received more tobacco contributions than any new Senate candidate in America. But make no mistake - I am proud to be the number one political target of the tobacco lobby."

Campaign reports filed this year with the Federal Election Commission show Salvi has received \$14,000 from tobacco interests, Durbin aides said.

The Salvi campaign did not challenge Durbin's figures. Instead, it suggested that Durbin was hypocritical on the issue by having accepted \$17,500 this year from the Democratic Senatorial Campaign Committee, which it said took in at least \$40,000 from tobacco interests in the past two years.

"The only way the Democratic Senatorial Campaign Committee money goes to me is if I raise the money and it is tallied to me," Durbin responded, adding he gets no money from tobacco interests.

Durbin's speech was another sign of the Democrats' efforts to portray themselves as more caring than Republicans about children and more concerned about the unhealthy influence of tobacco on politics and health.

Vice President Al Gore on Wednesday emotionally recalled before the convention how his sister began her smoking habit at 13 only to die of cancer in her 40s.

For Durbin, his personal story was about his father who died of lung cancer nearly 37 years ago after being a two-pack a day cigarette smoker.

"He never lived to see me graduate from high school or college, get married, present him with a grandchild or take the oath of office as a congressman," Durbin said.

Salvi spokesman Dan Patlak said the GOP candidate has a strong record in the General Assembly of supporting laws that seek to keep tobacco from children, including a ban on all cigarette vending machines.

As to his differences with his Democratic opponent, Salvi "believes it's the choice of adults whether or not they smoke," he said. "It shouldn't be outlawed by the government."

In his speech, Durbin, who helped push through the ban on smoking on airlines nine years ago, said he was proud Clinton was the first president with the courage to join him in fighting tobacco use among kids.

"I will be prouder still when the day comes, and it will, when this party is tobacco free and the health of our children is more

important than any special interest group," he said.

Not all delegates were sure Derrin's attacks were wise.

"The problem you get is a backlash, and the people who probably make the most are the Democrats," state Sen. Denny Jacobs of East Moline said while holding a cigar in a hotel lobby.

(PROFILE  
(CAT:Business:)  
(CAT:Medical:)  
(CAT:Political:)  
(SRC:AP; ST:IL:)  
)

[al@salvi]

97043804259

EXCERPT FROM 9/25/96 INTERVIEW WITH VICTOR MORALES:

QUESTION: "How much money have you raised?"

ANSWER: "Totally, how much have we raised? I think over half a million. About \$600,000."

QUESTION: "And how much have you got now ready to spend?"

ANSWER: "I think we have about a little over \$200, almost \$300,000. And then there's some tally money of about \$150,000. Tally money that, you know, people have tallied in my name to the DSCC. So we've talked to a few people in the T.V. commercial making business to see what kind of prices and so we've talked to about 3 and we'll talk to a couple more. So we haven't given up hope on being on T.V."



LEVEL 1 - 25 OF 90 STORIES  
 Copyright 1996 Denver Publishing Company  
 Rocky Mountain News  
 January 10, 1996, Wednesday

SECTION: EDITORIAL; Ed. F; Pg. 38A  
 LENGTH: 734 words

**HEADLINE: Democrats told: To get, first give**

**BYLINE: Peter Blake; Rocky Mountain News Staff Writer**

**BODY:**

It smacks of that scam where the hustler goes up to the little old lady at the bank to tell her he's willing to share the \$ 1 million he just found in the street, but first she has to put up \$ 10,000 to prove her good faith.

But since it's being run by the Democratic Senatorial Campaign Committee, it's got to be legit, right?

Rocky Mountain News, January 10, 1996

The DSCC is holding its winter retreat at Aspen this weekend for its 'Majority Trust' - all those fat cats who've given at least \$ 20,000 to the party.

There will be receptions, dinners, discussions, a brunch and, of course, time for skiing. There to spill inside information to the high rollers will be Sens. Howell Heflin of Alabama (picture him on skis!), Joe Biden of Delaware, Tom Harkin of Iowa and Byron Dorgan of North Dakota.

Also invited are Colorado's five Democratic Senate candidates.

'As you know, the DSCC is allowed to allocate \$ 325,000 to the Colorado Senate race,' says the letter signed by DSCC chairman Bob Kerrey of Nebraska.

That's the bait. Now comes the switch: 'I am asking you as well as the other Colorado Senate candidates to commit to raising \$ 10,000 toward this weekend,' Kerry adds. The funds are 'crucial' if the DSCC is to fully fund Democratic Senate nominees.

He also reminds the candidate and his donors that the money raised for the DSCC can be earmarked right back to the candidate. Presuming, of course, he or she wins the primary.

Rocky Mountain News, January 10, 1996

It's one way of getting around the \$ 2,000-per-contributor limit. Ain't soft money grand!

Are Colorado's candidates falling for this hustle? Yes and no.

\* Lawyer Tom Strickland said he'd 'drop by' since he'll be campaigning in the area anyway. As for bringing \$ 10,000, he may not have it by Friday but 'we're going to try and do our part along the way.'

\* State Sen. Paul Weissmann is going to Washington this weekend for a cousin's bat mitzvah. 'But I don't know if I'd go anyway,' he said. 'I don't understand the rationale.' Besides, 'why is it every time politicians go to Aspen they think they have to raise money?'

\* Law dean Gene Nichol said he wasn't going. 'We're running a campaign that's concentrating hard on questions of political reform,' he said. 'so it doesn't seem to me like the kind of thing I should do.'

\* City Councilwoman Ramona Martinez told the DSCC she doesn't have \$ 10,000 but plans to attend anyway. 'I sort of chuckled and said, 'You've gotta be kidding.' I understand what they're trying to do . . . but the folks I know just don't have that kind of money.' She's looking forward to rubbing elbows with

Rocky Mountain News, January 10, 1996

the rich. 'I've never been to this kind of event in my entire life,' she said.

\* Populist businessman Phil Perington will attend, but only to stick a

27043604261

figurative thumb in their eye. "It's such an exclusive, elitist thing," he said. "No wonder the party's lost the faith of the people . . . They expect people to volunteer and do all the grunt work, and they never get to meet their leaders . . . What I see happening is the big-money candidates going up there to meet the big-soft-money givers."


Colorado Democratic chairman Mike Beatty predicted non-payers like Martinez would be welcomed anyway. "What are they going to do, turn her away at the door?" he asked.

The weekend gives candidates "an opportunity to differentiate themselves," he said. Some people react adversely to such an event, "others are going to be able to go in there and raise money. No question that's part of the process."

LANGUAGE: English

LOAD-DATE: January 12, 1996

97043004262



# Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

Internet: info@dscc.org

August 7, 1996

J. Robert Kerrey, NE  
Chairman

Program Chair

West Majority Trust  
John Brown, VA

Women's Council  
Barbara Mikulski, MD  
Barbara Boxer, CA

Leadership Circle  
Rex Conrad, ND

Labor Council  
Russ Feingold, WI

DSCC Board Members  
David Pryor, AR  
Carol Mosley-Braun, IL  
Patty Murray, WA

Mr. Mark Warner  
Mark Warner for Senate  
2120 Staples Mill Rd., Suite 11  
Richmond, VA 23230

Dear Mark,

Thanks to the combination of strong incumbents and our talented class of challengers, Democrats are poised to re-gain the majority in the U.S. Senate. With hard work, and the money needed to even the playing field with the perennially well-funded opposition, we will take back the Senate in November.

As Chairman of the DSCC, I am dedicated to ensuring our candidates have the resources needed to wage a successful campaign. However, as you know all too well, we can't spend money on Senate campaigns, if we don't raise it first.

To that end, we will be hosting our Annual Senate Issues Conference and Dinner in Washington on Thursday, September 26. President Bill Clinton will be our honored guest at dinner. As you know, this is always an important event on the DSCC calendar, with many of our most loyal friends and supporters coming in from around the country. I hope you will make every effort to join us, and you will take this opportunity to raise DSCC money for your tally.

To date, you have raised \$97,250.00 against your overall tally of \$636,442.00. Since the Annual Senate Dinner will be one of the final major fundraising events on the DSCC's calendar, it will provide a terrific opportunity for all Senate candidates to raise significant tally money. I have enclosed detailed information on this full day of activities here in the nation's capital. We are also planning DSCC events with the President in Florida, Los Angeles and New York that will provide additional opportunities to raise tally money.

In addition, I hope this dinner will give you a chance to meet our major donors from across the country who will in turn be supportive of your campaign's fundraising efforts.

Should you have any questions regarding the DSCC's Annual Issues Conference and Dinner, or to discuss fundraising plans, please feel free to contact Lisa Cowell at (202) 224-2447.

Sincerely,



Bob Kerrey

cc: Anita Rimler

*Paid for and authorized by the Democratic Senatorial Campaign Committee  
Contributions are not tax deductible.*

270438042





## Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

Internet: [info@dscn.org](mailto:info@dscn.org)

J. Robert Murray, MD  
Chicago

Program Chairs

Real Majority Trust  
John Treau, LA

Women's Council  
Barbara Mikulski, MD  
Barbara Boxer, CA

Leadership Circle  
Kent Conrad, ND

Labor Council  
Russ Feingold, WI

DSCC Roundtable  
David Pryor, AR  
Carol Mosley-Braun, IL  
Patty Murray, WA

### Fact Sheet on the DSCC's "Annual Senate Issues Conference and Dinner"

**Date:** Thursday, September 26, 1996

**Schedule:** DSCC's Issues Conference and Luncheon  
8:30 am - 1:30 pm  
Washington Court Hotel  
Legislative update and political discussion with  
Democratic Senators and political pundits

White House Briefing  
(pending confirmation)  
2:00 pm - 4:00 pm

**Evening:** DSCC Annual Senate Dinner

**Time:** 6:30 - 7:30 pm reception  
7:30 - 9:30 pm dinner

**Location:** Hyatt Regency Washington on Capitol Hill  
400 New Jersey Avenue, NW

**Dinner Chairs:** Senator Edward M. Kennedy  
Senator Joseph I. Lieberman

**Attendees:** Senator Tom Daschle, Democratic Leader and the  
Democratic Members of the U.S. Senate

**Special Guest:** President Bill Clinton

**Honorees:** Senator Bill Bradley, Senator Jim Exon, Senator Howell  
Heflin, Senator J. Bennett Johnston, Senator Sam Nunn,  
Senator Claiborne Pell, Senator David Pryor, Senator  
Paul Simon

**Attire:** Business Attire

**Ticket Price:** \$5,000 personal or PAC (Issues Conference and Lunch,  
White House Briefing and Annual Senate Dinner)  
\$2,000 personal or PAC (Annual Senate Dinner Only)

**For More Information:** Contact Lisa Cowell or Amy Edwards at the DSCC at  
(202) 224-2447

Updated August 7, 1996

*Paid for and authorized by the Democratic Senatorial Campaign Committee*  
*Contributions are not tax deductible.*

# TRANSPORTATION POLITICAL EDUCATION LEAGUE

January 31, 1996

Democratic Senatorial Campaign Committee  
Leadership Circle  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

Dear Sir or Madam:

Please tally the attached check (Check No. 1322) in the amount of \$14,250.00 from the Transportation Political Education League to Senator Paul Wellstone.

Sincerely,

James Brunkenhoefer

Enclosure

27043804265

**Wellstone for Senate**

236 Massachusetts Avenue, N.E. • Suite 202 • Washington, D.C. 20002 • (202) 544-8963

**FAX COVER SHEET**

TO: Jim Brunkenhoefer

FROM: Peter Sherman

PAGES INCLUDING  
FAX COVER SHEET: 2

COMMENTS: Sorry for bothering you about this. My concern is that without something from UTU the DSCC will hold-up crediting your check to Paul.

My fax number is (202) 546-2321.

Thanks for your help.

27043804266



# WELLSTONE FOR SENATE

236 MASSACHUSETTS AVENUE, N.E. • SUITE 202 • WASHINGTON, DC 20002 • (202) 544.8963 • FAX (202) 546.2321

February 3, 1995

Mr. Henry Everett  
150 East 69th Street  
New York, New York 10021

Dear Henry:

It was good talking to you the other day. I am grateful for your willingness to consider supporting my re-election efforts.

The Republicans are calling me their top target for the 1996 elections so unfortunately I need to start my campaign early. In the several years since I have been a senator, I have only accepted campaign contributions up to \$100 per person. Needless to say, I have no funds to speak of. I am also starting from scratch with the DSCC, so anything you can rally would be a tremendous help. Your early support means a great deal to me.

I am enclosing some information about me for your review. I am also enclosing a pledge card and a self addressed envelope for your convenience. Please feel free to stop by and visit the next time you are in Washington.

Sincerely,

Paul D. Wellstone

*Contributions are not tax deductible as charitable contributions for federal income tax purposes.  
Federal law requires political committees to report the name, mailing address, occupation and name of employer  
for each individual whose contributions aggregate in excess of \$200 in a calendar year.*

PAID FOR BY WELLSTONE FOR SENATE, RICK KAHN, TREASURER.

Mr. Chuck Loveless "Chuck"  
 American Federation of State, County &  
 Municipal Employees  
 1625 L Street, NW, Fourth Floor  
 Washington, DC 20036  
 (202)429-5020 (B)

PAC Contributor; Status is Active

Wellstone call

Please ask Chuck to contribute \$15K to the DSCC this month  
 and tally at least a portion to your campaign.

(03/28/95 - young)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$1,000.00
1994	\$15,000.00
1993	\$15,000.00
1992	\$15,000.00
1991	\$15,000.00
1990	\$15,000.00
1989	\$15,000.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

Mar 27, 1995 \$1,000.00 LC St. Patrick's Day Breakfast

CLUB INFORMATION:

ALL ADDRESSES:

1625 L Street, NW, Fourth Floor, Washington, DC 20036

ALL PHONES:

(202)223-3413 (Aux. Fax)  
 (202)429-1185 (Business)  
 (202)429-1197 (Fax)  
 (202)429-5020 (Business)  
 (202)429-1100 (Business)

- Call Results -

Ms. Elizabeth Birch "Elizabeth"  
Executive Director  
Human Rights Campaign Fund  
1101 14th Street NW, Suite 200  
Washington, DC 20005  
(202)628-4160 (B)

PAC Contributor; Status is Active

Wellstone call

Please call Elizabeth and ask her to give \$15K to the DSCC  
and tally at least a portion to your campaign.

(03/28/95 - young)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$10,000.00
1993	\$15,000.00
1992	\$2,000.00
1991	\$5,000.00
1990	\$5,000.00
1989	\$0.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

ALL ADDRESSES:

1101 14th Street, NW, 2nd Floor, Washington, DC 20005  
1101 14th Street NW, Suite 200, Washington, DC 20005

ALL PHONES:

(202)628-4160 (Business)  
(202)347-5323 (Fax)

*You had lunch with her*

- Call Results -


97043804269



Mr. Daniel Lucas "Dan" /E/canor  
 Political Director  
 Service Employees International Union  
 1313 L Street, N.W.  
 Washington, DC 20005  
 (202)898-3200 (B)

PAC Contributor; Status is Active

Wellstone call

Please ask Dan To contribute \$15K to the DSCC this month and  
 tally at least a portion to your campaign.

(03/28/95 - young)

CONTRIBUTION HISTORY (YEARLY SUMMARY):

1995	\$0.00
1994	\$15,000.00
1993	\$15,000.00
1992	\$15,000.00
1991	\$15,000.00
1990	\$15,000.00
1989	\$15,000.00

CONTRIBUTION HISTORY (CURRENT CYCLE):

CLUB INFORMATION:

ALL ADDRESSES:

1313 L Street, N.W., Washington, DC 20005

ALL PHONES:

(202)898-3352 (Business)  
 (202)898-3304 (Fax)  
 (202)898-3200 (Business)  
 (202)898-3217 (Business)

- Call Results -

9704380427C



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Benjamin L. Ginsberg, Esq.  
PATTON BOGGS, L.L.P.  
2550 M Street, NW  
Washington, DC 20037-1350

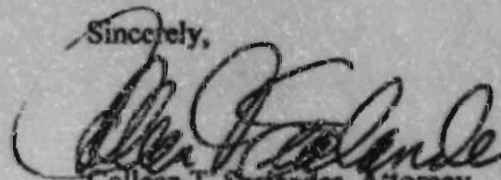
RE: MUR 4490

Dear Mr. Ginsberg:

This letter acknowledges receipt on October 1, 1996, of the complaint which your client, John D. Heubusch, Executive Director of the National Republican Senatorial Committee, filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4490. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

  
Colleen T. Stalander, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

97043804271



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Joel Tauber  
Tauber Enterprises  
27777 Franklin Road, Suite 1850  
Southfield, MI 48034-2396

RE: MUR 4490

Dear Mr. Tauber:

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 4490. Please refer to this number in all future correspondence.

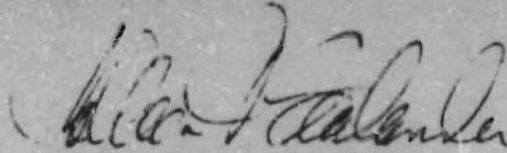
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.



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,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

**Enclosures**

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

97043804273



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Timothy F. Wuliger  
20 Basswood Land  
Moreland Hills, OH 44022

RE: MUR 4490

Dear Mr. Wuliger:

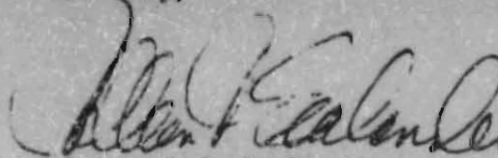
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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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,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804276





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Susan and Richard Rogel  
4411 Landing Drive  
West Bloomfield, MI 48323-1432

RE: MUR 4490

Dear Ms. & Mr. Rogel:

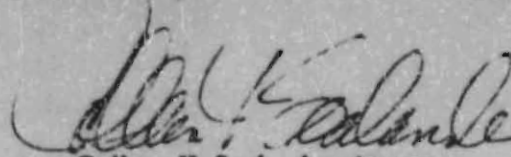
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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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,

A handwritten signature in cursive script, appearing to read "Colleen T. Sealander".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043604277



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Robert S. Nathan  
10061 Riverside Drive #1034  
North Hollywood, CA 91602

RE: MUR 4490

Dear Mr. Nathan:

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 4490. Please refer to this number in all future correspondence.

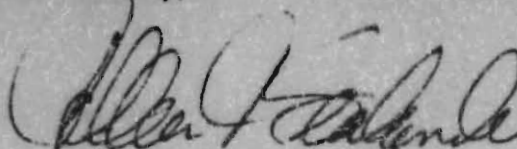
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804279



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

David and Miriam Mondry  
1433 Lochridge Road  
Bloomfield Hills, MI 48302-0734

RE: MUR 4490

Dear Mr. & Ms. Mondry:

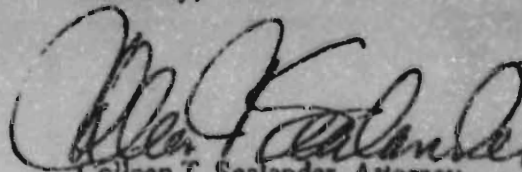
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804201





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Robert Larson  
580 Yarboro Drive  
Bloomfield Hills, MI 48304-3469

RE: MUR 4490

Dear Mr. Larson:

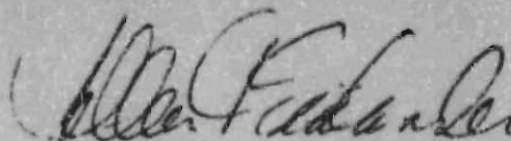
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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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,

A handwritten signature in cursive script, appearing to read "Colleen T. Sealander".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804203



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Doreen Hermelin  
31500 Bingham Road  
Bingham Farms, MI 48025-4340

RE: MUR 4490

Dear Ms. Hermelin:

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 4490. Please refer to this number in all future correspondence.

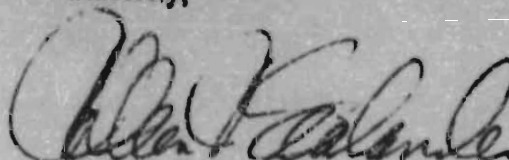
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

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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,

A handwritten signature in cursive script, appearing to read "Colleen T. Sealander".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804205



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Irwin Green  
3000 Town Center, Suite 2445  
Southfield, MI 48075-1305

RE: MUR 4490

Dear Mr. Green:

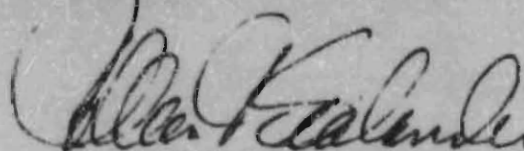
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with the first name "Colleen" being more prominent.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804287





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Dorothy Gerson  
30285 Woodside Court  
Franklin, MI 48025-2170

RE: MUR 4490

Dear Ms. Gerson:

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 4490. 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.

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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,

A handwritten signature in cursive script, appearing to read "Colleen T. Sealander".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043604289



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Sadie Cohn  
c/o Rita Haddow  
3141 Interlaken  
Orchard Lake, MI 48323-1826

RE: MUR 4490

Dear Ms. Cohen:

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 4490. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with the first name "Colleen" being more prominent.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804291



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Maurice Cohen  
2600 Turtle Lake Road  
Bloomfield Hills, MI 48302-0775

RE: MUR 4490

Dear Mr. Cohen:

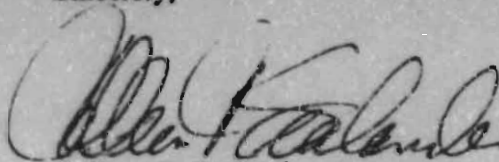
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043004293





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Madeline and Mandell Berman  
29100 Northwestern #370  
Southfield, MI 48034

RE: MUR 4490

Dear Ms. & Mr. Berman:

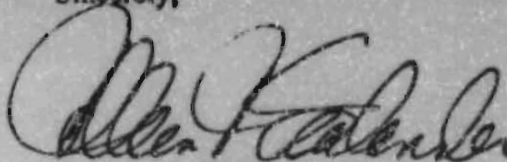
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27643804295



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Maryanne Hanson Alix  
5400 Pontiac Trail  
Orchard Lake, MI 48323-1463

RE: MUR 4490

Dear Ms. Alix:

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 4490. 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.

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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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804297



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Roger D. Griffeth, Treasurer  
Transportation Political Education League  
14600 Detroit Avenue  
Cleveland, OH 44107

RE: MUR 4490

Dear Mr. Griffeth:

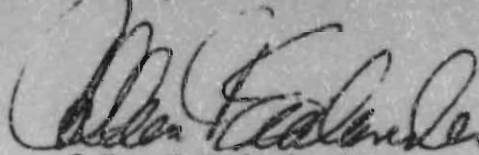
The Federal Election Commission received a complaint which indicates that the Transportation Political Education League and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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 Transportation Political League 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004299





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Larry Smith, Treasurer  
Committee for Good Government International  
Union UAW  
8000 East Jefferson Avenue  
Detroit, MI 48214

RE: MUR 4490

Dear Mr. Smith:

The Federal Election Commission received a complaint which indicates that Committee for Good Government International Union UAW ("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 4490. 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.

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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,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004301



FEDERAL ELECTION COMMISSION

Washington, DC 20453

October 8, 1996

William Lucy, Treasurer  
American Federation of State County  
& Municipal Employees - P.E.O.P.L.E.  
1625 L Street, NW  
Washington, DC 20036

RE: MUR 4490

Dear Mr. Lucy:

The Federal Election Commission received a complaint which indicates that the American Federation of State County & Municipal Employees - P.E.O.P.L.E. 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 4490. Please refer to this number in all future correspondence.

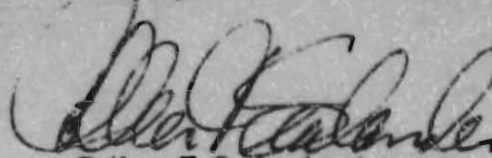
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the American Federation of State County & Municipal Employees - P.E.O.P.L.E. and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804303



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Mary L. Landrieu  
910 Hearthstone Drive  
Baton Rouge, Louisiana 70806

RE: MUR 4490

Dear Ms. Landrieu:

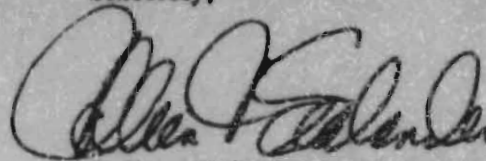
The Federal Election Commission received a complaint which indicates that you, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004305





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Thomas C. Delahaye, Treasurer  
Mary Landrieu for Senate Committee, Inc.  
1055 Laurel Street  
Baton Rouge, LA 70802

RE: MUR 4490

Dear Mr. Delahaye:

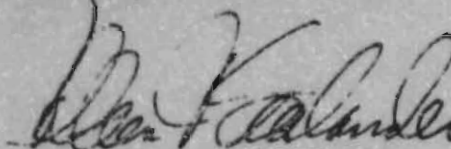
The Federal Election Commission received a complaint which indicates that Mary Landrieu for Senate Committee, Inc. ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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.

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Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804307



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Carl Levin  
United States Senate  
459 Russell Bldg.  
Washington, DC 20510

RE: MUR 4490

Dear Senator Levin:

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 4490. Please refer to this number in all future correspondence.

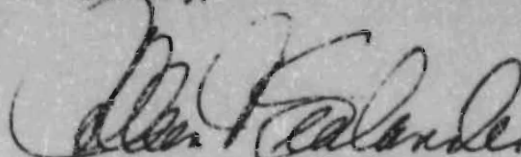
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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004309



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

The Honorable Carl Levin  
One Lafayette Plaisance  
Detroit, MI 48207

RE: MUR 4490

Dear Senator Levin:

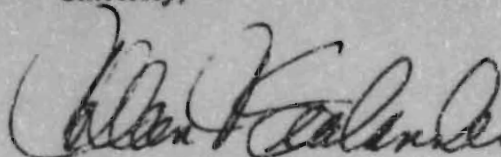
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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804511





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Robert H. Haftaly, Treasurer  
Friends of Senator Carl Levin  
PO Box 47368  
Oak Park, MI 48207

RE: MUR 4490

Dear Mr. Haftaly:

The Federal Election Commission received a complaint which indicates that Friends of Senator Carl Levin ("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 4490. 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.

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Colleen T. Seafander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804313



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Walter Clifford Minnick  
1094 Hearthstone  
Boise, ID 83702

RE: MUR 4490

Dear Mr. Minnick:

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 4490. Please refer to this number in all future correspondence.

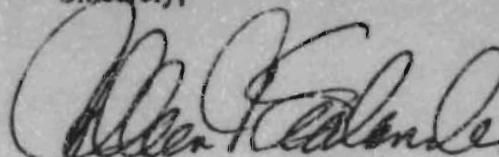
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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043304315



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Gardner W. Skinner, Treasurer  
Minnick for Senate  
PO Box 2009  
Boise, ID 83701

RE: MUR 4490

Dear Mr. Skinner:

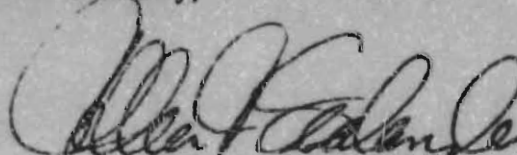
The Federal Election Commission received a complaint which indicates that Minnick for Senate ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer 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.

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Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043304317





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Victor Manuel Morales  
122 Willow Lake lane  
Crandall, TX 75114

RE: MUR 4490

Dear Mr. Morales:

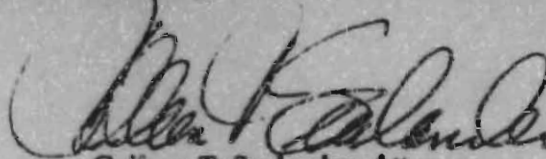
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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043604312



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Susan Hays, Treasurer  
Victor Morales for Senate Campaign Committee  
PO Box 870789  
Mesquite, TX 75187

RE: MUR 4490

Dear Ms. Hays:

The Federal Election Commission received a complaint which indicates that Victor Morales for Senate Campaign ("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 4490. Please refer to this number in all future correspondence.

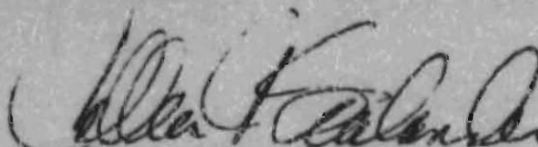
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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.



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,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804321



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Max Baucus  
United States Senate  
511 Hart Bldg.  
Washington, DC 20510

RE: MUR 4490

Dear Senator Baucus:

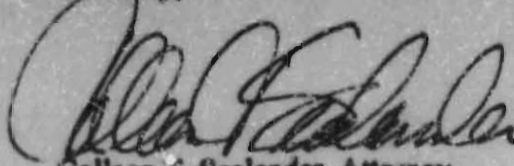
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen C. Sealander", written over a horizontal line.

Colleen C. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804323





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Max Baucus  
528 Power Street  
Helena, MT 59601

RE: MUR 4490

Dear Senator Baucus:

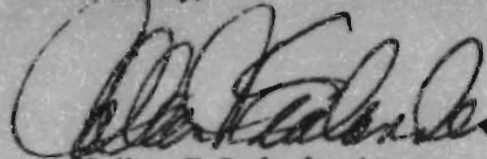
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over a faint, circular embossed or stamped seal.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043804325



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Nancy Nicholson, Treasurer  
Friends of Max Baucus  
P.O. Box 586  
Helena, MT 59624

RE: MUR 4490

Dear Ms. Nicholson:

The Federal Election Commission received a complaint which indicates that the Friends of Max Baucus 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 4490. 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 Friends of Max Baucus 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.

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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,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804327



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Roger Hugh Bedford  
P.O. Box 669  
Russellville, AL 35653

RE: MUR 4490

Dear Mr. Bedford:

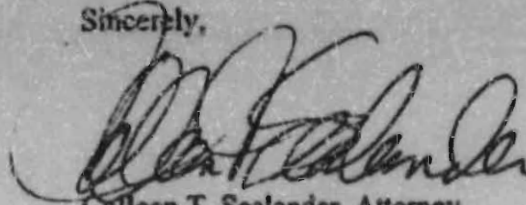
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

270438043229





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Richard Todd, Treasurer  
Roger H. Bedford for U.S. Senate  
2361 Fairlane Drive, Suite M 320  
Montgomery, AL 36116

RE: MUR 4490

Dear Mr. Todd:

The Federal Election Commission received a complaint which indicates that Roger H. Bedford for U.S. Senate 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 4490. 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 Roger H. Bedford for U.S. Senate 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804331



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Steven L. Beshear  
250 West Main Street, Suite 2300  
Lexington, KY 40507

RE: MUR 4490

Dear Mr. Beshear:

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 4490. 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.

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Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804333



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Charles L. Stivers, Treasurer  
Beshear for U.S. Senate Committee  
250 West Main Street, Suite 2300  
Lexington, KY 40507

RE: MUR 4490

Dear Mr. Stivers:

The Federal Election Commission received a complaint which indicates that Beshear for U.S. Senate ("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 4490. 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 Beshear for U.S. Senate ("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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004335





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Joseph R. Biden, Jr.  
United States Senate  
221 Russell Bldg.  
Washington, DC 20510

RE: MUR 4490

Dear Senator Biden:

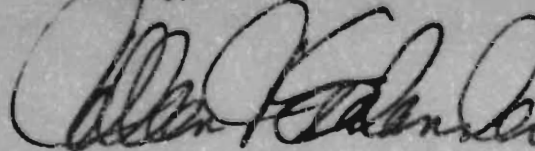
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804337



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Joseph R. Biden, Jr.  
P.O. Box 4044  
Wilmington, DE 19807

RE: MUR 4490

Dear Senator Biden:

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 4490. Please refer to this number in all future correspondence.

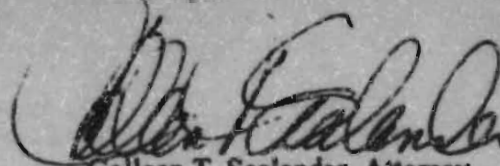
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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804339



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Melvyn I. Monzack, Treasurer  
Citizens for Biden - 1996  
P.O. Box 371  
Wilmington, DE 19899

RE: MUR 4490

Dear Mr. Monzack:

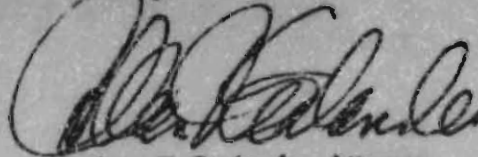
The Federal Election Commission received a complaint which indicates that the Citizens for Biden - 1996 and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer 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 Citizens for Biden - 1996 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804341





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

James H. Boren  
One Plaza South  
Tahlequah, OK 74464

RE: MUR 4490

Dear Mr. Boren:

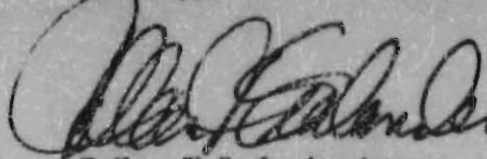
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804343



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Patty Myers, Treasurer  
Jim Boren for U.S. Senate Committee  
One Plaza South  
Tahlequah, OK 74464

RE: MUR 4490

Dear Ms. Myers:

The Federal Election Commission received a complaint which indicates that Jim Boren for U.S. Senate ("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 4490. Please refer to this number in all future correspondence.

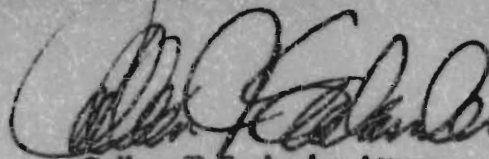
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Jim Boren for U.S. Senate ("Committee") and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804345



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Joseph Edward Brennan  
45 Eastern Prom  
Portland, ME 04101

RE: MUR 4490

Dear Mr. Brennan:

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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004347





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

William B. Toubh, Treasurer  
Brennan for U.S. Senate, Inc.  
P.O. Box 1565  
Scarborough, ME 04074

RE: MUR 4490

Dear Mr. Toubh:

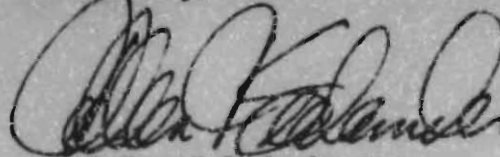
The Federal Election Commission received a complaint which indicates that Brennan for U.S. Senate and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Brennan for U.S. Senate 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004349



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Thomas H. Bruggere  
30000 SW 35th Drive  
Wilsonville, OR 97070

RE: MUR 4490

Dear Mr. Bruggere:

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 4490. 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.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with a large initial "C" and "S".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804351



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Robert D. van Brocklin, Treasurer  
Tom Bruggere for U.S. Senate  
477 SW 11th Avenue  
Portland, OR 97205

RE: MUR 4490

Dear Mr. van Brocklin:

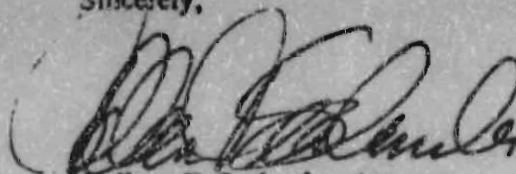
The Federal Election Commission received a complaint which indicates that Tom Bruggere for U.S. Senate and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Tom Bruggere for U.S. Senate 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over a circular embossed or stamped seal.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804353





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Winston Bryant  
P.O. Box 34083  
Little Rock, AR 72203

RE: MUR 4490

Dear Mr. Bryant:

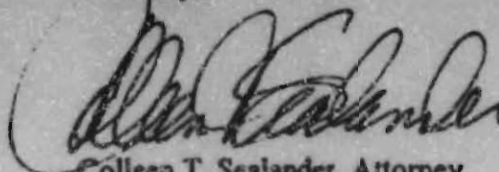
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written over a circular stamp or seal.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804355



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Clifford P. Block  
Committee to Elect Winston Bryant U.S. Senate  
P.O. Box 34083  
Little Rock, AR 72203

RE: MUR 4490

Dear Mr. Block:

The Federal Election Commission received a complaint which indicates that the Committee to Elect Winston Bryant U.S. Senate 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 4490. Please refer to this number in all future correspondence.

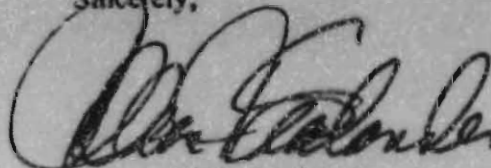
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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.



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,

A handwritten signature in dark ink, appearing to read 'Colleen T. Sealander', written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804357



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Joseph Maxwell Cleland  
3146 Northeast Expressway  
Atlanta, GA 30357

RE: MUR 4490

Dear Mr. Cleland:

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 4490. 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.

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If you have any questions, please contact Alva E. Smith at (202) 219-3490. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043304359





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

H. Wayne Howell, Treasurer  
Friends of Max Cleland for the U.S. Senate, Inc.  
146 Northeast Expressway  
Atlanta, GA 30357

RE: MUR 4490

Dear Mr. Howell:

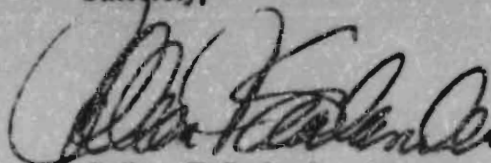
The Federal Election Commission received a complaint which indicates that the Friends of Max Cleland for the U.S. Senate, Inc. and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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 Friends of Max Cleland for the U.S. Senate, Inc. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written over a horizontal line.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

17043804361



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Elliott Springs Close  
2700 River Ridge Place  
Fort Mill, SC 29715

RE: MUR 4490

Dear Mr. Close:

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 4490. Please refer to this number in all future correspondence.

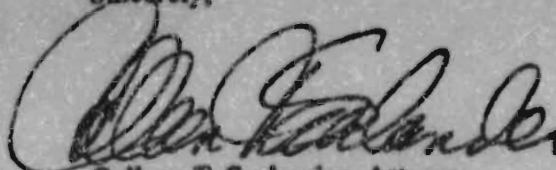
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written over a horizontal line.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804563



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Harry M. Dalton, Treasurer  
Elliott S. Close for U.S. Senate  
1112 Cherry Road  
Rock Hill, SC 29732

RE: MUR 4490

Dear Mr. Dalton:

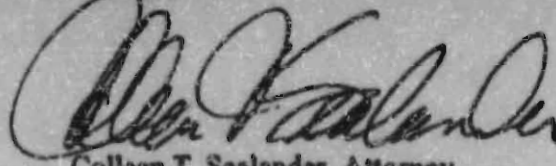
The Federal Election Commission received a complaint which indicates that Elliott S. Close for U.S. Senate and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer 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 Elliott S. Close for U.S. Senate 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Scalander". The signature is fluid and cursive, with the first name "Colleen" being more prominent.

Colleen T. Scalander, Attorney  
Central Enforcement Docket

Enclosures

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

97043604365





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Richard J. Durbin  
U.S. House of Representatives  
2463 Rayburn Building  
Washington, D.C. 20510..

RE: MUR 4490

Dear Representative Durbin:

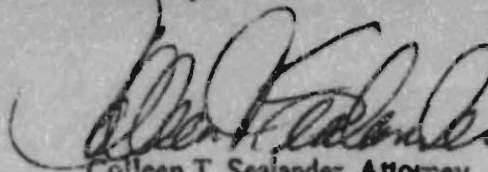
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over a horizontal line.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804367



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Richard J. Durbin  
1525 S. Bates  
Springfield, Illinois 62704

RE: MUR 4490

Dear Representative Durbin:

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 4490. Please refer to this number in all future correspondence.

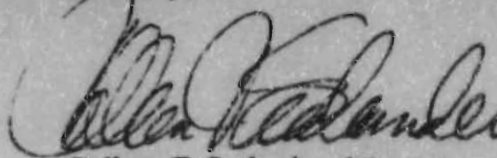
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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.

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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,

A handwritten signature in cursive script, appearing to read "Colleen T. Sealander".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804362



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Michael E. Daly, Treasurer  
Friends of Dick Durbin Committee  
P.O. Box 1949  
Springfield, Illinois 62705

RE: MUR 4490

Dear Mr. Daly:

The Federal Election Commission received a complaint which indicates that the Friends of Dick Durbin Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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 Friends of Dick Durbin 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.

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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,

A handwritten signature in dark ink, appearing to read 'Colleen T. Sealander', written over a horizontal line.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043604571





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Joan M. Finney  
4519 S. W. 33rd Terrace  
Topeka, Kansas 66614

RE: MUR 4490

Dear Ms. Finney:

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 4490. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written over a horizontal line.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804371



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Dan Lykins, Treasurer  
Joan Finney for U.S. Senate Committee  
222 West 7th  
Tokepa, Kansas 66603

RE: MUR 4490

Dear Mr. Lykins:

The Federal Election Commission received a complaint which indicates that the Joan Finney for U.S. Senate Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

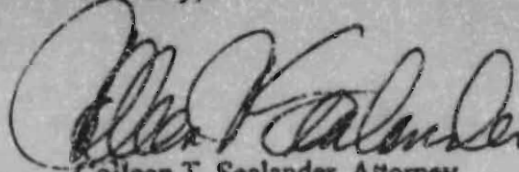
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Joan Finney for U.S. Senate Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with a large initial "C" and "S".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804375



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Harvey Bernard Gantt  
517 N. Poplar Street  
Charlotte, North Carolina 28202

RE: MUR 4490

Dear Mr. Gantt:


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 4490. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with a large initial "C".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804377





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Bobby T. Martin, Treasurer  
Harvey Gantt for Senate Campaign Committee  
P.O. Box 35555  
Charlotte, North Carolina 28235

RE: MUR 4490

Dear Mr. Martin:

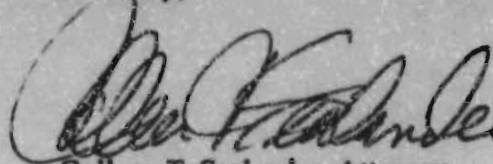
The Federal Election Commission received a complaint which indicates that the Harvey Gantt for Senate Campaign Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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 Harvey Gantt for Senate Campaign 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.

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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,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804379



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Houston Gordon  
P.O. Box 766  
Covington, Tennessee 38019

RE: MUR 4490

Dear Mr. Gordon:

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 4490. 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.



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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written over a horizontal line.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804381



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Charles W. Bone, Treasurer  
Houston Gordon for Senate (Friends of Houston Gordon)  
P.O. Box 198853  
Nashville, Tennessee 37219

RE: MUR 4490

Dear Mr. Bone:

The Federal Election Commission received a complaint which indicates that Houston Gordon for Senate (Friends of Houston Gordon) 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 4490. 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 Houston Gordon for Senate (Friends of Houston Gordon) 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.

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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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043604333





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Tom Harkin  
United States Senate  
531 Hart Senate Office Building  
Washington, D.C. 20510

RE: MUR 4490

Dear Senator Harkin:

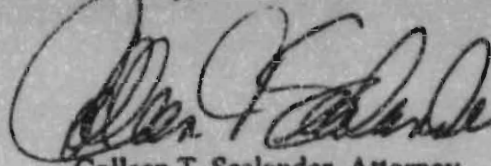
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804305



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Theresa L. Kehoe, Treasurer  
Citizens for Harkin  
P.O. Box 811  
Des Moines, Iowa 50304

RE: MUR 4490

Dear Ms. Kehoe:

The Federal Election Commission received a complaint which indicates that Citizens for Harkin 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 4490. 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 Citizens for Harkin 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written over a circular stamp or seal.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043304357



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Richard P. Ieyoub  
4582 Downing Drive  
Baton Rouge, Louisiana 70809

RE: MUR 4490

Dear Mr. Ieyoub:

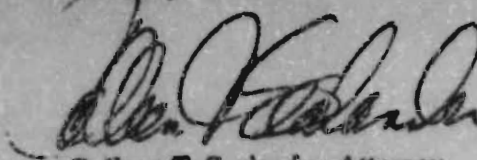
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043604369





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1998

Ruth Lynn Russell, Treasurer  
Ieyoub for Senate Committee, Inc.  
4582 Downing Drive  
Baton Rouge, Louisiana 70809

RE: MUR 4490

Dear Ms. Russell:

The Federal Election Commission received a complaint which indicates that the Ieyoub for Senate Committee, Inc. 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 4490. 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 Ieyoub for Senate Committee, Inc. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804391



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Tim Johnson  
102 N. Plum  
Vermillion, South Dakota 57069

RE: MUR 4490

Dear Representative Johnson:

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 4490. 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.

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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,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043804393



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Tim Johnson  
U.S. House of Representatives  
2438 Rayburn Building  
Washington, D.C. 20515

RE: MUR 4490

Dear Representative Johnson:

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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804325





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Berniece F. Mayer, Treasurer  
Tim Johnson for South Dakota, Inc.  
P.O. Box 88113  
Sioux Falls, South Dakota 57105

RE: MUR 4490

Dear Ms. Mayer:

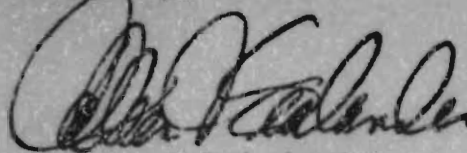
The Federal Election Commission received a complaint which indicates that Tim Johnson for South Dakota, Inc. ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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 Tim Johnson for South Dakota, Inc. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

270438043897



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Kathy Karpan  
P.O. Box 522  
Cheyenne, Wyoming 82003

RE: MUR 4490

Dear Ms. Karpan:

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 4490. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over a circular embossed or stamped seal.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004399



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Roger Schreiner, Treasurer  
Karpan for Wyoming  
P.O. Box 522  
Cheyenne, Wyoming 82003

RE: MUR 4490

Dear Mr. Schreiner:


The Federal Election Commission received a complaint which indicates that Karpan for Wyoming ("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 4490. 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 Karpan for Wyoming 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804401





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable John F. Kerry  
United States Senate  
421 Russell Building  
Washington, D.C. 20510

RE: MUR 4490

Dear Senator Kerry:

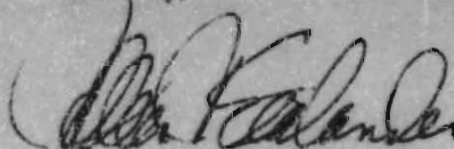
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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004403



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable John F. Kerry  
43 Commonwealth Avenue  
Boston, Massachusetts 02116

RE: MUR 4490

Dear Senator Kerry:

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 4490. Please refer to this number in all future correspondence.

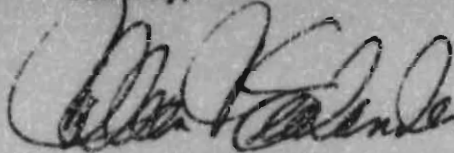
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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804405



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

William L. Elsbree, Treasurer  
Kerry Committee  
129 Portland Street, Suite 301  
Boston, Massachusetts 02114

RE: MUR 4490

Dear Mr. Elsbree:

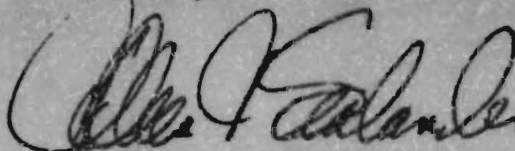
The Federal Election Commission received a complaint which indicates that the Kerry Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer 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 Kerry 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.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with a large initial "C" and "S".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804407





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

The Honorable Benjamin E. Nelson  
Governor of Nebraska  
1425 H Street  
Lincoln, NE 68508

RE: MUR 4490

Dear Governor Nelson:

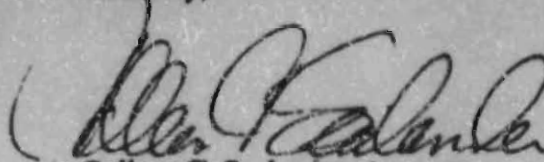
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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043604409



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Michael A. Shier, Treasurer  
Nebraskans for Nelson  
2912 South 84th Street  
Omaha, NE 68124

RE: MUR 4490

Dear Mr. Shier:

The Federal Election Commission received a complaint which indicates that Nebraskans for Nelson ("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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

11-440438044-1



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Theresa Nangle Obermeyer, Ph. D.  
3000 Dartmouth Drive  
Anchorage, AK 99508

RE: MUR 4490

Dear Dr. Obermeyer :

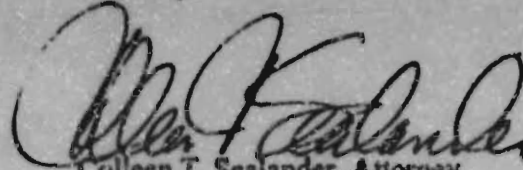
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004413





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Thomas S. Obermeyer, Treasurer  
Alaskans for Theresa Nangle Obermeyer, Ph.D.  
3000 Dartmouth Drive  
Anchorage, AK 99508

RE: MUR 4490

Dear Mr. Obermeyer:

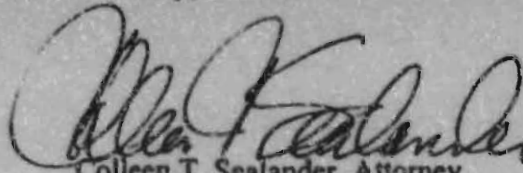
The Federal Election Commission received a complaint which indicates that Alaskans for Theresa Nangle Obermeyer, Ph.D. ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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.

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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

17043804415



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Shawn Richard O'Hara  
PO Box 15275  
Hattiesburg, MS 39404

RE: MUR 4490

Dear Mr. O'Hara:

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 4490. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with the first name "Colleen" being more prominent than the last name "Sealander".

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804417



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Alan Webster, Treasurer  
Shawn O'Hara US Senate  
PO Box 15275  
Hattiesburg, MS 39404

RE: MUR 4490

Dear Mr. Webster:

The Federal Election Commission received a complaint which indicates that Shawn O'Hara US Senate ("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 4490. 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.

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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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804419





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

The Honorable Jack Reed  
US House of Representatives  
1510 Longworth Bldg.  
Washington, DC 20515

RE: MUR 4490

Dear Representative Reed:

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 4490. 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.

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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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043304421



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

The Honorable Jack Reed  
11 Bradford Road  
Cranston, RI 02910

RE: MUR 4490

Dear Mr. Reed:

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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97 01 3 4 0 4 2 3



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Elizabeth R. Young, Treasurer  
Reed Committee  
PO Box 8628  
Cranston, RI 02920

RE: MUR 4490

Dear Ms. Young:

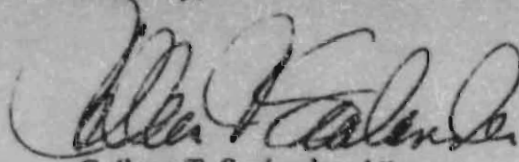
The Federal Election Commission received a complaint which indicates that the Reed Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043604425





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

The Honorable John D. Rockefeller, IV  
United States Senate  
109 Hart Bldg.  
Washington, DC 20510

RE: MUR 4490

Dear Senator Rockefeller:

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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043004427



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1998

The Honorable John Davison Rockefeller, IV  
245 Second Street, NE, Suite 300  
Washington, DC 20002

RE: MUR 4490

Dear Senator Rockefeller:

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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

7043804428



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Martha G. Wehrle, Treasurer  
Friends of Senator Rockefeller  
245 Second Street, NE, Suite 300  
Washington, DC 20002

RE: MUR 4490

Dear Mr. Wehrle

The Federal Election Commission received a complaint which indicates that Friends of Senator Rockefeller ("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 4490. 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.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over a circular embossed or stamped seal.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043804431





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Thomas L. Strickland  
2627 E 7th Avenue  
Denver, CO 80206

RE: MUR 4490

Dear Mr. Strickland:

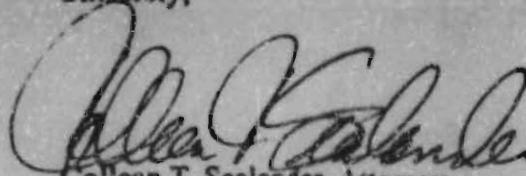
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

207 043 504 433



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Christopher W. Romer, Treasurer  
Friends of Tom Strickland, Inc.  
PO Box 3000279  
Denver, CO 80203

RE: MUR 4490

Dear Mr. Romer:

The Federal Election Commission received a complaint which indicates that Friends of Tom Strickland, 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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043308475



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Dick Swett  
PO Box 1937  
Bow, NH 03304

RE: MUR 4490

Dear Mr. Swett:

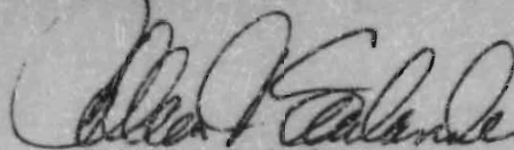
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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043804437





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Katrina Lantos Swett, Treasurer  
Swett for Senate  
PO Box 1937  
Bow, NH 03304

RE: MUR 4490

Dear Ms. Swett:

The Federal Election Commission received a complaint which indicates that Swett for Senate ("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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043804439



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Sally Thompson  
PO Box 358  
Topeka, KS

RE: MUR 4490

Dear Ms. Thompson:

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 4490. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander". The signature is fluid and cursive, with the first name "Colleen" and last name "Sealander" clearly distinguishable.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

2704380441



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Joan Wagnon, Treasurer  
Sally Thompson for US Senate  
6220 SW 29th Street  
Topeka, KS 66614

RE: MUR 4490

Dear Ms. Wagnon:

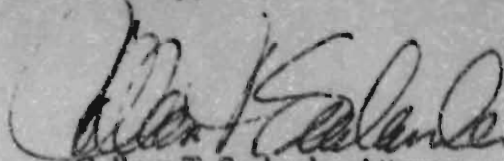
The Federal Election Commission received a complaint which indicates that Sally Thompson for US Senate ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over a circular embossed or stamped seal. The signature is fluid and cursive.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

27043304443





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1986

The Honorable Robert G. Torricelli  
US House of Representatives  
1026 Longworth Bldg.  
Washington, DC 20515-3009

RE: MUR 4490

Dear Mr. Torricelli:

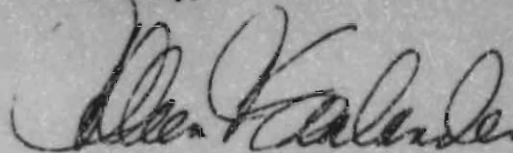
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

The Honorable Robert G. Torricelli  
161 Walnut Street  
Englewood, NJ 07631

RE: MUR 4490

Dear Mr. Torricelli:

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 4490. 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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", is written over the typed name.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804417



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Stephen J. Moses, Treasurer  
Torricelli for US Senate, Inc.  
PO Box 594  
New Brunswick, NJ 08903

RE: MUR 4490

Dear Mr. Moses:

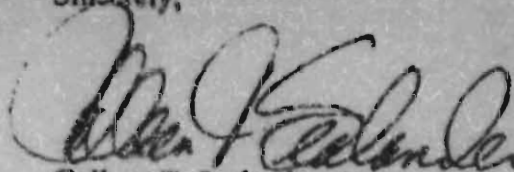
The Federal Election Commission received a complaint which indicates that Torricelli for US Senate, Inc. ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. 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.

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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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804449





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Art Trujillo  
4997 Butte Place, NW  
Albuquerque, NM 87120

RE: MUR 4490

Dear Mr. Trujillo:

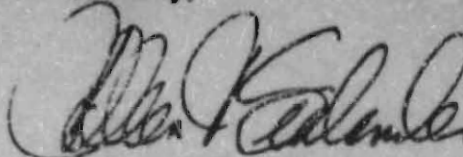
The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

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.

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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,

A handwritten signature in dark ink, appearing to read "Colleen T. Sealander", written in a cursive style.

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

770443004451



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Skip Eaton, Treasurer  
Committee to Elect Art Trujillo  
303 San Mateo, NE  
Albuquerque, MN 87108

RE: MUR 4490

Dear Mr. Eaton:

The Federal Election Commission received a complaint which indicates that the Committee to Elect Art Trujillo ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1977, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer to this number in all future correspondence.

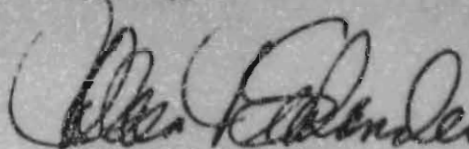
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043004453



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

Mark Warner  
505 South Lee Street  
Alexandria, VA 22314

RE: MUR 4490

Dear Mr. Warner:

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 4490. 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.

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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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

197043004455





FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Gerald S. McGowan, Treasurer  
Friends of Mark Warner  
1227 25th Street, NW  
Washington, DC 20037

RE: MUR 4490

Dear Mr. McGowan:

The Federal Election Commission received a complaint which indicates that Friends of Mark Warner ("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 4490. 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.

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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,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

20070403004457



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

The Honorable Paul David Wellstone  
US Senate  
717 Senate House Office Building  
Washington, DC 20510-2303

RE: MUR 4490

Dear Senator Wellstone:

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 4490. Please refer to this number in all future correspondence.

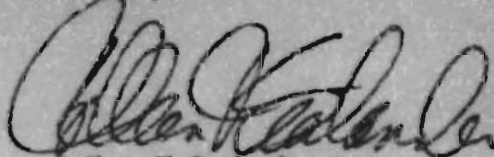
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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043304452



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1996

The Honorable Paul David Wellstone  
455 Ashland  
St. Paul, MN 55102

RE: MUR 4490

Dear Senator Wellstone:

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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043804461





FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 8, 1998

Richard S. Kahn, Treasurer  
Wellstone for Senate  
PO Box 65588  
St. Paul, MN 55165

RE: MUR 4490

Dear Mr. Kahn:

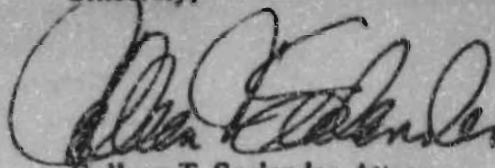
The Federal Election Commission received a complaint which indicates that Wellstone for Senate ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4490. Please refer 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

97043004463



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 8, 1996

Paul Johnson, Treasurer  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

RE: MUR 4490

Dear Mr. Johnson:

The Federal Election Commission received a complaint which indicates that the Democratic Senatorial Campaign 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 4490. 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.

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Sincerely,

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Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

77043601465

**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-11567

(202) 861-0800

TELECOPIER: (202) 296-2282

DIRECT LINE

250 PARK AVENUE

NEW YORK, NEW YORK 10177-0077

(212) 351-4800

1675 CENTURY PARK EAST

LOS ANGELES, CALIFORNIA 90067-2801

(310) 556-8851

SIX LANDMARK SQUARE

STAMFORD, CONNECTICUT 06901-27047

(203) 348-3737

ONE RIVERFRONT PLAZA

NEWARK, NEW JERSEY 07102-84017

(201) 642-1900

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BOSTON, MASSACHUSETTS 02109

(617) 342-4000

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12750 MERIT DRIVE

DALLAS, TEXAS 75251-12097

(214) 490-3143

116 SOUTH MONROE STREET

TALLAHASSEE, FLORIDA 32301-1530

(904) 681-0595

240C SOUTH DIXIE HIGHWAY, SUITE 100

MIAMI, FLORIDA 33133

(305) 656-1100

510 KING STREET, SUITE 301

ALEXANDRIA, VIRGINIA 22314-31327

(703) 684-1200

October 10, 1996

**HAND-DELIVERED**

Colleen T. Sealander, Esquire  
Central Enforcement Docket  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: M.U.R. 4490: RESPONDENTS FRIENDS OF MARK WARNER AND GERALD  
McGOWAN, AS TREASURER**

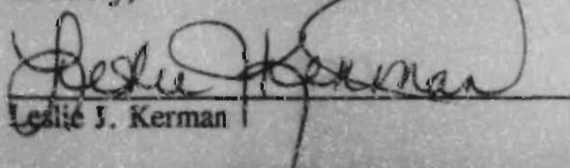
Dear Ms. Sealander:

Our firm has been retained to represent Friends of Mark Warner ("the Committee") and Gerald McGowan, as Treasurer, in connection with the above-referenced matter. In that regard, enclosed please find a Statement of Designation of Counsel which was executed yesterday by Mr. McGowan, the Committee's Treasurer.

It is our understanding that the Committee's response to the Commission in this matter is due by the close-of-business on Thursday, October 24, 1996. We respectfully request that this date be extended by twenty days, until November 13, 1996. This extension-of-time is necessary for us to be able to submit a complete and thorough response to the Commission.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,

  
Leslie J. Kerman

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 10 3 31 PM '96

**STATEMENT OF DESIGNATION OF COUNSEL**

**MUR:** 4490

**NAME OF COUNSEL:** Leslie J. Kerman

**FIRM:** Epstein Becker & Green, P.C.

**ADDRESS:** 1227 25th Street, N.W.

Suite 700

Washington, D.C. 20037

**TELEPHONE:** (202) 861-1877

**FAX:** (202) 728-0960

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 10 3 33 PM '96

The above-named individual is hereby designated as my counsel and is authorized to receive any notification and other communications from the Commission and to act on my behalf before the Commission.

10/10/96  
Date

[Signature]  
Signature

**RESPONDENT'S NAME:** Friends of Mark Warner and Gerald McGowan, as treasurer

**ADDRESS:** c/o 1227 25th Street, N.W.

Suite 700

Washington, D.C. 20037

**HOME PHONE:** N/A

**BUSINESS PHONE:** (202) 861-1877





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 15, 1996

Leslie J. Kerman, Esq.  
EPSTEIN BECKER & GREEN, P.C.  
1227 25th Street, N.W., Suite 700  
Washington, D.C. 20037

MUR: 4490

Dear Ms. Kerman:

This is in response to your letter dated October 10, 1996, requesting an extension until November 13, 1996, 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 November 13, 1996.

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

Sincerely,

A handwritten signature in cursive script, reading "Alva E. Smith", is written above the typed name.

Alva E. Smith, Paralegal  
Central Enforcement Docket

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

TE

TAUBER ENTERPRISES

American Center Building  
27777 Franklin Road  
Suite 1850  
Southfield, Michigan 48034  
(313) 353-0780  
FAX (313) 355-2015

October 11, 1996

Ms Colleen T. Sealander, Attorney  
Central Enforcement Docket  
Federal Election Commission  
Washington, DC 20463

RE: MUR 4490

Dear Ms. Sealander:

Your letter dated October 8, 1996, addressed to Joel Tauber, was received in our office today. Unfortunately, Mr. Tauber is out of the country until November 4th so it is not possible for him to respond within the requested 15 days.

I have placed a call to Alva E. Smith to see what procedure I should follow under the circumstances. Since Ms. Smith was not in her office, I am writing to let you know why there will be a delay in Mr. Tauber's response to your letter.

If I can be of any help, please feel free to contact me.

Sincerely,

*Gloria Jones*

Gloria Jones  
Administrative Assistant

OCT 15 3 22 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

97043804469

CHARLES L. LITTLE  
International President

BYRON A. BOYD, JR.  
Assistant President

ROGER D. GRIFFETH  
General Secretary and Treasurer



14800 DETROIT AVENUE  
CLEVELAND, OHIO 44107 4250  
PHONE 216-226-9400  
FAX 216-226-0937

**LEGAL DEPARTMENT**

CLINTON J. MILLER, III  
General Counsel

• KEVIN C. BRODAR  
Associate General Counsel

• ROBERT L. McCARTY  
Associate General Counsel

• DANIEL R. ELLIOTT, III  
Assistant General Counsel

• MICHAEL W. PIOTROWSKI  
Assistant General Counsel

October 15, 1996

**UPS Next Day Air**

Lawrence M. Noble, General Counsel  
ATTN: Colleen T. Sealander, Attorney -  
Central Enforcement Docket  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463  
(202) 219-3400

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 16 2 42 PM '96

Re: MUR 4490

Dear Ms. Sealander:

Please find enclosed the request for a routine 20-day extension of time, to and including November 14, 1996, within which Transportation Political Education League may respond to subject complaint. Also enclosed is an executed Statement of Designation of Counsel.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Clinton J. Miller, III".  
Clinton J. Miller, III  
General Counsel

Enclosures



BEFORE THE FEDERAL ELECTION COMMISSION

OCT 16 2 42 PM '96

In the matter of:

Democratic Senatorial Campaign Committee,

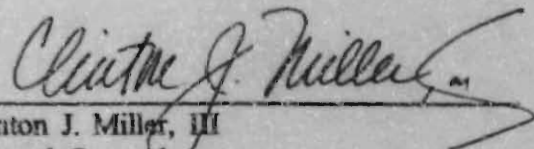
et al.

)  
)  
) Matter Under Review 4490  
)  
)  
)

REQUEST OF TRANSPORTATION POLITICAL  
EDUCATION LEAGUE FOR ROUTINE  
EXTENSION

27043504471  
Transportation Political Education League ("TPEL") request a routine 20-day extension of time to respond to the Complaint herein, given that the involved personnel of TPEL are so busy with the upcoming elections that TPEL will not have adequate time to formulate a response. Since the Complaint was received by TPEL October 10, 1996, making the response due October 26, 1996, it is respectfully requested its response date be extended to and including November 14, 1996.

Respectfully submitted,



Clinton J. Miller, III  
General Counsel

Transportation Political Education League  
14600 Detroit Avenue  
Cleveland, Ohio 44107-4250  
(216) 228-9400  
FAX (216) 228-0937

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: CLINTON J. MILLER, III

FIRM: GENERAL COUNSEL, TRANSPORTATION POLITICAL EDUCATION LEAGUE

ADDRESS: 14600 DETROIT AVENUE

CLEVELAND, OHIO 44107

TELEPHONE: (216) 228-9400

FAX: (216) 228-0937

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-11-96  
Date

Roger D. Griffith  
Signature

RESPONDENT'S NAME: ROGER D. GRIFFETH, TREASURER

ADDRESS: TRANSPORTATION POLITICAL EDUCATION LEAGUE

14600 DETROIT AVENUE

CLEVELAND, OHIO 44107

TELEPHONE: HOME(    )           

BUSINESS( 216 ) 228-9400



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 17, 1996

Clinton J. Miller, III, General Counsel  
Transportation Political Education League  
14600 Detroit Avenue  
Cleveland, Ohio 44107

MUR: 4490

Dear Mr. Miller:

This is in response to your letter dated October 15, 1996, requesting a 20 day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 14, 1996.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Alva E. Smith". The signature is written in a cursive, flowing style.

Alva E. Smith, Paralegal  
Central Enforcement Docket



**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25<sup>TH</sup> STREET, N.W.

WASHINGTON, D.C. 20037-11861

(202) 861-0200

TELECOPIER: (202) 295-2522

DIRECT LINE

250 PARK AVENUE

NEW YORK, NEW YORK 10177-00771

(212) 351-4500

1875 CENTURY PARK EAST

LOS ANGELES, CALIFORNIA 90067-2501

(310) 555-2551

SIX LANDMARK SQUARE

STAMFORD, CONNECTICUT 06901-27041

(203) 348-3737

ONE RIVERFRONT PLAZA

NEWARK, NEW JERSEY 07102-8401

(201) 842-1900

75 STATE STREET

BOSTON, MASSACHUSETTS 02109

(617) 342-4000

P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

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(415) 398-3500

12750 MERIT DRIVE

DALLAS, TEXAS 75251-12051

(972) 490-3143

115 SOUTH MONROE STREET

TALLAHASSEE, FLORIDA 32301-1530

(904) 661-0585

2400 SOUTH DIXIE HIGHWAY, SUITE 100

MIAMI, FLORIDA 33133

(305) 856-1100

510 KING STREET, SUITE 301

ALEXANDRIA, VIRGINIA 22314-31321

(703) 684-1204

October 16, 1996

**HAND-DELIVERED**

Colleen T. Sealander, Esquire  
Central Enforcement Docket  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: M.U.R. 4490; RESPONDENT MARK R. WARNER**

Dear Ms. Sealander:

Our firm has been retained to represent Mark R. Warner ("Respondent") in connection with the above-referenced matter. In that regard, enclosed please find a Statement of Designation of Counsel which was executed today by Respondent.

It is our understanding that Respondent's response to the Commission in this matter is due by the close-of-business on Thursday, October 24, 1996. We respectfully request that this date be extended by twenty days, until November 13, 1996. This extension-of-time is necessary for us to be able to submit a complete and thorough response to the Commission.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,

  
Leslie J. Kerman

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 16 4 23 PM '96

**STATEMENT OF DESIGNATION OF COUNSEL**

**MUR:** 4490

**NAME OF COUNSEL:** Leslie J. Kerman

**FIRM:** Epstein Becker & Green, P.C.

**ADDRESS:** 1227 25th Street, N.W.

Suite 700

Washington, D.C. 20037

**TELEPHONE:** (202) 861-1877

**FAX:** (202) 728-0960

Oct 16 4 26 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

The above-named individual is hereby designated as my counsel and is authorized to receive any notification and other communications from the Commission and to act on my behalf before the Commission.

Oct 16 1996  
Date

Mark R. Warner  
Signature

**RESPONDENT'S NAME:** Mark R. Warner

**ADDRESS:** 505 South Lee Street

Alexandria, Virginia 22314

**HOME PHONE:** N/A

**BUSINESS PHONE:** (703) 519-3581



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 17, 1996

Leslie J. Kerman, Esq.  
EPSTEIN BACKER & GREEN, P.C.  
1227 25th Street, N.W., Suite 700  
Washington, D.C. 20037

MUR: 4490  
Mark R. Warner

Dear Ms. Kerman:

This is in response to your letter dated October 16, 1996, requesting an extension until November 13, 1996, 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 November 13, 1996.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Alva E. Smith".

Alva E. Smith, Paralegal  
Central Enforcement Docket

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED



STATEMENT OF DESIGNATION OF COUNSELMUR 4490NAME OF COUNSEL: Robert F. Bauer, Marc E. EliasFIRM: Perkins CoieADDRESS: 607 14th Street, NWWashington DC 20005TELEPHONE: (202) 628-6600FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/96  
DateLaura Hays  
SignatureRESPONDENT'S NAME: Victor Morales for Senate Campaign CommitteeADDRESS: P.O. Box 870789Mesquite, TX 75181TELEPHONE: HOME (214) 826-8391BUSINESS (972) 319-3010RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 17 12 43 PM '96

27043004477

STATEMENT OF DESIGNATION OF COUNSEL

OCT 17 9 51 AM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MUR 4490

NAME OF COUNSEL: MARC ELIAS

FIRM: PERKINS COLE

ADDRESS: 607 14<sup>TH</sup> STREET NE  
WASHINGTON, DC 20005

TELEPHONE: (202) 434-1625

FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/15/96  
Date

David Horner, Treasurer  
Signature

RESPONDENT'S NAME: FRIENDS OF MAX CLELAND FOR THE U.S. SENATE, INC.

ADDRESS: P.O. Box 7843  
ATLANTA, GA 30057

TELEPHONE: HOME (770) 460-9600

BUSINESS (770) 461-7517

77043004478

OLDAKER, RYAN, PHILLIPS & UTRECHT

ATTORNEYS AT LAW

818 CONNECTICUT AVENUE, N.W.

SUITE 1100

WASHINGTON, D.C. 20006

(202) 728-1010

FACSIMILE (202) 728-4044

October 16, 1996

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 17 3 05 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 17 2 58 PM '96

Alva E. Smith, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RE: MUR 4490

Dear Ms. Smith:

On behalf of Senator Tom Harkin and Citizens for Harkin (Theresa Kehoe as Treasurer), we are requesting an extension of time to respond to the complaint filed in the above-referenced matter. We received the Commission's notification of the complaint on October 10, 1996, making a response due on October 25, 1996. However, due to counsel's numerous other commitments relating to the upcoming elections, and additional time needed to obtain all relevant documents, we are requesting a twenty day extension to sufficiently respond to this matter. This would make a response due on November 14, 1996.

We would greatly appreciate your assistance in this matter.

Sincerely,

*Lyn Utrecht*

Lyn Utrecht



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: Lyn Utrecht

FIRM: Oldaker, Ryan, Phillips & Utrecht

ADDRESS: 818 Connecticut Avenue, N.W. #1100

Washington, D.C. 20006

TELEPHONE: ( 202 ) 728-1010

FAX: ( 202 ) 728-4044

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 17 3 05 PM '96

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/15/92  
Date

Tom Harkin  
Signature

RESPONDENT'S NAME: The Honorable Tom Harkin and Citizens for Harkin

ADDRESS: 531 Hart Senate Office Building

Washington, D.C. 20510

TELEPHONE: HOME(        )

BUSINESS( 202 ) 224-3254



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 18, 1996

Lyn Utrecht, Esq.  
OLDAKER, RYAN, PHILLIPS & UTRECHT  
818 Connecticut Avenue, N.W. Suite 1100  
Washington, D.C. 20006

MUR: 4490

Dear Ms. Utrecht:

This is in response to your letter dated October 16, 1996, requesting a 20 day extension, until November 14, 1996, 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 November 14, 1996.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Alva E. Smith", is written over a horizontal line.

Alva E. Smith, Paralegal  
Central Enforcement Docket

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

**BRYAN, LYKINS & HEJTMANEK, P.A.**

ATTORNEYS AT LAW  
222 WEST SEVENTH STREET  
P.O. BOX 797  
TOPEKA, KANSAS 66601-0797  
(913) 235-5678

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 21 10 40 AM '96

FAX (913) 357-1729

JOHN J. (JIM) BRYAN  
DAN LYKINS  
DANTON C. HEJTMANEK  
ROGER D. FINCHER

October 17, 1996

General Counsel's Office  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

RE: MUR-4490

Dear Sir:

On October 11, 1996, Joan Finney and I received a copy of a complaint that was filed against us before the Federal Election Commission of the United States of America. Enclosed with this letter you will find the following documents:

1. Statement of Designation of Counsel.
2. Affidavit of Dan Lykins.

The complaint filed against Joan Finney and Dan Lykins states that they conspired with the Democratic Senatorial Campaign Committee to raise illegal and excessive earmarked contributions to fund the Joan Finney for U.S. Senate campaign this fall. On page 18 of the Complaint, it states, "Joan Finney for U.S. Senate Committee has violated the federal election laws governing earmarked contributions by knowingly participating in the Tally program and soliciting funds for her DSCC Tally." As indicated in my enclosed affidavit, Joan Finney and I never conspired to raise illegal and excessive contributions to fund the Finney for U.S. Senate race. Nor did we ever participate in any "Tally" program with the DSCC.

At this time, Joan Finney and I request that no action be taken against the Joan Finney for U.S. Senate Committee, or against Dan Lykins, its treasurer.

After reviewing the "Tally Complaint," it appears that the Joan Finney for U.S. Senate Committee and Dan Lykins, as treasurer, were added by mistake.

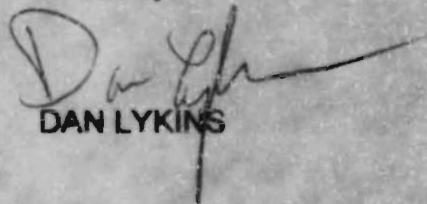


since the Finney Committee never received any money, directly or indirectly, from the Democratic Senatorial Campaign Committee.

At this time, we request that no action be taken against the Joan Finney for U.S. Senate Committee or against its treasurer, Dan Lykins, and that the complaint against them be dismissed.

If you have any questions regarding this letter or need any additional information regarding this complaint, please contact me.

Sincerely,



DAN LYKINS

cc: Joan Finney

RDL:jg

970430044003

AFFIDAVIT

STATE OF KANSAS  
COUNTY OF SHAWNEE

Before me, the undersigned authority, this day personally appeared Dan Lykins, who, after being duly sworn, says:

1. My name is Dan Lykins, and I am the treasurer of the Joan Finney for U.S. Senate Committee in the State of Kansas.

2. On October 11, 1996, I received a copy of a "Tally Complaint," (MUR-4490), which stated that Joan Finney for U.S. Senate Committee and Dan Lykins conspired with the Democratic Senatorial Campaign Committee to raise illegal and excessive earmarked contributions to fund the Joan Finney for U.S. Senate Committee race this fall. The complaint also stated that "Joan Finney for U.S. Senate Committee violated the federal election laws governing earmarked contributions by knowingly participating in the Tally Program and soliciting funds for her DSCC Tally."

3. As treasurer of the Joan Finney for U.S. Senate Committee, I either personally raised or reviewed every donation made to the Finney for U.S. Senate Committee.

4. None of these donations were in any way connected to the Democratic Senatorial Campaign Committee.

5. Officials of the Democratic Senatorial Campaign Committee personally told me on June 5, 1996 that they would not in any way be involved in raising money for the Joan Finney for U.S. Senate Committee since there was a Democratic primary regarding this Senate seat. When there is a Democratic primary, the "DSCC" will not normally get involved until after a Democratic candidate is chosen in the primary election. Joan Finney lost the U.S. Senate campaign to Jill Dockett on August 6, 1996. Thus, at this time, she is in the process of closing down her campaign.

6. Since the August primary, the Joan Finney for U.S. Senate Committee has not received any contributions, directly or indirectly, from the Democratic Senatorial Campaign Committee, nor has she sought any contributions from the "DSCC" either before or after the August 1996 Kansas primary election.

7. Neither the Joan Finney for U.S. Senate Committee nor Dan Lykins, as its Treasurer ever became involved in a "DSCC Tally" program either before or after the August 1996 Kansas primary election.

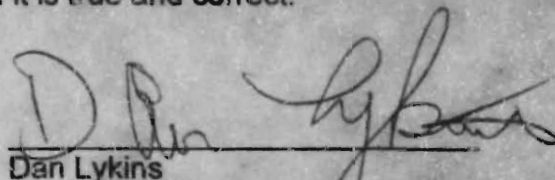


8. Joan Finney and I have reviewed everything in this affidavit, and we both agree that everything is true and correct in said affidavit.

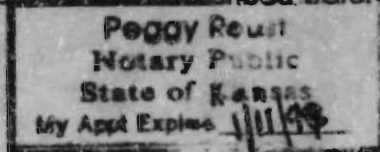
9. Joan Finney and I believe that we were mistakenly named in the Complaint #MUR 4490, and, therefore, we request that no action be taken against the Joan Finney for U.S. Senate Committee or Dan Lykins, its Treasurer and that the complaint against the Committee and its Treasurer be dismissed.

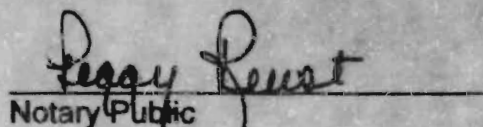
I have reviewed this affidavit, and it is true and correct.

Further affiant says not.

  
Dan Lykins

Sworn to and subscribed before me this 17 day of October, 1996.



  
Notary Public

My Commission Expires:

1/11/99

77043004405



**STATEMENT OF DESIGNATION OF COUNSEL**

**MUR** 4490

**NAME OF COUNSEL:** Dan Lykins

**FIRM:** Bryan, Lykins, Hejmanek, P.A.

**ADDRESS:** 222 W. Seventh Street

P.O. Box 797

Topeka, KS 66601

**TELEPHONE:** ( 913 ) 235-5678

**FAX:** ( 913 ) 357-1729

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-17-96  
**Date**

X *Joan Finney*  
**Signature**

**RESPONDENT'S NAME:** Joan Finney for U.S. Senate Campaign and Dan Lykins, as Treasurer

**ADDRESS:** 222 W. Seventh Street

P.O. Box 797

Topeka, KS 66601

**TELEPHONE: HOME** ( 913 ) 272-8436

**BUSINESS** ( 913 ) 235-5678

ROBERT NATHAN

10061 Riverside Drive #1034  
North Hollywood, CA 91602

VIA FEDERAL EXPRESS

October 18, 1996

Ms. Alva E. Smith  
Federal Elections Commission  
999 E Street, N.W.  
Washington, D.C.

RE: MUR 4490

Dear Ms. Smith:

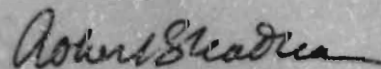
I received the attached October 8, 1996 letter from the Federal Elections Commission on Saturday, October 12, 1996. Per your telephone conversation on Wednesday, October 16 with my attorney, Joseph M. Jones, I am enclosing a completed Statement of Designation of Counsel, which designates Mr. Jones as my counsel.

I am also requesting an extension of twenty (20) days to file my response to the complaint. I contacted Mr. Jones on Tuesday, October 15, within two (2) business days after receiving the complaint. I have no previous experience with Mr. Jones and retained him and his firm because of their familiarity with Federal Elections Commission matters. Mr. Jones has a previously planned business trip to Europe beginning Saturday, October 19 through Monday, October 28. During that period I will be unable to consult with Mr. Jones to formulate my response, which I intend to be a full discussion to the allegations concerning my conduct set out in the complaint. By my calculations, the normal 15 days, plus a 20-day extension from the date of my receipt of the complaint would require that my response will be due to filed with your office on Friday, November 15, 1996.

If this extension of time is not granted, I would greatly appreciate your calling Mr. Jones' office as soon as possible.

Thank you for your consideration of this matter.

Sincerely,



Robert S. Nathan

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
Oct 21 10 42 AM '96

STATEMENT OF DESIGNATION OF COUNSEL

MUR 8490

NAME OF COUNSEL: Joseph M. Leora

FIRM: Schwalb, Donnenfeld, Bray & Silbert

ADDRESS: 1025 Thomas Jefferson Street, N.W.

Suite 300 East

Washington, D.C. 20007

TELEPHONE: ( 202 ) 965-7910

FAX: ( 202 ) 337-0676

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/18/96  
Date

Robert S. Nathan  
Signature

RESPONDENT'S NAME: Robert S. Nathan

ADDRESS: 10051 Riverside Drive #1034

North Hollywood, California 91607

TELEPHONE: HOME ( 213 ) 876-0750

BUSINESS ( 818 ) 972-0051





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 24, 1996

Joseph M. Jones, Esquire  
Schwalb, Donnenfeld, Bray & Silbert  
1025 Thomas Jefferson Street, N.W.  
Suite 300 East  
Washington, D.C. 20007

RE: MUR 4490  
Robert S. Nathan

Dear Mr. Jones:

This is in response to your client's letter dated October 18, 1996, which we received on October 21, 1996, requesting an extension until November 15, 1996, to respond to the complaint in the above-captioned 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 November 15, 1996.

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

Sincerely,

Alva E. Smith, Paralegal  
Central Enforcement Docket

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED



# AFSCME®

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

General Counsel's Office  
1101 17th Street, N.W.

Suite 1210

Washington, D.C. 20036

Telephone (202) 775-5900

Facsimile (202) 296-5279

**October 17, 1996**

Gerald W. McIntee  
International President

William Lucy  
International Secretary-Treasurer

John C. Dempsey  
Larry P. Weinberg  
General Counsel

Robert D. Lenhard  
Neil L. Ditchek  
Margaret A. McCano  
Gloria P. Clement  
Associate General Counsel

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

Re: MUR 4490

Dear Ms. Sealander:

As you can see from the enclosed Designation of Counsel form, I have been designated as counsel for the American Federation of State, County and Municipal Employees -- PEOPLE (AFSCME-PEOPLE) in the above-captioned matter.

AFSCME-PEOPLE received the complaint in this matter by mail on October 11, 1996, and according to my calculations that means its response would ordinarily be due on October 29. However, for the reasons set forth below, I am requesting an extension of the time in which to respond to the complaint to and including November 27, 1996.

The complaint in this case, which is also voluminous, raises a substantial number of legal and factual allegations many of which pertain to my client. The number and extent of those allegations as they pertain to AFSCME will require a significant amount of time in order to properly investigate them and formulate our response.

OCT 21 1 05 PM '96  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF THE  
GENERAL COUNSEL

AFSCME is currently involved in an organizing campaign for some 40,000 employees of the State of Maryland, and I am acting a counsel for AFSCME in connection with the litigation arising out of that campaign. That activity is continuing to consume a considerable amount of time and will do so for the foreseeable future. I also continue to be involved in litigation relating to a union election in Philadelphia, which has generated a number of federal lawsuits. In addition, throughout the period between now and the Thanksgiving holiday I am scheduled to take at least one out of town business trip in almost every week, which will consume anywhere from 1-3 days for each of those trips.

For all of the foregoing reasons, I am requesting that AFSCME-PEOPLE be given an extension, to and including November 27, 1996, of the time within which it must respond to the complaint in this matter.

Your favorable consideration of this request will be appreciated.

Sincerely,



Larry P. Weinberg

LW/mh  
Enclosure



**STATEMENT OF DESIGNATION OF COUNSEL**

MUR 4490

NAME OF COUNSEL: Larry P. Weinberg

FIRM: AFSCME General Counsel's Office

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

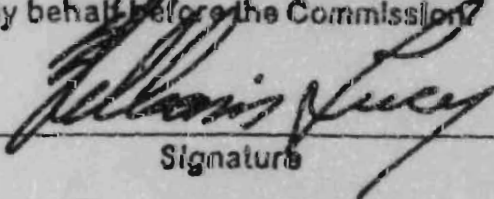
Washington, D.C. 20036

TELEPHONE: ( 202 ) 775-5900

FAX: ( 202 ) 296-5279

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date \_\_\_\_\_

  
Signature \_\_\_\_\_

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

ADDRESS: 1625 L Street, N.W.

Washington, D.C. 20036

TELEPHONE: HOME ( \_\_\_\_\_ ) \_\_\_\_\_

BUSINESS ( 202 ) 429-1200



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 24, 1996

Larry P. Weinberg, Esquire  
AFSCME General Counsel's Office  
1101 17th Street, NW  
Suite 1210  
Washington, D.C. 20036

RE: MUR 4490

Dear Mr. Weinberg:

This is in response to your letter dated October 17, 1996, requesting an extension until November 27, 1996, to respond to the complaint in the above-captioned 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 November 27, 1996.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Alva E. Smith", is written above the typed name.

Alva E. Smith, Paralegal  
Central Enforcement Docket

STATEMENT OF DESIGNATION OF COUNSEL 107 PH '96

MUR 4490

NAME OF COUNSEL: M. Jay Whitman  
International Union, United Automobile, Aerospace  
FIRM: & Agricultural Implement Workers of America

ADDRESS: 8000 East Jefferson Avenue  
Detroit, Michigan 48214

TELEPHONE: ( 313 ) 926-5216

FAX: ( 313 ) 822-4844

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96  
Date

*David A. Smith*  
Signature

RESPONDENT'S NAME: UAW Committee for Good Government

ADDRESS: 8000 East Jefferson Avenue  
Detroit, Michigan 48214

TELEPHONE: HOME (      )     

BUSINESS ( 313 ) 926-5431





RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 22 3 16 PM '96

October 16, 1996

Ms. Colleen T. Sealander, Attorney  
Central Enforcement Docket  
Federal Election Commission  
232 Hart Senate Office Building  
Washington, DC 20463

Dear Ms. Sealander,

Please find enclosed my Statement of Designation of Counsel  
pertaining to MUR 4490.

If you have any questions, please call me at 504-928-3846.

Cordially,

A handwritten signature in cursive script, reading "Ruth Russell".

Ruth L. Russell  
Treasurer  
Ieyoub For Senate Committee, Inc.

Encl.

cc: Theodore (Ted) L. Jones

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Dec 22 3 16 PM '96

MUR 4490

NAME OF COUNSEL: Theodore (Ted) L. Jones

FIRM: McCollister & McCleary

ADDRESS: 3029 South Sherwood Forest Blvd., Suite 100

Baton Rouge, Louisiana 70816

TELEPHONE: (504 ) 292-8898 or direct 925-1115

FAX: (504 ) 927-4708

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

IEYOUB FOR SENATE COMMITTEE, INC. RICHARD P. IEYOUB, CANDIDATE and

RUTH LYNN RUSSELL, TREASURER

10/16/96

Date

Ruth Lynn Russell  
Signature

IEYOUB FOR SENATE COMMITTEE, INC.  
Ruth Lynn Russell, Treasurer

RESPONDENT'S NAME: \_\_\_\_\_

ADDRESS: 4582 Downing Drive

Baton Rouge, Louisiana 70809

TELEPHONE: HOME ( 504 ) 924-3209

BUSINESS ( 504- ) 928-3846

## PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
607 FOURTEENTH STREET, N.W. · WASHINGTON, D.C. 20005-2011  
TELEPHONE: 202 638-6600 · FACSIMILE: 202 434-1690

October 23, 1996

Via Facsimile and Regular Mail

Alva E. Smith, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4490

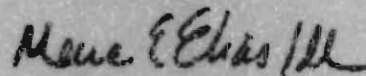
Dear Ms. Smith:

I am writing on behalf of Roger H. Bedford for U.S. Senate and Richard Todd, as treasurer, to request an extension of time in which to respond to the allegations contained in MUR 4490. Attached for your files is a copy of an executed Statement of Designation of Counsel for the respondent.

Because the above-named respondent received a copy of this complaint on or about October 11, 1996, a response would normally be due on October 26, 1996. In light of the close proximity to the pending election, as well as the complex legal and factual allegations raised in the complaint, respondent requests an extension until Wednesday, December 4, 1996. Although this extension is several days longer than typically agreed to by the General Counsel's office, respondent wishes to point out that the Thanksgiving holiday falls during this period. Because of the difficulty in coordinating with the numerous respondents in MUR 4490 during both the election and the Thanksgiving holidays, respondent believes that this extension request is appropriate.

Please do not hesitate to contact me directly at 202/434-1625 if you require anything further regarding this request.

Very truly yours,



Marc E. Elias

MEE:dml  
Attachments

[04005-0001/C:\MG2978.000]

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 23 1 25 PM '96



**STATEMENT OF DESIGNATION OF COUNSEL**

**FOR**

**4490**

**NAME OF COUNSEL:** Mr. Jeffrey L. Bowling

**FIRM:** Bedford & Rogers, P.C.  
P. O. Box 668  
303 W. Jackson Ave.  
Russellville, Alabama 35653

**TELEPHONE:** (205) 332-2880  
**FAX:** (205) 332-7821

For. Marc S. Elias

**FIRM:** Jenkins Cole  
107 14th Street, NW  
Washington, DC 20005

**TELEPHONE:** (202) 628-6800  
**FAX:** (202) 434-1690

The above-named individual(s) are hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Jul 22, 1985  
Date

[Signature]  
Signature

**RESPONDENT'S NAME:** Roger M. Baiford, Jr.

**ADDRESS:** 2361 Fairlane Drive  
Suite M326  
Montgomery, Alabama 36116

**TELEPHONE: HOME** (205) 332-7709  
**BUSINESS** (336) 244-1956



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

October 29, 1996

Marc E. Elias, Esquire  
Perkins Coie  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-1690

RE: MUR 4490  
Roger Hugh Bedford

Roger H. Bedford for U.S. Senate  
and Richard Todd, as treasurer

Dear Mr. Elias:

This is in response to your letter dated October 23, 1996, which we received on that day, requesting an extension until December 4, 1996, to respond to the complaint in the above-referenced matter. In a telephone conversation with staff from this Office on October 28, 1996, you revised your request to an extension until November 27, 1996. 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 November 27, 1996.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Alva Smith", is written over the typed name.

Alva Smith, Paralegal  
Central Enforcement Docket

cc: Jeffrey L. Bowling, Esquire

OLDAKER, RYAN, PHILLIPS & UTRECHT

ATTORNEYS AT LAW

618 CONNECTICUT AVENUE, N.W.

SUITE 1100

WASHINGTON, D.C. 20006

(202) 726-1010

FACSIMILE (202) 726-4044

October 22, 1996

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF THE  
GENERAL COUNSEL  
OCT 23 4 28 PM '96

Alva E. Smith, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

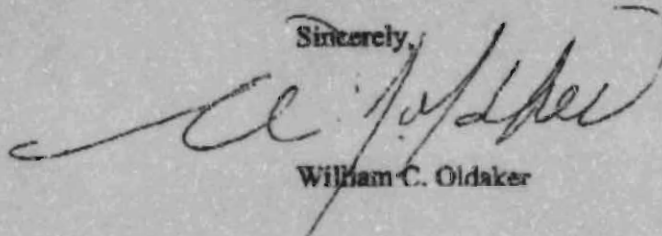
Re: MUR 4490

Dear Ms. Smith:

On behalf of Senator Joseph Biden and Citizens for Biden - 1996 (Melvyn Monzack as treasurer), we are requesting an extension of time to respond to the complaint filed in the above-referenced matter. We received the Commission's notification of the complaint on October 11, 1996, making a response due on October 26, 1996. However, due to counsel's numerous other commitments as well as additional time needed to obtain all relevant documents, we are requesting a twenty day extension to sufficiently respond to this matter. This would make a response due on November 15, 1996.

We would greatly appreciate your assistance in this matter.

Sincerely,



William C. Oldaker



RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 28 1 49 PM '96

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: William C. Oldaker

FIRM: Oldaker, Ryan, Phillips & Utrecht

ADDRESS: 818 Connecticut Avenue, NW

Suite 1100

Washington, DC 20006

TELEPHONE: (202) 728-1310

FAX: (202) 728-4044

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/22/96  
Date

Joseph R. Biden Jr.  
Signature

The Honorable Joseph R. Biden

RESPONDENT'S NAME: Citizens for Biden-1996 and Melvyn Monzack, as treasure

ADDRESS: Citizens for Biden

P.O. Box 371

Wilmington, DE 19899

TELEPHONE: HOME (302) 239-4928

BUSINESS (302) 998-7400



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 24, 1996

William C. Oldaker, Esquire  
Oldaker, Ryan, Phillips & Utrecht  
818 Connecticut Avenue, N.W.  
Washington, D.C. 20006

RE: MUR 4490  
The Honorable Joseph R. Biden  
Citizens for Biden - 1996 and  
Melvyn Monzack, as treasurer

Dear Mr. Oldaker:

This is in response to your letter dated October 22, 1996, which we received on October 23, 1996, requesting an additional extension until November 15, 1996, to respond to the complaint in the above-referenced matter. After considering the circumstances presented in your letter, the Office of the General has granted the requested extension. Accordingly, your response is due by the close of business on November 15, 1996.

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

Sincerely,

Alva Smith, Paralegal  
Central Enforcement Docket

# National Republican Senatorial Committee

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
PUBLIC DISCLOSURE  
DIVISION

SENATOR ALFONSE M. D'AMATO  
CHAIRMAN

JOHN D. HEUBUSCH  
EXECUTIVE DIRECTOR

CRAIG M. ENGLE  
GENERAL COUNSEL

OCT 22 5 29 PM '96

October 21, 1996

Ms. Lee Ann Elliott  
Chairwoman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RE: MUR 4490

Dear Chairwoman Elliott:

In light of newly discovered evidence, the National Republican Senatorial Committee ("NRSC") hereby submits this additional evidence regarding the Complaint filed in MUR 4490. Specifically, the NRSC submits as new Exhibit 27 the attached transcript and videotape of a press conference by New Jersey Democratic Senate candidate Bob Torricelli on October 6, 1996.

During this press conference aired on C-SPAN 2, Mr. Torricelli is asked whether he will "accept money from the Democratic Political Committee" in the remaining days of his campaign. *Torricelli Press Conference*, attached as Exhibit 27. Mr. Torricelli responds that he will not receive funds from the DNC "since they have no money", but admits that the "Democratic Senatorial Campaign Committee...gives each candidate \$740,000 which in the Democratic Party you have to raise yourself and give it to them and they give it back to you." *Id.* (emphasis added). Mr. Torricelli then adds that "[i]t is really an extraordinary deal." *Id.*

Mr. Torricelli is correct that the tally money-for-coordinated expenditures arrangement he describes is an "extraordinary deal". It is an "extraordinary deal" since it enables the DSCC and its Democratic Senate candidates to circumvent Federal election laws prohibiting earmarked and excessive contributions. Mr. Torricelli's clear admission of guilt is yet another "smoking gun" demonstrating the illegal tally activities conducted by the DSCC with its candidates during the 1995-96 election cycle.

RONALD REAGAN REPUBLICAN CENTER  
425 SECOND STREET, N.E. • WASHINGTON, D.C. 20002 • (202) 675-6000

Printed and authorized by the National Republican Senatorial Committee.

OCT 23 9 50 AM '96

FEDERAL ELECTION  
COMMISSION  
OFFICE OF  
PUBLIC AFFAIRS



Ms. Lee Ann Elliott  
October 21, 1996  
Page 2

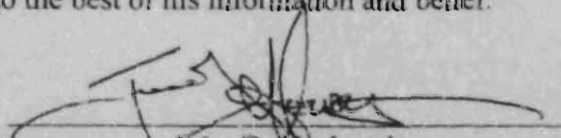
The NRSC respectfully requests that this new information be incorporated into MUR 4490 and that the Federal Election Commission launch a full investigation of the DSCC's tally activities with Torricelli For U.S. Senate Inc.

Sincerely,

  
John D. Heubusch  
Executive Director  
National Republican Senatorial Committee

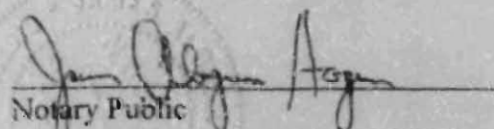
**VERIFICATION**

The undersigned swears that the statements in this letter are based on the sources indicated, and, as such, are true and correct to the best of his information and belief.

  
John D. Heubusch

District of Columbia     )  
  ) ss

Subscribed and sworn to before  
me this 22<sup>nd</sup> day of October, 1996

  
Notary Public

My Commission Expires 11-30-2000

TRANSCRIPT OF 10/6/96 PRESS CONFERENCE BY NEW JERSEY DEMOCRATIC  
SENATE CANDIDATE BOB TORRICELLI

**Reporter:**

Will you not accept money from the Democratic Political Committee if your money does run out or you do get into a heated contest in the last week? Will you preclude that possibility?

**Mr. Torricelli:**

That is a very easy commitment since they have no money. The Democratic Senatorial Campaign Committee as you know gives each candidate \$740,000 which in the Democratic Party you have to raise yourself and give it to them and they give it back to you. It is really an extraordinary deal. And the Republicans just give it to them. The Democratic Party doesn't have those resources, but fortunately we have been able to raise enough money in New Jersey that we will have more than adequate resources. (emphasis added).



**Friends of Senator Rockefeller**

245 Second Street, N.E., Suite 300  
Washington, D.C. 20002  
Phone: 1-202-544-8073  
Fax: 1-202-544-5497

October 23, 1996

General Counsel's Office  
Federal Election Commission  
Washington, D.C. 20463

OCT 24 2 31 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Re: MUR 4490

To the General Counsel:

I am writing on behalf of named parties Friends of Senator Rockefeller and Martha Wehrle, and also on behalf of Senator John D. Rockefeller IV, who was notified of the suit by the FEC.

I request that no action be taken against Friends of Senator Rockefeller, Martha Wehrle, nor Senator Jay Rockefeller on the basis that the National Republican Senatorial Committee has failed to state a claim against them. The September 30, 1996 complaint states on page 22:

Friends of Senator Rockefeller has violated the federal election laws governing earmarked contributions by knowingly participating in the tally program and soliciting funds for his DSCC "tally." He is (sic) about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures.

Neither Friends of Senator Rockefeller, Martha Wehrle, nor Senator Rockefeller has requested any "tally" funds from the DSCC, nor do they expect to receive any "tally" funds during the 1995-96 cycle. They have not benefitted from any alleged illegal scheme. Therefore, even if the FEC finds that the NRSC's allegations are true, Friends of Senator Rockefeller, Martha Wehrle and Senator Rockefeller could not have violated the election laws because they have not received and will not receive any "tally" funds this cycle.



Page 2  
October 23, 1996

Accordingly, there is no basis for the NRSC's complaint against them and it should be dismissed in its entirety.

Sincerely,

A handwritten signature in cursive script, appearing to read "Henry Donahue".

Henry Donahue  
Assistant Treasurer

17043904507

# PERKINS COIE

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

October 22, 1996

## Via Facsimile and Regular Mail

Alva E. Smith, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4490

Dear Ms. Smith:

I am writing on behalf of the Democratic Senatorial Campaign Committee and Paul Johnson, as treasurer; Friends of Max Baucus and Nancy Nicholson, as treasurer; Beshear for U.S. Senate Committee and Charles Stivers, as treasurer; Jim Boren for U.S. Senate Committee and Patty Meyers, as treasurer; Tom Bruggere for U.S. Senate and Robert Van Brocklin, as treasurer; Committee to Elect Winston Bryant for U.S. Senate and Clifford Block, as treasurer; Friends of Max Cleland for the U.S. Senate, Inc. and H. Wayne Howell, as treasurer; Elliott S. Close for U.S. Senate and Harry Dalton, as treasurer; Friends of Dick Durbin Committee and Michael Daly, as treasurer; Harvey Gantt for Senate Campaign Committee and Bobby Martin, as treasurer; Tim Johnson for South Dakota, Inc. and Berniece Mayer, as treasurer; Karpan for Wyoming and Robert Schreiner, as treasurer; Kerry Committee and William Elsbree, as treasurer; Mary Landrieu for Senate Committee, Inc. and Thomas Delahaye, as treasurer; Friends of Senator Carl Levin and Robert Naftaly, as treasurer; Minnick for Senate and Gardner Skinner, Jr., as treasurer; Victor Morales for Senate Campaign Committee and Susan Hays, as treasurer; Nebraskans for Nelson and Michael Shrier, as treasurer; Reed Committee and Elizabeth Young, as treasurer; Swett for Senate Inc. and Katrina Lantos Swett, as treasurer; Sally Thompson for U.S. Senate and Joan Wagnon, as treasurer; Torricelli for U.S. Senate Inc. and Stephen Moses, as treasurer; Wellstone for Senate and Richard Kahn, as treasurer; Maryanne Hanson Alix; Mandell L. and Madeline Berman; Maurice Cohen; Sadie Cohn; Dorothy Gerson; Irwin Green; Doreen Hermelin; Robert Larson; David and Miriam Mondry; Richard and Susan Rogel; and Timothy F. Wuliger to request an extension of

{04005-0001/DA962260.009}

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 25 3 03 PM '96

October 22, 1996

Page 2

time in which to respond to the allegations contained in MUR 4490. Attached for your files are copies of executed Statements of Designation of Counsel for each of the above-named respondents.

Because most of the above-named respondents received copies of this complaint on or about October 11, 1996, a response would normally be due on October 26, 1996. In light of the close proximity to the pending election, as well as the complex legal and factual allegations raised in the complaint, respondents request an extension until Wednesday, December 4, 1996. Although this extension is several days longer than typically agreed to by the General Counsel's office, respondents wish to point out that the Thanksgiving holiday falls during this period. Because of the difficulty in coordinating with the numerous respondents during both the election and the Thanksgiving holidays, respondents believe that this extension request is appropriate.

Please do not hesitate to contact me directly at 202/434-1625 if you require anything further regarding this request.

Very truly yours,



Marc E. Elias

MEE:dml  
Attachments



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: Robert F. Bauer/Marc E. Elias

FIRM: Perkins Coie

ADDRESS: 607 14th Street, N.W.

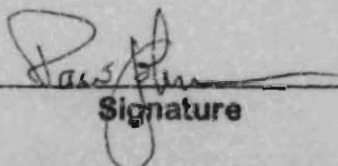
Washington, D.C. 20005

TELEPHONE: ( 202 ) 628-6600

FAX: ( 202 ) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

                      
Date

  
Signature

RESPONDENT'S NAME: Democratic Senatorial Campaign Committee

ADDRESS: 430 South Capitol Street, S.E.

Washington, D.C. 20005

TELEPHONE: HOME(      )                     

BUSINESS( 202 ) 224-2447

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/15/96  
Date

Tracey A. Buckman  
Signature

Respondent's Name: FRIENDS OF MAX BAUCUS

Address: 203 C ST, NE  
Washington, DC 20002

Telephone: Home 202-543-2473

Business 202-547-5493

STATEMENT OF DESIGNATION OF COUNSEL

MLR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission

10-17-96

Date

  
Signature

Respondent's Name:

JIM BOREN (aka James H. Boren)

Address:

One Plaza SouthTahlequah, OK 74464

Telephone:

Home

(918) 456-1357

Business

(405) 557-1400or (405) 321-0314COMPLAINT REC'D OCTOBER 8th.



STATEMENT OF DESIGNATION OF COUNSEL

MUR: 4490

NAME OF COUNSEL:

Robert F. Bauer  
Marc E. Elias  
Perkins Coie  
607 14th Street, NW  
Washington, D.C. 20005  
Telephone: (202) 628-6600  
Fax: (202) 434-1690

Per A. Ramfjord  
Stoel Rives LLP  
900 SW Fifth Avenue, Suite 2300  
Portland, OR 97204-1268  
Telephone: (503) 224-3380  
Fax: (503) 220-2480

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

October 18, 1996  
Date

Robert D. Van Brocklin  
Signature

Respondent's Name: Tom Bruggere for U.S. Senate  
c/o Robert D. Van Brocklin  
Treasurer  
900 SW Fifth Avenue, Suite 2300  
Portland, OR 97204-1268

Respondent's Telephone: Home: (503) 775-9152  
Work: (503) 294-9660  
Fax: (503) 220-2480

**STATEMENT OF DESIGNATION OF CO-COUNSEL**

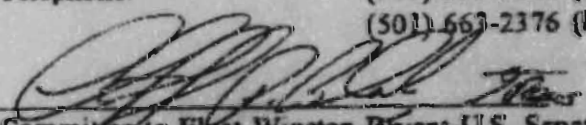
MUR 4490

**Name of Co-Counsel:** Robert F. Bauer, Marc E. Elias**Firm:** Perkins Cole  
607 14th Street, N.W.  
Washington, DC 20005**Telephone:** (202) 628-6600**Fax:** (202) 434-1690

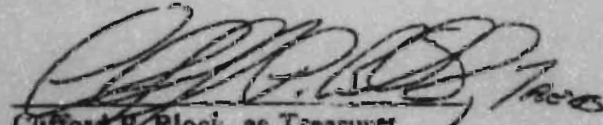
The above-named individuals are hereby designated as my co-counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Also designated as my counsel:

**Name of Co-Counsel:** Clifford P. Block, Esquire**Address:** Post Office Box 34083  
Little Rock, Arkansas 72203**Telephone:** (501) 376-8686**Fax:** (501) 376-0591**Respondents' Names:** Committee to Elect Winston Bryant-U.S. Senate  
Clifford P. Block, as Treasurer**Address:** Post Office Box 34083  
Little Rock, Arkansas 72203**Telephone:** (501) 376-8683 (business)  
(501) 663-2376 (home)

  
Committee to Elect Winston Bryant-U.S. Senate  
by: Clifford P. Block, Treasurer

**Date:** 10/24/96

  
Clifford P. Block, as Treasurer

**Date:** 10/24/96

Mailed to FCC  
10/15/96

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

COPY

NAME OF COUNSEL: MARC ELIAS

FIRM: PERKINS COLE

ADDRESS: 607 14<sup>TH</sup> STREET NE  
WASHINGTON, DC 20005

TELEPHONE: (202) 434-1625

FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/15/96  
Date

David H. Brown, Treasurer  
Signature

RESPONDENT'S NAME: FRIENDS OF MAX CLELAND FOR THE U.S. SENATE, INC

ADDRESS: P.O. Box 7843

ATLANTA, GA 30057

TELEPHONE: HOME (770) 460-9600

BUSINESS (770) 461-7587



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4480

Name of Counsel: Robert F. Bauer, Marc E. Rhine

Firm: Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-15-96  
Date

Clay B. Emerson  
Assistant Treasurer

Respondent's Name: Elliott S. Cline for U.S. Senate

Address: PO Box 4700  
Rock Hill SC 29732

Telephone: Home (803) 328-2764  
Business (803) 329-9999

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

15 October 1996  
Date

Michael E. Daly  
Signature

Respondent's Name: Michael Daly

Address: PO Box 1949  
Springfield, Illinois 62705

Telephone:

Home

217-793-3474

Business

312-832-9600

STATEMENT OF DESIGNATION OF COUNSEL

**WFLR 4430**

**Name of Counsel:** Robert F. Bauer, Marc E. Elias

**Firm:** Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

**Fax:** (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/86  
Date

*[Signature]*

Respondent's Name:

PETER J. LAURIA, CAP. Ret.

HARVEY GANTT FOR  
SENATE CAMPAIGN  
COMMITTEE

**Address:**

119 E. 8<sup>TH</sup> STREET, SUITE A

CHARLOTTE, NC. 28202

BOBBY T. MARTIN,  
TREASURER

**Telephone:**

Home (704) 376-3293

## Business



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Co e

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-4600

Fax: (202) 434- 690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/15  
Date  
Signature

Respondent's Name:

Address:

Joe Hammer for Tim Johnson Sr. SD  
P.O. Box 88113  
Sioux Falls, SD 57106

Telephone:

Home

605 362-1444

Business

605 335-8087

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Oct. 17, 1996

Date

  
SignatureRespondent's Name: Karpan for Wyoming  
Roger A. Schreiner, TreasurerAddress: P. O. Box 522  
Cheyenne, WY 82003Telephone: Home 307-638-8083Business 307-635-5178

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: Marc Elias

FIRM: Perkins Coie

ADDRESS: 607 14th St NW


Washington, DC 20005

TELEPHONE: (202) 434-1625

FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/12/96  
Date

  
Signature

RESPONDENT'S NAME: The Keny Committee, William L. Elsbire, Treasurer

ADDRESS: 129 Portland St.

Boston, MA 02114

TELEPHONE: HOME (617) 247-0609

BUSINESS (617) 742-9696



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Baner, Marc B. Elias

Firm: Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6610

Fax: (202) 434-1610

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/96  
Date

Maryland  
Signature

Respondent's Name: MARY L. LANDRIEU

Address: 910 HEARTHSTONE DRIVE  
FIATON ROUGE, LA 70106

Telephone: Home (504) 488-3310  
Business (504) 524-3669

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Co-Counsel: Gardner Skinner  
Cantrill, Skinner,  
Sullivan & King  
1423 Tyrell Ln.  
Boise, ID 83706

Firm: Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

(208) 344-8035

Fax: (202) 434-1690

(208) 345-7212

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/18/96  
Date  
SignatureRespondent's Name: Walter C. MinnickAddress: 915 Park Blvd., #130Boise, ID 83712Telephone: Home (208) 345-3036Business (208) 345-2559

Campaign Contact: Karen White (208) 345-2559

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: Robert F. Bauer, Marc E. Elias

FIRM: Perkins Coie

ADDRESS: 607 14th Street, NW  
Washington DC 20005

TELEPHONE: (202) 628-6600

FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/96  
Date

[Signature]  
Signature

RESPONDENT'S NAME: Victor Morales for Senate Campaign Committee

ADDRESS: P.O. Box 820789  
Mesquite, TX 75187

TELEPHONE: HOME (214) 826-8391

BUSINESS (972) 329-3010



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/21/1996  
DateMichael A. Shrier  
SignatureRespondent's Name: Michael A. Shrier, TreasurerAddress: Nebraskans for Nelson  
2912 South 84th Street  
Omaha, NE 68124Telephone: Home (402) 496-0092Business (402) 390-0250

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

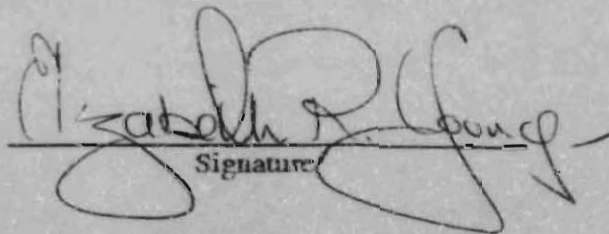
Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96

Date

  
Signature

Respondent's Name: Elizabeth Young, The Reed Committee

Address: 150 Midway Road, Suite 168  
Cranston, RI 02920

Telephone: Home 401-467-3029

Business 401-944-5577

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

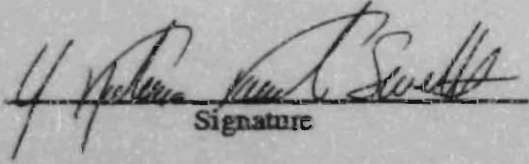
Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/15/96  
Date

  
Signature

Respondent's Name:

Katrina Lantos Swett

Address:

19 Dow Rd. Bow, N.H.  
P.O. Box 1937, Bow, N.H. 03304

Telephone:

Home 603/ 228-4745

Business 603/ 668-1396



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-15-96

Date

Sally Thompson  
SignatureRespondent's Name: SALLY THOMPSONAddress: P.O. Box 858TOPSHAM, ME 05601Telephone: ~~Home~~ <sup>Fax</sup> (913) 272-5383Business (913) 272-5365

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 638-6500

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/21/96  
Date

Richard P. Loh  
Signature

Respondent's Name: WELLS FARGO BANK  
Address: P.O. BOX 65588  
59. PARK, NW 55165

Telephone: Home 612 545-2893  
Business 612 643-0828

STATEMENT OF DESIGNATION OF COUNSEL

MJR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/16/96  
Date

Misia M. Lucinto  
Signature

Respondent's Name: Torricelli for U.S. Senate

Address: P.O. Box 594  
New Brunswick, NJ 08903

Telephone: Home \_\_\_\_\_

Business (908) 249-0800



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96  
Date

Maryanne R. Hanson - Alix  
Signature

Respondent's Name: MARYANNE HANSON ALIX

Address: 5400 PONTIAC TRAIL  
ORCHARD LAKE, MI 48323

Telephone: Home 810-738-9633

Business N/A

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

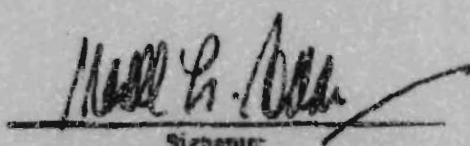
Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96  
Date  
SignatureRespondent's Name: MANDELL L. BERMANAddress: 29100 NORTHWESTERN HWY- SUITE 270  
SOUTHFIELD, MI 48034Telephone: Home 810-626-7352  
Business 810-353-8390

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

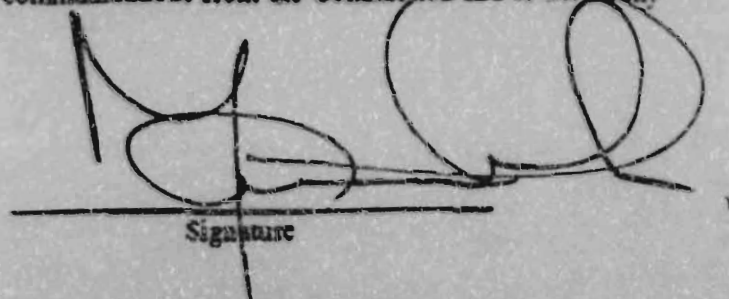
Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.



Signature

10-16-96.  
Date

Respondent's Name: Maurice Cohen

Address: 2600 Turtle Lake Farm  
Bloomfield Hills MI 48303

Telephone: Home 810-858-7417

Business \_\_\_\_\_



6-96 02:55P

IN THE DISTRICT OF COLUMBIA

Page P. 01  
3 50STATEMENT OF DESIGNATION OF COUNSEL

MUR 1490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Co. e

Address: 607 14th S. West, NW  
Washington, DC 20005

Telephone: (202) 628-6500

Fax: (202) 434-1590

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/96  
Date

Signature

Respondent's Name:

Address:

Telephone:

Home

Business

SADIE COHEN

3141 INTERLAKEN

ORCHARD LAKE MI 48323

800 683 2783

STATEMENT OF DESIGNATION OF COUNSELMUR 4490NAME OF COUNSEL: Robert F. Bauer, Marc E. EliasFIRM: Perkins ColeADDRESS: 607 14th Street, N.W.Washington, D.C. 20005TELEPHONE: ( 202 ) 628-6600FAX: ( 202 ) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/13/96  
DateDorothy Gerson  
SignatureRESPONDENT'S NAME: DOROTHY GERSONADDRESS: 30285 WOODSIDE COURT  
FRANKLIN, MICHIGAN 48025TELEPHONE: HOME ( 810 ) 851-8808BUSINESS (    )

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

OCT 15 1996

Date

  
Signature

Respondent's Name: IRWIN GREEN

Address: 3000 TOWN CENTER # 530

SOUTHFIELD MI 48075

Telephone: Home (810) 851-5550

Business (810) 358-1560



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-15-86  
Date

Doreen Hermelin  
Signature

Respondent's Name:

DOREEN HERMELIN

Address:

31500 BINGHAM ROAD

BINGHAM FARMS, MI 48025

Telephone: Home 810-642-6670

Business 810-827-1700

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: Marc E. Elias

FIRM: Perkins Cole

ADDRESS: 607 14th Street, NW

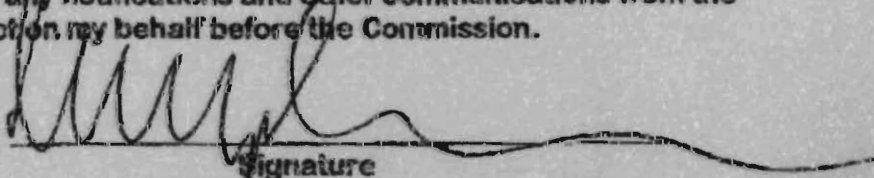
Washington, DC 20005

TELEPHONE: (202) 628-6600

FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Oct 11, 1996  
Date

  
Signature

RESPONDENT'S NAME: ROBERT LARSON

ADDRESS: 580 YARBORO DRIVE  
BLOOMFIELD HILLS MI 48304

TELEPHONE: HOME( )

BUSINESS( )

Oct-17-93 09:35A

P. 04

Page 2 of 38

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4090

Name of Counsel: Robert F. Ramez, Marc E. Blum

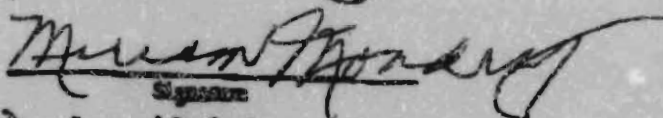
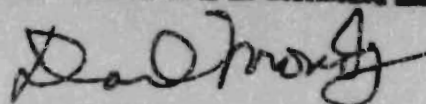
Firm: Perkins Cole

Address: 687 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/96  
Date  
Signature

DAVID MONDRY

Respondent's Name:

MIRIAM MONDRY

Address:

1433 LOCUT RIDGE

Blossomfield Hills, Mich 48302

Telephone:

Home (510) 338-7313

Business (510) 540-8843



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/18/96  
Date

Richard Rogel Susan Rogel  
Signature

Respondant's Name: RICHARD ROGEL SUSAN ROGEL

Address: 4411 LANDING DRIVE  
WEST BLOOMFIELD MI 48223

Telephone: Home 810/661-3263

Business 810/357-7766

Oct-16-96 02:59P  
11:45 AM EDT 10/16/96

P.03

STATEMENT OF DESIGNATION OF COUNSEL

MUF: 4490

Name of Counsel: Robert F. Baker, Marc E. Elias

Firm: Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-3600

Fax: (202) 434-1690

3 pages enclosed

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96

Date

Timothy F. Wulger  
Signature

Respondent's Name:

Timothy F. Wulger

Address:

20 Basswood LaneMoreland Hills, OH 44022

Telephone:

Home (216) 247-6210

Business:

(216) 247-6230



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20461

October 29, 1996

Marc E. Elias, Esquire  
Perkins Coie  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-1690

RE: MUR 4490

Dear Mr. Elias:

This is in response to your letter dated October 22, 1996, which we received on that day, requesting ~~an~~ extension until December 4, 1996, to respond to the complaint in the above-referenced matter on behalf of numerous clients. In a telephone conversation with staff from this Office on October 28, 1996, you revised your request to an extension until November 27, 1996. 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 November 27, 1996.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Alva Smith", is written above the typed name.

Alva Smith, Paralegal  
Central Enforcement Docket



## PERKINS COIE

A LAW FIRM PARTNERING INCLUDING PROFESSIONAL CORPORATIONS  
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011  
TELEPHONE: 202 625-6000 • FACSIMILE: 202 434-1699

October 28, 1996

Via Facsimile

Jeff Long, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4490

Dear Mr. Long:

I am writing on behalf of Brennan for U.S. Senate and William B. Trough, as treasurer; Friends of Tom Strickland, Inc. and Christopher Romer, as treasurer; and Linda Dresner to request an extension of time in which to respond to the allegations contained in MUR 4490. Copies of executed Statements of Designation of Counsel for respondents will follow shortly.

In light of the close proximity to the pending election, as well as the complex legal and factual allegations raised in the complaint, respondents request an extension until Wednesday, November 27, 1996. This is the same date that all the other respondents' responses are due in this matter.

Please do not hesitate to contact me directly at 202/434-1625 if you require anything further regarding this request.

Very truly yours,



Marc E. Elias

MEE:dml  
Attachment

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
OCT 28 4 37 PM '96

[04001-00013A952990.056]



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 30, 1996

Marc E. Elias, Esquire  
Perkins Coie  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-1690

RE: MUR 4490  
Linda Dresner

Brennan for US Senate and  
William B. Trough, as treasurer

Friends of Tom Strickland, Inc. and  
Christopher Romer, as treasurer

Dear Mr. Elias:

This is in response to your letter dated October 28, 1996, which we received on that day, requesting an extension until November 27, 1996, to respond to the complaint in the above-referenced 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 November 27, 1996.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Alva Smith".

Alva Smith, Paralegal  
Central Enforcement Docket

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION  
607 FOURTEENTH STREET, N.W. WASHINGTON, D.C. 20005-2011  
TELEPHONE: 202 528-6500 • FACSIMILE: 202 434-1690

October 28, 1996

## Via Facsimile

Jeff Long, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4490

Dear Mr. Long:

I am writing on behalf of the Democratic Senatorial Campaign Committee and Paul Johnson, as treasurer; Friends of Max Baucus and Nancy Nicholson, as treasurer; Roger H. Bedford for U.S. Senate and Richard Todd, as treasurer; Beshear for U.S. Senate Committee and Charles Stivers, as treasurer; Jim Boren for U.S. Senate Committee and Patty Meyers, as treasurer; Tom Bruggere for U.S. Senate and Robert Van Broeklin, as treasurer; Committee to Elect Winston Bryant for U.S. Senate and Clifford Block, as treasurer; Friends of Max Cleland for the U.S. Senate, Inc. and H. Wayne Howell, as treasurer; Elliott S. Close for U.S. Senate and Harry Deltos, as treasurer; Friends of Dick Durbin Committee and Michael Daly, as treasurer; Harvey Gantt for Senate Campaign Committee and Bobby Martin, as treasurer; Tim Johnson for South Dakota, Inc. and Bernice Mayer, as treasurer; Karpan for Wyoming and Robert Schreiner, as treasurer; Kerry Committee and William Elsbane, as treasurer; Mary Landrieu for Senate Committee, Inc. and Thomas Delahaye, as treasurer; Friends of Senator Carl Levin and Robert Nafzaly, as treasurer; Minnick for Senate and Gardner Skinner, Jr., as treasurer; Victor Morales for Senate Campaign Committee and Susan Hays, as treasurer; Nebraskans for Nelson and Michael Shrier, as treasurer; Reed Committee and Elizabeth Young, as treasurer; Swett for Senate Inc. and Katrina Lantos Swett, as treasurer; Sally Thompson for U.S. Senate and Joan Wagon, as treasurer; Torricelli for U.S. Senate Inc. and Stephen Moses, as treasurer; Wellstone for Senate and Richard Kahn, as treasurer; Maryanne Hanson Alix; Mandell L. and Madeline Berman; Maurice Cohen; Sadie Cohn; Dorothy Gerson; Irwin Green; Doreen Hermelin; Robert Larson; David and Miriam Mondry; Richard

[04005-0001/DA960420.962]

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

OCT 29 8 48 AM '96



October 28, 1996  
Page 2

and Susan Rogel; and Timothy F. Wulger regarding an extension of time in MUR 4490. Per our telephone conversation, it is my understanding that an extension of time has been granted until Wednesday, November 27, 1996.

Thank you for your assistance in this matter. Please do not hesitate to contact me directly at 202/434-1625 if you require anything further.

Very truly yours,



Marc E. Elias

MER:dml



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 29, 1996

Benjamin L. Ginsberg, Esquire  
Patton Boggs, L.L.P.  
2550 M Street, N.W.  
Washington, D.C. 20037-1350

RE: MUR 4490

Dear Mr. Ginsberg:

This letter acknowledges receipt on October 22, 1996, of the supplement to the complaint filed by the National Republican Senatorial Committee on October 1, 1996. We received a copy of the subject video tape on October 25, 1996. The respondents will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alva Smith", is written above the typed name.

Alva Smith, Paralegal  
Central Enforcement Docket

97043804547



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

October 29, 1996

Marc E. Elias, Esquire  
Perkins Coie  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-1690

RE: MUR 4490  
The Honorable Robert G. Torricelli

Torricelli for U.S. Senate, Inc. and  
Stephen Moses, as treasurer

Democratic Senatorial Campaign  
Committee and Paul Johnson, as treasurer

Dear Mr. Elias:

On or about October 11, 1996, Congressman Robert Torricelli, Torricelli for U.S. Senate, Inc. and Stephen Moses, as treasurer, and the Democratic Senatorial Campaign Committee and Paul Johnson, as treasurer, were notified that the Federal Election Commission received a complaint from the National Republican Senatorial Committee alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification. You have since been granted an extension of time to respond on behalf of your clients, until November 27, 1996.

On October 22 and 25, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

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

Sincerely,

Alva Smith, Paralegal  
Central Enforcement Docket

Enclosures

Video Tape and Cover Letter



STATEMENT OF DESIGNATION OF COUNSEL

Oct 31 3 16 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MUR 4490

NAME OF COUNSEL: Benjamin L. Ginsberg

FIRM: Patton Boggs, L.L.P.

ADDRESS: 2550 M Street, N.W.

Washington, D.C. 20037

TELEPHONE: ( 202 ) 457-6405

FAX: ( 202 ) 457-6315

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

October 30, 1996  
Date

  
Signature

RESPONDENT'S NAME: John Heubusch

National Republican Senatorial Committee  
ADDRESS: 425 Second Street, N.E.

Washington, D.C. 20002

TELEPHONE: HOME (        )                     

BUSINESS ( 202 ) 675-4304



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA--UAW

STEPHEN P. YOKICH, PRESIDENT

ROY O. WYSE, SECRETARY-TREASURER

VICE-PRESIDENTS: CAROLYN FORREST • JACK LASKOWSKI • ERNEST LOFTON • RICHARD SHOEMAKER

JORDAN ROSSEN, General Counsel  
LAURA J. CAMPBELL  
BETSEY A. ENGEL  
CHARLES M. GAYNEY

CONNIE Y. HARPER  
RALPH O. JONES  
MICHAEL B. NICHOLSON  
GEORGI-ANN OSHAGAN

Associate General Counsel

LEONARD R. PAGE  
NANCY SCHIFFER  
DANIEL W. SHERRICK  
M. JAY WHITMAN

STEPHEN A. YOKICH  
1757 'N' STREET, N.W.  
WASHINGTON, DC 20036  
Phone (202) 626-8500  
FAX (202) 239-3457

October 28, 1996

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

Re: RSCC v. DSCC, et al. (MUR #4490) -- "Tally" Issue

Dear Ms. Sealander:

This is the response of the Committee for Good Government (CFGG) to your letter of October 8, 1996, to its Treasurer, Larry A. Smith, enclosing the RSCC's Complaint in the above. The CFGG is a registered committee of the International Union, UAW.

CFGG is not a formal respondent, as the "Complaint" is drawn. Rather, CFGG is but one of a series of donors to the DSCC listed on Exhibit 13 to the Complaint, which purports to be a series of Tally Reports in the first months of 1996 from the DSCC to Senator Carl Levin of Michigan.

Only a single donation from CFGG is mentioned, although the reference to it is carried forward for the months reproduced in Exhibit 13. The donation was \$15,000, received March 6, 1995, from CFGG to the DSCC.

We attach a copy of the check in question, as well as the voucher asking for its issue. The check itself is #622, drawn on the CFGG account at the National Bank of Detroit, dated March 1, 1995. It is endorsed by the DSCC, and cleared on March 10, 1995. The voucher is dated the week before, February 23, 1995, and recites simply:

Purpose of Contribution: Membership in the Leadership Circle

Neither the check nor the voucher make any mention of Senator Levin, or any other candidate for office. The "Leadership Circle" is simply an honorary designation the DSCC routinely uses for donors whose gifts have reached a certain level. We have examined our files, and can discover no other letters, notes, or phone memos relating to this donation.

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OFFICE OF GENERAL  
COUNSEL

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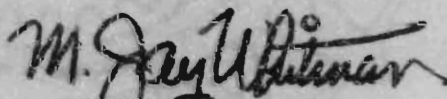
This donation was made for the general use of the DSCC. It was not earmarked in any sense, even if that is taken to be a "designation, instruction or encumbrance." Joe Mangone, from whom this voucher originated, is now retired. However, at that time, he was the Director of the UAW's National Community Action Program (CAP) Department, and the UAW's senior staff member in dealing with public issues and elections. Joe Mangone was an experienced professional. He knew how to require the DSCC to do something, and here he did not.

Further, the better rule is to prove the purpose of a donation by the donor not by the donee, just as one must ordinarily prove agency by the master's words, not by the agent's. Here, the CFGG as donor had no such purpose or intent. The RSCC's speculations, aside from being wrong, are fundamentally misdirected.

Nor is it very surprising, in the case of this CFGG donation, that the DSCC lists Senator Levin as being responsible for flushing out this donation. The gift is to the Democratic Senatorial Campaign Committee, after all. Carl Levin is both the senior Senator from Michigan, and the only Democratic Senator from Michigan. In short, he fully occupies the universe of individuals who might logically be expected to solicit donations for the DSCC from the Detroit-based CFGG.

Reviewing the balance of the RSCC allegations, we are struck by their speculation and question-begging, laid course on course, and then, for good measure, pyramided. What we've presented here are simply facts. All it shows is the dull and pedestrian routine of political fund raising. The facts contradict the RSCC's dramatic and sinister tale of pipelines, earmarking and laundries; but they have the distinct advantage of being the simple truth. For this reason, the Commission should take no further action on this matter.

Respectfully Submitted,



M. Jay Whitman  
Counsel for the Committee for  
Good Government (CFGG)

MJW:nm  
opeiu494  
encl.  
cc: Larry Smith



COMMITTEE FOR GOOD GOVERNMENT

8000 E. JEFFERSON AVE.  
DETROIT, MICH. 48214

622

PAY TO THE ORDER OF  
Fifteen thousand and No/100

Democratic Senatorial Campaign Committee

19 95 9-32  
720

\$ 15,000.00

DOLLARS

WEST BATTLE CREEK OFFICE - 57  
BIRMINGHAM

National Bank of Detroit  
DETROIT, MICHIGAN



151526677 COMMITTEE FOR GOOD GOVERNMENT

⑈000622⑈ ⑆1072000326⑆

71914⑈84⑈

0004500000⑈

622

000096 0000000000

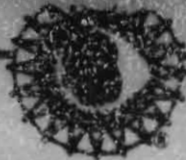
151526677 03-10-95

MR 95 09

FROM: 0720000000000000  
07/15/95

05433671

PAY TO THE ORDER OF  
NATIONAL BANK OF  
DETROIT  
FOR DEPOSIT ONLY  
CASH/SAVING/LOAN/CD/IR/OTHER  
CASH/SAVING/LOAN/CD/IR/OTHER



February 23, 1995

3 1-95

14 6-1-95

To: Dick Shoemaker  
From: Joe Mangone  
Subject: Request for UAW CFGG Funds (with concurrence of President Bieber)

Please issue a check in the amount of: \$15,000

Payable to: Democratic Senatorial Campaign Committee

City, State & Zip Code: 430 South Capitol Street, SE, Washington, DC 20003

**TO BE DRAWN FROM CFGG FUND**

The request for this check represents a contribution for:

Check one: PRIMARY GENERAL

Candidate's Name: \_\_\_\_\_ Election Date: \_\_\_\_\_

Office Sought: \_\_\_\_\_ District: \_\_\_\_\_ State: \_\_\_\_\_

Campaign Treasurer: \_\_\_\_\_ ID Number: \_\_\_\_\_

Address: \_\_\_\_\_

City, State & Zip Code: \_\_\_\_\_

Purpose of Contribution: Membership in the Leadership Circle

Check To Be Sent To: Joe Mangone, National CAP Department, c/o Maureen Quinn Baker

APPROVED: \_\_\_\_\_

SHOEMAKER: \_\_\_\_\_

JONES: \_\_\_\_\_

Mailed \_\_\_\_\_

mqb/opcis494:aficio  
funds:1cfgg

PLE.  
DEP.

baal

opa

**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 25TH STREET, N.W.

WASHINGTON, D.C. 20037-1155†

(202) 881-0000

TELECOPIER: (202) 298-2862

DIRECT LINE

250 PARK AVENUE  
NEW YORK, NEW YORK 10177-0077†  
(212) 351-4500

1875 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067-2501  
(310) 556-8861

SIX LANDMARK SQUARE  
STAMFORD, CONNECTICUT 06901-2704†  
(203) 348-3737

ONE RIVERFRONT PLAZA  
NEWARK, NEW JERSEY 07102-8401†  
(201) 642-1900

75 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
(617) 342-4000

2 EMERCADEZO  
SAN FRANCISCO, CALIFORNIA 94111-8994  
(415) 398-3500

12750 MERIT DRIVE  
DALLAS, TEXAS 75251-1206†  
(514) 490-3143

116 SOUTH MONROE STREET  
TALLAHASSEE, FLORIDA 32301-1530  
(904) 661-0896

2400 SOUTH DIXIE HIGHWAY, SUITE 100  
MIAMI, FLORIDA 33133  
(305) 886-1100

510 KING STREET, SUITE 301  
ALEXANDRIA, VIRGINIA 22314-3122†  
(703) 884-1204

November 13, 1996

†P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

**HAND-DELIVERED**

Colleen T. Sealander, Esquire  
Central Enforcement Docket  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: M.U.R. 4490; RESPONDENTS FRIENDS OF MARK WARNER AND  
GERALD McGOWAN, AS TREASURER, AND MARK R. WARNER**

Dear Ms. Sealander:

We are submitting this letter on behalf of our client Friends of Mark Warner and Gerald McGowan, as Treasurer, and Mark R. Warner (collectively referred to as "the Respondents").

We request a further extension-of-time, until **Monday**, November 25, 1996, to file a response on behalf of our clients in the referenced matter.

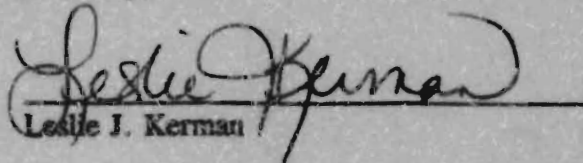
As discussed, this additional extension-of-time is necessary for us to be able to confirm the information required to satisfactorily respond to the National Republican Senatorial Campaign Committee's complaint. As also discussed, as an integral part of our response, we plan to incorporate-by-reference a portion of the Democratic Senatorial Campaign Committee's ("DSCC") response to the FEC in this matter, and it is our understanding that the DSCC's response is not due to be filed with your office until the last week of November, 1996.



Colleen T. Sealander, Esquire  
November 13, 1996  
Page Two

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,

  
Leslie J. Kerman

97043304555



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 15, 1996

Leslie J. Kerman, Esquire  
EPSTEIN BECKER & GREEN, P.C.  
1227 25th Street, N.W.  
Washington, D.C. 20037

RE: MUR 4490  
Friends of Mark Warner  
Gerald McGowan, as treasurer  
Mark R. Warner

Dear Ms. Kerman:

This is in response to your letter dated November 13, 1996, requesting an additional extension until November 25, 1996, to respond to the complaint filed in the above-noted matter. Although your request is made on the due date of your response, 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 November 25, 1996.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Alva E. Smith".

Alva E. Smith, Paralegal  
Central Enforcement Docket

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of:

Democratic Senatorial Campaign Committee, et al.

)  
) MUR-4496  
)

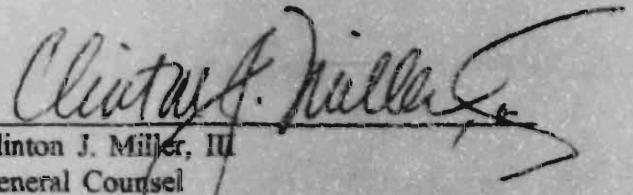
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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

**RESPONSE OF TRANSPORTATION POLITICAL  
EDUCATION LEAGUE TO COMPLAINT**

The response of the Transportation Political Education League ("TPEL") to the complaint submitted herein is contained in the attached Declaration of Eugene R. Plourd. It is being submitted within the time period provided for as extended, per my request, in the October 17, 1996 letter of Alva E. Smith, Paralegal, Central Enforcement Docket.

Respectfully submitted,



Clinton J. Miller, III  
General Counsel  
Transportation Political Education League  
14600 Detroit Avenue  
Cleveland, Ohio 44107-4250  
(216) 228-9400  
FAX (216) 228-0937



BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of:

Democratic Senatorial Campaign Committee, et al. )  
 ) MUR-4490  
 )

DECLARATION OF EUGENE R. FLOURD

I, Eugene R. Plourd, pursuant to 28 U.S.C. § 1746, declare that the following facts are true.

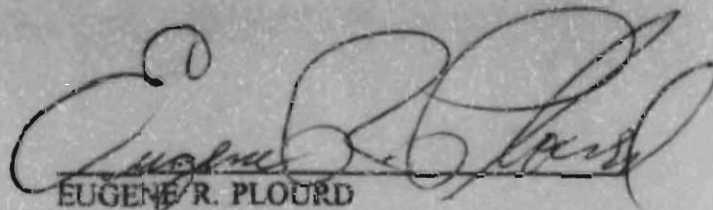
1. I am Alternate National Legislative Director for the United Transportation Union and Transportation Political Education League in the Washington, D.C. office of those organizations, and I have served there since 1985.

2. I have personal knowledge regarding the matters referred to in the complaint herein related to TPEL, and specifically those contained in the second paragraph of page 32 and Exhibits 23, 24 with respect to the Wellstone for Senate campaign.

3. TPEL's January 31, 1996 response (Exhibit 23) to the Wellstone campaign's facsimile (Exhibit 24) was entirely appropriate, and is not evidence of a method for TPEL to exceed its maximum contribution to the Wellstone campaign because TPEL has never understood that contributions "tallied" to individual campaigns by the Democratic Senatorial Campaign Committee (DSCC) are spent only on those campaigns. TPEL's understanding has always been that DSCC uses a variety of factors in deciding allocation of its funds, such as winnability of the candidate, in addition to fund-raising ability. TPEL has always understood tallying permitted

DSCC to make a judgment as to the latter factor in making the overall judgment as to allocation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
November 14, 1996.



EUGENE R. PLOURD

97043804559

OLDAKER, RYAN, PHILLIPS & UTRECHT

ATTORNEYS AT LAW

818 CONNECTICUT AVENUE, N.W.

SUITE 1100

WASHINGTON, D.C. 20005

(202) 728-1010

FACSIMILE (202) 728-4044

November 14, 1996

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

RE: MUR 4490

The Honorable Tom Harkin

Citizens for Harkin

Theresa Kehoe, as treasurer

Dear Mr. Noble:

This letter is the response of Senator Tom Harkin, the Citizens for Harkin Committee ("Harkin Committee") and Theresa Kehoe, as treasurer, (collectively referred to as the "Respondents") to the above-referenced complaint filed with the Federal Election Commission ("Commission") by the National Republican Senatorial Committee ("NRSC") on October 1, 1996. This complaint alleges that the Respondents and the Democratic Senatorial Campaign Committee ("DSCC") violated provisions of the Federal Election Campaign Act of 1971, as amended, ("FECA" or "the Act") in connection with the DSCC "tally" fundraising program.

This complaint is totally speculative and without merit as to these respondents. The Republicans without basis assert that the DSCC's tally system is an "elaborate scheme to evade federal contribution limitations", and mischaracterize the Conciliation Agreement reached by the Commission and the DSCC in MUR 3620 ("Agreement"). Because of the lack of evidence, this complaint is without merit and should be dismissed as to the Respondents.

A. The Respondents did not receive any earmarked contributions from the DSCC.

The complaint alleges that the Respondents knowingly and willfully violated federal election laws governing earmarked contributions when they allegedly accepted earmarked contributions from the DSCC. The Complainant's allegations against the Respondents are based solely on the fact that Senator Harkin was a candidate in the 1996

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OFFICE OF GENERAL  
COUNSEL



election. The NRSC has failed to provide any documentation that Senator Harkin solicited contributions to the DSCC or that funds contributed to the DSCC were earmarked to Senator Harkin. The only specific reference to Senator Harkin's campaign is in Exhibit 11 to the complaint which is a letter from a single contributor noting that his \$5,000 contribution should be tallied to four Senators, including Senator Harkin. This is not evidence of earmarking. The mere notation to "tally" by the contributor does not constitute earmarking within the parameters of MUR 3620.

The Harkin Committee followed the DSCC's instructions regarding the tally. Committee staff were advised that contributions to the DSCC could not be "earmarked" to the Harkin campaign. Fundraising staff explained to contributors that the DSCC does not accept earmarked contributions for a particular candidate and that the DSCC uses funds to support the reelection of Democratic Senate candidates throughout the country. Furthermore, solicitations for Harkin/DSCC events were reviewed and authorized by the DSCC. Thus, there is no basis to proceed against the Harkin Committee which relied both on the guidance of the Commission in MUR 3620 and the advice of the DSCC that the tally system as implemented in 1996 does not result in earmarked contributions.

The Harkin Committee had no control over the amount of funds spent on its behalf by the DSCC. While the Harkin Committee received reports from the DSCC as to the amount of funds tallied for Senator Harkin, nothing in MUR 3620 precludes a candidate from receiving such reports or from raising funds for the DSCC. Thus, there is simply no evidence that contributions raised by Senator Harkin for the DSCC resulted in earmarked, rather than tallied, contributions to his campaign and Complainant provides no evidence of a single earmarked contribution.

For the reasons set forth above, it was permissible for the Senator to assist the DSCC in its fundraising efforts, and the Complainant has no evidence to support that the contributions were earmarked. Thus, this allegation is without merit and should be dismissed.

B. The Respondents did not accept any excessive contributions as a result of the tally system.

The complaint alleges that the Respondents knowingly and willfully violated 2 U.S.C. 441a(f) when they accepted earmarked contributions from individuals that were in excess of the federal contribution limitations. There is no evidence set forth by the NRSC which supports this assertion. The Harkin Committee did not accept any excessive contributions as a result of the tally system. The tally system is completely implemented by the DSCC and all monies raised for the tally went to the DSCC. As stated above, earmarking is not tallying. There is no evidence that contributions to the

Lawrence M. Noble, Esq.

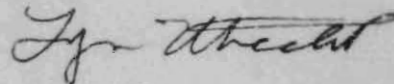
MUR 4490

Page 3

DSCC were earmarked rather than tallied. In fact, the complaint does not identify a single specific alleged excessive contribution. Thus, this allegation is wholly without merit and should be dismissed.

In the absence of any evidence supporting the allegations against the Harkin Committee and for the reasons set forth above, we respectfully request that the Commission take no further action against the Respondents in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lyn Utrecht".

Lyn Utrecht

27043801562

LAW OFFICES  
**SCHWALB, DONNENFELD, BRAY & SILBERT**

A PROFESSIONAL CORPORATION

BURTON A. SCHWALB  
CHARLES R. DONNENFELD\*  
JOHN M. BRAY  
EARL J. SILBERT  
DAVID J. CURTIN  
CHARLES S. WAYNE  
STEVEN BARFATTI  
LUCINDA J. BACH  
CARY M. FELDMAN  
JOSEPH N. JONES  
ADAM S. HOFFINGER  
KEVIN M. DINAN  
PATRICIA L. MAHER  
DEBRA ORNSTEIN  
ROBERT A. SALERNO  
CARMEN R. KELLEY  
RICHARD J. OPARIL  
JAMES T. PHALEN  
ROBERT J. McAULIFFE  
JEFFREY D. CLARK

\*SENIOR COUNSEL

SUITE 300 EAST  
1025 THOMAS JEFFERSON STREET, N.W.  
WASHINGTON, D.C. 20007-5207

TELEPHONE (202) 965-7910

FACSIMILE (202) 337-0678

WRITER'S DIRECT DIAL

November 15, 1996

VIA HAND DELIVERY

Colleen T. Sealander, Esquire  
Central Enforcement Docket  
Federal Elections Commission  
999 E Street, N.W.  
6th Floor  
Washington, D.C. 20463

ATTN: Ms. Alva E. Smith

RE: Robert S. Nathan  
MUR 4490

Dear Ms. Sealander:

Per Mr. Nathan's Designation of Counsel, we represent Mr. Nathan.

This is Mr. Nathan's response to your letter of October 8, 1996 with respect to MUR 4490. Per the October 24, 1996 letter to me from Ms. Alva E. Smith, this response is due on or before today, November 15, 1996.

Enclosed is Mr. Nathan's affidavit which sets out the facts pertaining to the allegations concerning his activities contained in the complaint styled In the Matter of Democratic Senatorial Campaign Committee, et al. ("Complaint"). As his affidavit clearly states, in neither 1995 nor 1996 did Mr. Nathan make any political contributions to the Democratic Senatorial Campaign Committee (DSCC). Mr. Nathan's only political contributions in 1995 and/or 1996 consisted of \$2,000 in contributions directly to Senator Carl Levin's campaign, and two \$500 contributions to Senator Paul Wellstone; one in 1995 and the second in 1996, respectively. Except for these contributions, Mr. Nathan made no other political contributions, whether earmarked to a particular candidate or not.

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OFFICE OF GENERAL  
COUNSEL  
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Mr. Nathan's affidavit makes clear that he did not participate in any "tallying" activity. He did not sign or adopt any letter supplied to him by the DSCC, the Levin campaign, or any other entity or person. He did tender a \$500 check at the close of the September 16, 1996 Los Angeles fund-raiser for Senator Levin, but he did so with the express assertion by him that those funds were to be used for any senate campaign which the DSCC felt needed support. When subsequent events raised a question in Mr. Nathan's mind whether his additional \$500 contribution might nevertheless be earmarked to Senator Levin's campaign, Mr. Nathan decided that he would make no such contribution to the DSCC or any other entity.

Thus, there is no evidence that Mr. Nathan violated, even inadvertently, the Federal Election Campaign Act of 1971, as amended ("the Act").

A close reading of the Complaint does not suggest otherwise. The Complaint's allegations involving Mr. Nathan relate exclusively to the solicitations made to him by the DSCC and the materials sent to him for his review and signature. The Complaint does not suggest that Mr. Nathan ever agreed to and/or did participate in any tallying operation. The Complaint does not suggest that Mr. Nathan ever earmarked any contributions in excess of the \$2,000 limit for any particular candidate; indeed, the Complaint does not allege that Mr. Nathan ever made any contributions in excess of the \$2,000 limit. There are no allegations in the Complaint that are inconsistent with the facts set out in Mr. Nathan's affidavit, which clearly shows that Mr. Nathan engaged in no earmarking of contributions and, ultimately, made no contributions in excess of the \$2,000 maximum to Senators Levin and Wellstone. (Complaint at 14-15, 34-35, 37.)

The Complaint alleges that the DSCC and various senatorial campaign committees distributed tally program solicitations which were intended to result in earmarked contributions from certain contributors. (Complaint at 31) According to the Complaint, an "earmarked contribution" is one in which the contributor places a "designation, instruction or encumbrance" on the contribution "which results in all or part of such contribution being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee." (Complaint at 31) As Mr. Nathan's affidavit sets forth, his conversations with both Mr. Erickson and, later, with Ms. Riffenburgh (both of the DSCC) were consistent with his express desire that his contribution not be earmarked to Senator Levin or any other candidate. He declined to earmark his \$500 contribution and, when asked by Ms. Stoll of Senator Levin's office to resubmit it to the Michigan State Democratic Party, Mr. Nathan decided to not re-submit the check to any entity or individual.

There is no evidence that Mr. Nathan committed even an inadvertent violation of the Act, much less a knowing and willful violation. Thus no action should be taken against Mr. Nathan in this matter. On its face, the Complaint does not allege sufficient facts indicating that Mr. Nathan may have violated the Act, since it does not allege that he

Colleen T. Sealander, Esquire  
November 13, 1996  
Page 3

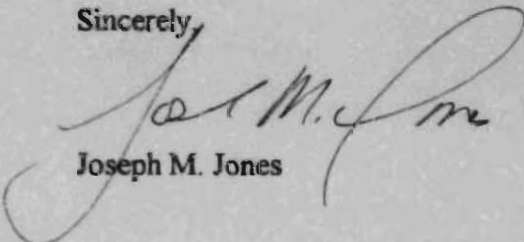
made a contribution in excess of the \$2,000 maximum to any particular candidate, nor that he made any contributions over that amount which were earmarked for any such candidate. Mr. Nathan's affidavit shows that he made no contributions in excess of the permitted \$2,000 maximum to Senator Levin. Thus, the file pertaining to Robert S. Nathan should be closed without further inquiry by the Commission.

This matter should remain confidential in accordance with 2 U.S.C. §437g(a)(4)(B).

Please contact me if you are in need of any further information.

Thank you.

Sincerely,

  
Joseph M. Jones

JMJ:ssg  
Enclosure

97043804565

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AFFIDAVIT OF ROBERT S. NATHAN

I, Robert S. Nathan, duly sworn, do state as follows:

1. This affidavit is submitted in response to the October 8, 1996 letter I received from Colleen T. Sealander, Esquire, Central Enforcement Docket, the Federal Election Commission ("FEC"). I have read the Complaint (MUR #4490) styled In the Matter of Democratic Senatorial Campaign Committee and Paul Johnson, as Treasurer et al. ("Complaint"). In particular, I have read those portions of the Complaint which purport to describe my conduct in relation to a September 16, 1996 fund-raiser for Senator Carl Levin.
2. As set out in detail below, my contributions to Senator Levin's 1996 re-election campaign totaled \$2,000. During 1995 and 1996 I made no other contributions, directly or indirectly, to Senator Levin, his re-election committee, or any other person or entity which, to my knowledge, was acting on Senator Levin's behalf. Ultimately, in 1995 and 1996 I made no other political contributions of any kind, with the exception of two separate \$500 contributions to Senator Paul Wellstone, one in 1995 and one in 1996.
3. In June, 1995, I attended a fund-raiser in Los Angeles for Senator Levin. Prior to that time I had not made any contributions to or for Senator Levin. Following the June, 1995 fund raiser I contributed \$2,000 to Senator Levin's campaign.
4. In August, 1996, I received by mail an invitation to a fund-raiser for Senator Levin to be held on September 16, 1996 in Los Angeles (Invitation attached as Exhibit 1.) I was aware that I had reached the \$2,000 legal maximum limit for contributions to Sen. Levin's campaign, and thus could not make any additional contributions to that campaign. I did want to be able to hear Sen. Levin speak. Thus, I called the telephone number (202- 544-8963) listed on the invitation and left a message with a secretary to that effect; that I had already given the legal maximum to Sen. Levin's campaign, but wished to be allowed to attend the fund-raiser in order to hear him speak.
5. On August 28, 1996, my office received a telephone call from Matthew Erickson, a fund raiser for Sen. Levin. I was not able to take the call, so my assistant took a message from Mr. Erickson which reads as follows: "\$2,000 to Levin campaign. You are at the max. If you want to give more, there are other ways.." (Copy of telephone message attached as Exhibit 2.) Within the next day or two I returned Mr. Erickson's call. During that telephone conversation I again mentioned that I was at the legal maximum for donating to Sen. Levin. Mr. Erickson told me that I could help the Democratic re-election effort by making a contribution to the Democratic Senatorial Campaign Committee ("DSCC"). Mr. Erickson said that because such a contribution would be made in connection with the Sen. Levin fund-raiser, Sen. Levin would "get credit" for bringing in the contribution, even though Sen. Levin would not necessarily get all or some of the funds contributed by me. I replied that under those conditions I



would consider making such a contribution. Mr. Erickson said he would FAX me a form I should sign in relation to the proposed new contribution.

6. On August 29, 1996, I received a FAX and two attachments from Mr. Erickson. (FAX and two attachments of one page each attached as Exhibit 3.) After reading the FAX, Mr. Erickson's August 29, 1996 letter to me and the proposed letter from me to Liz Silva, I decided not to sign or mail the proposed letter to Ms. Silva, because I felt uneasy with the representations made in the proposed letter to Ms. Silva. I had no additional contact with Mr. Erickson, Ms. Silva or anyone else on this matter until the September 16 fund-raiser. I did not make any additional political contributions between August 28 and September 16, 1996.
7. I attended the Sen. Levin fund-raiser in Los Angeles on September 16. After Sen. Levin concluded speaking, I was approached by a person who identified herself as Tricia Riffenburgh of the Los Angeles office of the DSCC. I wrote out a \$500 personal check made out to the DSCC. Ms. Riffenburgh said she would FAX me a form letter to sign in relation to my contribution. I assumed she meant the same form letter I had received in late August from Mr. Erickson, so I told Ms. Riffenburgh that I had already been sent a copy of that form letter, and that I felt uncomfortable signing any such letter. I told Ms. Riffenburgh that the DSCC could and should use my contribution to help any Senator it felt needed support. Ms. Riffenburgh indicated that the DSCC would accept my \$500 contribution on that basis. She never affirmatively indicated that my \$500 contribution would go to Sen. Levin or his campaign, or would be spent behalf of his campaign.
8. On September 27, 1996, I received a call from Tina Stoll of Sen. Levin's office. She said she was returning my check by mail and asked I would instead make out a check to the Michigan State Democratic Party for get-out-the-vote efforts. I said I assumed that this had something to do with an article I had read in the New York Times concerning the tally system. She said there was concern about the politics of the situation. I replied that the entire situation made me uncomfortable but I would consider her suggestion. By the time I received the returned check I had thought further and decided not to issue a new check.
9. Thus, I did not participate in the so-called tally system and, as my check was returned and I did not re-submit it or any other replacement check, I made no contribution to the DSCC.

Subscribed and sworn to before me  
on this 13th day of November, 1996

*[Signature]*



Signed under penalties of perjury,  
November 13, 1996

*[Signature]*

Robert S. Nathan

1

**Merv and Thea Adelson  
Bill and Barbara Belzberg  
Barbra Streisand**

Cordially invite you to attend a fundraiser in honor of  
**Senator Carl Levin of Michigan**

September 16, 1996  
6:00 P.M. to 8:00 P.M.

at the home of  
**Bill and Barbara Belzberg  
811 North Alpine Drive  
Beverly Hills, California**

R.S.V.P. to Tim Stoll  
(202) 944-8963

Suggested Donation:  
\$500 or \$1,000

Paid for by friends of Senator Carl Levin. Produced in-house.

### **Senator Carl Levin**

Carl Levin has earned a reputation as one of the Senate's most determined and effective legislators. One Michigan paper noted that "regardless of whether one agrees with his philosophy, United States Senator Carl Levin is a breath of fresh air." Former Texas Governor Ann Richards said recently, "If Carl isn't careful, he's going to give politics a good name."

Carl was the driving force between the first successful lobbying reform bill in fifty years. Carl has also been a star performer in protecting a woman's right to choose, fighting against race and gender discrimination, working to protect the wall of separation between church and state, and defending our funding from the cheap and politically easy attacks of the radical right.

As the senior Jewish member of the Senate, Carl feels a special responsibility to protect the unique relationship between the U.S. and Israel. As a ranking member on the Armed Services Committee, he's worked to fulfill that responsibility. He has consistently fought to extend foreign aid to Israel, helped promote joint U.S.-Israeli development of weapon systems, worked tirelessly on behalf of the Soviet and Ethiopian Jewish communities, and helped pass legislation to move the U.S. Embassy from Tel Aviv to Jerusalem.

Carl has a stellar record on issues crucial to the entertainment industry. From standing up to China to protect America's intellectual property; to fighting for strong anti-piracy language in our international trade agreements; to working with rather than fighting against the industry on the V-chip, Carl has proven his commitment on issues that count.

Carl is one of the GOP's top targets this year. Carl's opponent, Route Romney, is a conservative radio talk-show host. She won a bitter primary with the help of well-organized and well-funded single issue groups like the Michigan Right-to-Life and the NRA. Soon she will be utilizing the money and grassroots operations of the same special interests to attack Carl. It's clear that Carl's opponents are willing to spend whatever it takes to defeat him.

We need to keep Senators like Carl Levin. Please give him your maximum support.



Printed in U.S.A. © 1956, August

TO	DATE 8/28	TIME 11:26	NO.
FROM Matthew Erickson	AREA CODE		
OF	NO. 202		
	EXT. 544.8963		
MESSAGE	P2,00 given 2 to Levin		
	Campaign - you are at the		
	max. if you want to give		
	more there are other ways		
			SIGNED
PHONED <input type="checkbox"/>	CALL <input type="checkbox"/>	RETURNED <input type="checkbox"/>	WANTS TO <input type="checkbox"/>
WILL CALL <input type="checkbox"/>	URGENT <input type="checkbox"/>	DEFERRED <input type="checkbox"/>	RECEIVED <input type="checkbox"/>

17043004562



# Friends of Senator Carl Levin

200 Massachusetts Avenue, NE, Suite 202

Washington, DC 20002

Phone: (202) 544-8963 Fax: (202) 546-2321

3

## FAX COVER SHEET

TO: Robert Nathan

FROM: Matthew Erickson

PAGES INCLUDING  
COVER SHEET: 3

COMMENTS: Please find attached the assorted documents regarding the DSCC's tally system. Individuals are permitted to tally up to \$20,000 per year.

For some reason, it is very important that you not put Senator Levin's name on the check itself. The letter alone is sufficient to insure that the contribution is tallied to Senator Levin.

Thanks for your help. We'll see you on the 16th.

Senator Carl Levin

August 29, 1996

Mr. Robert Nathan  
fax (818) 842-8321

Dear Mr. Nathan:

Thank you again for your generous support. I know that Senator Levin appreciates your enthusiasm for the cause.

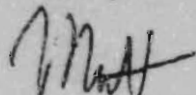
As we discussed, you can make out a check to the Democratic Senatorial Campaign Committee and tally it to Senator Levin.

The DSCC maintains a record (a "tally") of how much money each candidate helps to raise for the Committee. The amount of money to be spent by the DSCC on behalf of the party nominee is based on the nominee's tally record and, among other factors, the nominee's likelihood of winning and need for DSCC funds. However, the DSCC does not accept contributions earmarked for a specific candidate; contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

I have enclosed a letter to the DSCC for you to sign (or copy) and return with your check.

Please do not hesitate to contact me at (202) 544-8963 if you have any questions about the Levin campaign. Thank you very much for your generous support.

Sincerely,



Matthew Erickson  
Deputy National Fundraiser

Paid for by Friends of Senator Carl Levin.

230 Massachusetts Avenue, N.E., Suite 202, Washington, DC 20002 (202) 544-8963, Fax (202) 544-2521

Contributions are not deductible for Federal income tax purposes

Liz Silva  
Democratic Senatorial Campaign Committee  
430 South Capitol Street  
Washington, DC 20003

Dear Ms. Silva:

Please find enclosed a check for \_\_\_\_\_ to the DSCC. I understand the tally system as it has been explained to me, and would like the check tallied towards Senator Carl Levin.

Sincerely,

Robert Nathan

97043004572



OLDAKER, RYAN, PHILLIPS & UNRECEIVED  
ATTORNEYS AT LAW  
818 CONNECTICUT AVENUE, N.W.  
SUITE 1100  
WASHINGTON, D.C. 20006  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

(202) 728-1010  
FACSIMILE (202) 728-4044

November 15, 1996

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

Re: MUR 4490  
The Honorable Joseph Biden  
Citizens for Biden - 1996  
Melvyn Monzack, as treasurer

Dear Mr. Noble:

This letter is the response of Senator Joseph Biden, the Citizens for Biden - 1996 Committee and Melvyn Monzack, as treasurer, (collectively referred to as the "Respondents") to the above-referenced complaint filed with the Federal Election Commission on October 1, 1996. This complaint alleges that the Respondents and the Democratic Senatorial Campaign Committee ("DSCC") violated provisions of the Federal Election Campaign Act of 1971, as amended, ("FECA" or the "Act") by "conspiring to raise illegal and excessive earmarked contributions." The complaint also indicates that the Respondents are "about to violate the federal election laws governing excessive and illegally earmarked contributions by receiving DSCC tally funds." However, the Complainant has no evidence to support these allegations as against the Respondents. As such, the allegations are without merit and should be dismissed.

The issues regarding the tally system were previously reviewed by the Commission and resolved in MUR 3620. This complaint raises nothing new. In fact, the DSCC has repeatedly acknowledged that the amount of funds solicited for the DSCC by a particular Senatorial candidate is only one factor taken into account by the DSCC when it calculates how much money will be expended on a candidate's race. As such, the Complainant's description of the tally program is misleading and inaccurate to the extent that it suggests that tally amounts are simply "funneled" back to the candidate in the form of coordinated expenditures, See 2 U.S.C. 441a(d). An expression of intent to tally a contribution to a candidate in no way legally binds the DSCC to spend that amount of money on the candidate. Consequently, the contributor's designation does not result in

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OFFICE OF GENERAL  
COUNSEL

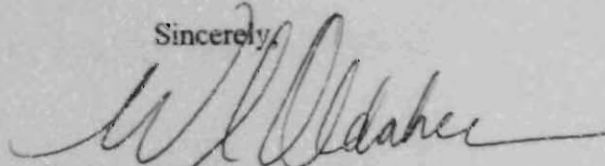
funds being expended on the candidate to whom the money was tallied. See 11 C.F.R. §110.6 (earmarking must "*result* in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee." [emphasis added]).

The amount of coordinated 441a(d) expenditures made on behalf of a candidate is determined, in part, on the **total** amount of funds raised with the assistance of the candidate. The other factors which aid in determining how the DSCC will allocate its funds include the winnability of a race, whether a candidate has a serious challenger, and whether the candidate has been successful in his/her own fundraising efforts. For example, although DSCC records show that \$67,050 was tallied to Senator Biden in the '96 election cycle, the DSCC made no coordinated expenditures on his behalf. Clearly, money tallied to Senator Biden's campaign was not simply "funneled" back in the form of coordinated expenditures.

Given that tallied funds are neither earmarked, nor "funneled" back into the candidate's campaign, there is no substance to the allegation that the Biden campaign knowingly and willfully accepted excessive contributions from donors who had already "maxed out" to the campaign. There were no excessive contributions accepted by the Biden Committee. Moreover, none were identified in the complaint.

For these reasons, the Respondents request that this complaint be dismissed as to the Respondents and that the Commission take no further action in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. C. Oldaker', written in a cursive style.

William C. Oldaker

NOV 18 1996 12:14G PM HQ HANDED IN  
1 202 219 3923  
P. 01

TO: Attorney Colleen T. Sealander (Central Enforcement Docket)  
Alva E. Smith  
Fax # 1-202-219-3923

From: Shawn O'Hara  
Fax # 601- 583-2286

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
NOV 18 2 02 PM '96

To the Office of Federal Election Commission:

I am writing in regards to MUR 4490, in which an incompetent individual had mentioned my name in a COMPLAINT.

First of all, I, Shawn O'Hara was not a candidate for the office of U.S. Senate during the fall of 1996 as is stated in MUR 4490.

Furthermore, I, Shawn O'Hara did not receive any political funds from other individuals, organizations, etc. during the year of 1996 as is stated in the said COMPLAINT.

In conclusion, please issue me a 100% clearance of any wrong-doing in reference to MUR 4490. My FAX number is as follows.  
Fax 601-583-2286.

Very truly yours,

Shawn Richard O'Hara

97043804575



REC'D  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Nov 18 2 51 PM '96  
TE

## TAUBER ENTERPRISES

American Center Building  
27777 Franklin Road  
Suite 1850  
Southfield, Michigan 48034  
(810) 353-0790  
FAX (810) 355-2015

November 11, 1996

Ms. Colleen T. Sealander, Attorney  
Central Enforcement Docket  
Federal Election Commission  
Washington, DC 20463

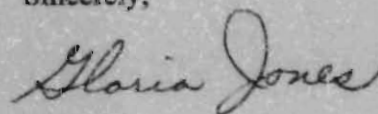
RE: MUR 4490

Dear Ms. Sealander:

Pursuant to my letter of October 11, 1996, Mr. Tauber returned to the United States and is responding to your notice of October 8, 1996. Enclosed is his Statement of Designation of Counsel form.

If I can be of any further assistance, please feel free to contact me.

Sincerely,



Gloria Jones  
Administrative Assistant

cc: Alva E. Smith

STATEMENT OF DESIGNATION OF COUNSEL

Nov 18 2 51 PM '96

MUR 4490

NAME OF COUNSEL: Marc Elias

FIRM: Perkins Cole

ADDRESS: 607 14th Street, NW

Washington, DC 20005

TELEPHONE: (202 ) 628-6600

FAX: (202 ) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/8/96  
Date

Joel D. Tauber  
Signature

RESPONDENT'S NAME: Joel D. Tauber

ADDRESS: 27777 Franklin Road - Suite 1850

Southfield, Michigan 48034

TELEPHONE: HOME ( 810 ) 332-6633

BUSINESS ( 810 ) 353-0790

## PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
687 FOURTEENTH STREET, N.W. - WASHINGTON, D.C. 20005-2011  
TELEPHONE: 202 638-6300 - FACSIMILE: 202 434-1390

NOV 18 3 07 PM '96  
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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

November 18, 1996

### Via Facsimile

Alva A. Smith  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 4490

Dear Ms. Smith:

I am writing on behalf of Joel D. Tauber to request an extension in which to respond to the allegations contained in MUR 4490. Respondent respectfully requests an extension until Wednesday, November 27, 1996, which is the same extension granted to all other respondents in MUR 4490. A copy of an executed Statement of Designation of Counsel is enclosed for your information.

Thank you for your assistance in this matter. Please do not hesitate to contact me directly at 202/434-1625 if you require anything farther.

Very truly yours,

  
Marc E. Elias

MEE:dml

[04053-0064/D/1965236.836]



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20003

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/8/96  
Date  
SignatureRespondent's Name: Joel D. TauberAddress: 27777 Franklin Road - Suite 1850  
Southfield, Michigan 48034Telephone: Home (810) 332-6633Business (810) 353-0790



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 20, 1996

Robert F. Bauer, Esquire  
Marc E. Elias, Esquire  
PERKINS COIE  
607 14th Street, NW  
Washington, D.C. 20005

RE: MUR 4490  
Joel D. Tauber

Dear Messrs. Bauer and Elias:

This is in response to your letter dated November 18, 1996, which we received on that day, requesting an extension until November 27, 1996, to respond to the complaint filed in the above-noted matter.

Mr. Tauber received our initial notice on October 11, 1996. His response was due to our office no later than October 28, 1996, rendering your request for extension submitted on November 18, 1996, untimely. Nevertheless, we understand that Mr. Tauber was out of the country until November 4, 1996, and promptly acted to retain counsel within four days after his return. Though the request for extension is not timely, in consideration of these mitigating circumstances and in recognition of the fact that you are representing several other respondents in connection with this matter, the Office of the General Counsel grants your request for extension. Your response is due in our office by the close of business on November 27, 1996.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Alva E. Smith", is written over the typed name.

Alva E. Smith, Paralegal  
Central Enforcement Docket

# National Republican Senatorial Committee

06C  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

SENATOR ALFONSE M. D'AMATO  
CHAIRMAN

November 18, 1996

Nov 19 3 44 PM '96

JOHN D. HEUBUSCH  
EXECUTIVE DIRECTOR

CRAIG M. ENGLE  
GENERAL COUNSEL

Ms. Lee Ann Elliott  
Chairwoman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RE: MUR 4490

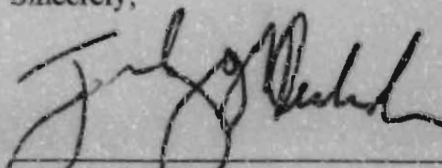
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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Dear Chairwoman Elliott:

As promised, enclosed are the sworn affidavits of three volunteers for the Re-Elect Thurmond Committee testifying to the veracity of the information summarized in Exhibit 18 of the Complaint filed in MUR 4490.

Sincerely,



John D. Heubusch  
Executive Director  
National Republican Senatorial Committee

Enclosure

JDH/jeb  
#220810



**AFFIDAVIT OF JEFF ANDERSON**

Jeff Anderson, being duly sworn, deposes and states as follows:

1. My name is Jeff Anderson and I am a student at Francis Univ. in South Carolina. During my spare time, I volunteer for the Re-Elect Thurmond Committee.

2. As part of my volunteer duties for Senator Thurmond's campaign, I was asked to obtain information regarding the amount of television advertisements that the Democratic Senatorial Campaign Committee had bought in the Greenville/Spartanburg area on behalf of the Elliott S. Close for U.S. Senate Committee. This information was important because Mr. Close is Senator Thurmond's opponent in the 1996 U.S. Senate election in South Carolina.

3. On Monday, September 23, 1996, I went to the offices of WYFF-TV and WSPA-TV in Greenville and Spartanburg, respectively. At WYFF-TV, I was given records showing that the Democratic Senatorial Campaign Committee had purchased \$17,985 worth of television commercials to be aired during the period of September 25th through September 29th. At WSPA-TV, I was given records showing that the DSCC had purchased \$12,935 in television commercials to be aired during the period of September 24th through September 29th. I attempted to obtain copies of these records, but neither station would allow it.

4. When I returned from these stations, I provided the information I obtained to Mr. Robert Taylor of the Re-Elect Thurmond Committee.

Jeff Anderson  
Jeff Anderson

Sworn to and subscribed before me on  
this 22<sup>nd</sup> day of October, 1996.

Elizabeth W. Gaver  
Notary Public

My Commission Expires: 10/10/01

**AFFIDAVIT OF JOHN DEMETRE**

John Demetre, being duly sworn, deposes and states as follows:

1. My name is John Demetre and I am a student at College of Charleston in South Carolina. During my spare time, I volunteer for the Re-Elect Thurmond Committee.

2. On Monday, September 23, 1996, I was asked by the Re-Elect Thurmond Committee to visit several network affiliate television stations serving the Charleston market, including WCSC-TV (CBS), WCBD-TV (NBC), and WCIV-TV (ABC). The purpose of my visits to these stations was to find out how much the Democratic Senatorial Campaign Committee ("DSCC") had spent for campaign commercials on behalf of Mr. Elliott S. Close, Senator Thurmond's challenger.

3. Advertisement logs at WCSC-TV indicated that the DSCC had purchased: (i) 23 spots for \$4,130 to be aired between September 19th and 23rd, and (ii) 50 spots for \$4,490 to be aired between September 24th and 29th. I transcribed this information because WCSC-TV would not let me photocopy its logs.

4. Advertisement logs at WCBD-TV indicated that the DSCC had purchased 16 spots for \$2,310 to be aired between September 19th and 23rd. I transcribed this information because WCBD-TV would not let me photocopy its logs.

5. Advertisement logs at WCIV-TV indicated that the DSCC had purchased: (i) 16 spots for \$914 to be aired between September 19th and 23rd, and (ii) 38 spots for \$1,944 to be aired between September 23rd and 29th. I transcribed this information because WCIV-TV would not let me photocopy its logs.

6. I forwarded the information I collected from these television stations to Robert Taylor, Press Secretary for the Re-Elect Thurmond Committee.

John Demetre  
John Demetre

Sworn to and subscribed before me on  
this 22<sup>nd</sup> day of October, 1996.

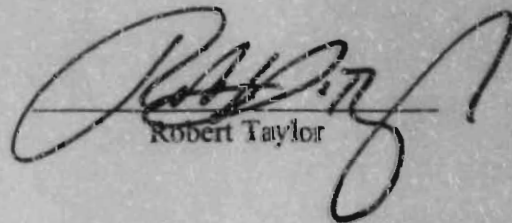
Clint W. Pavers  
Notary Public

My Commission Expires: 10/10/01

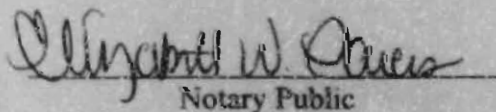
AFFIDAVIT OF ROBERT TAYLOR

Robert Taylor, being duly sworn, deposes and states as follows:

1. I am Robert Taylor and I serve as Press Secretary for the Re-Elect Thurmond Committee which is the campaign committee of Senator Strom Thurmond from South Carolina.
2. On Friday, September 20, 1996, I visited the offices of three television stations in Columbia, South Carolina to determine the extent of television advertisements purchased by the Democratic Senatorial Campaign Committee ("DSCC") on behalf of their candidate Elliott Close. These three television stations were WIS-TV, WOLO-TV and WLTX-TV.
3. Each of the stations allowed me to review their business records and to take notes, but none allowed me to make photocopies of their records.
4. My review of the business records of WIS-TV revealed that the DSCC had paid \$7,084 for 29 spots to run from September 19-23 and \$12,099 for 62 spots to run from September 23-29. WIS-TV would not allow me to make a photocopy of such records.
5. My review of the records at WOLO-TV revealed that the DSCC had paid \$1,140 for 14 spots to run from September 19-23 and \$2,040 for 26 spots to run from September 24-29.
6. My review of the business records of WLTX-TV revealed that the DSCC had paid \$5,530 for 37 spots to run from September 24-29.

  
Robert Taylor

Sworn to and subscribed before me on  
this 22<sup>nd</sup> day of October, 1996.

  
Notary Public

My Commission Expires: 10/10/97



**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

1227 29TH STREET, N.W.

WASHINGTON, D.C. 20037-1156†

(202) 881-0900

TELECOPIER: (202) 295-2882

DIRECT LINE

280 PARK AVENUE

NEW YORK, NEW YORK 10177-0077†

(212) 351-4500

1875 CENTURY PARK EAST

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SIX LANDMARK SQUARE

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2 EMBARCADERO

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DALLAS, TEXAS 75251-1209†

(214) 490-3143

116 SOUTH MONROE STREET

TALLAHASSEE, FLORIDA 32301-1530

(904) 881-0598

2400 SOUTH DIXIE HIGHWAY, SUITE 100

MIAMI, FLORIDA 33133

(305) 856-1100

510 KING STREET, SUITE 301

ALEXANDRIA, VIRGINIA 22314-3132†

(703) 684-1204

†P.C. NEW YORK, WASHINGTON, D.C., NEW JERSEY,  
CONNECTICUT, VIRGINIA AND TEXAS ONLY

November 25, 1996

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OFFICE OF GENERAL  
COUNSEL

**HAND-DELIVERED**

Colleen T. Sealander, Esquire  
Central Enforcement Docket  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: M.U.R. 4490: RESPONDENTS FRIENDS OF MARK WARNER AND  
GERALD McGOWAN, AS TREASURER, AND MARK R. WARNER**

Dear Ms. Sealander:

This constitutes the response of Friends of Mark Warner and Gerald McGowan, as Treasurer ("the Committee"), and Mark R. Warner (collectively referred to as "the Respondents") to the meritless complaint filed with the Federal Election Commission ("the Commission") by the National Republican Senatorial Committee ("NRSC") on October 1, 1996.

**ALLEGATION #1**

The NRSC alleges that the Committee violated election laws governing earmarked contributions by knowingly participating in, and soliciting funds for, the Democratic Senatorial Campaign Committee's ("DSCC") tally program. The NRSC offers no evidence to support this allegation.

97043804585

Colleen T. Sealander, Esquire  
November 25, 1996  
Page Two

## RESPONSE

The Committee denies this unsupported allegation. The Committee accepted a \$17,500 contribution from the DSCC.<sup>1</sup> The Committee has absolutely no knowledge that any portion of the DSCC's \$17,500 contribution consisted of earmarked contributions to the Committee from any individual(s) or entity(s).

The DSCC will file its response to the complaint with your office later this week. As discussed, a portion of the DSCC's response will be incorporated-by-reference into this response by letter to be forwarded to you by or before December 3, 1996.<sup>2</sup>

## ALLEGATION #2

The NRSC alleges that Mr. Warner "is about to violate the federal election laws governing excessive and illegal earmarked contributions by receiving DSCC tally funds during the 1995-96 cycle in the form of coordinated expenditures." In support of this allegation, the NRSC cites an irrelevant August 7, 1996 letter to Mr. Warner from DSCC Chairman Bob Kerrey, asking him to participate in the DSCC's "Annual Senate Issues Conference and Dinner."

## RESPONSE

Mr. Warner denies this allegation. In fact, the DSCC did not make, nor did Mr. Warner receive the benefit of, any coordinated party expenditures pursuant to 2 U.S.C. § 441a(d) on behalf of Mr. Warner's 1996 Senate candidacy.<sup>3</sup> Thus, the NRSC's allegation is without factual basis.

\* \* \* \* \*

---

<sup>1</sup>It is our understanding that historically the DSCC contributes the maximum contribution of \$17,500 to all Democratic Senate nominees.

<sup>2</sup>The DSCC response is not currently completed and, accordingly, is not available to us. We obviously cannot incorporate-by-reference a portion of a document that we have not reviewed.

<sup>3</sup>In addition, please note that neither the Democratic National Committee nor the Democratic Congressional Campaign Committee made any coordinated party expenditures on behalf of Mr. Warner's 1996 Senate candidacy.

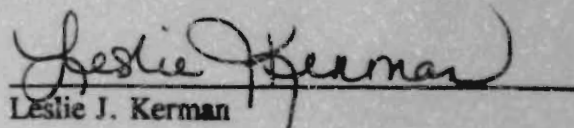
97043804586

Colleen T. Sealander, Esquire  
November 23, 1996  
Page Three

For the reasons set forth above, Respondents respectfully request that the Commission find no "reason-to-believe" that they violated federal election law, and close its files in this matter.

If you have any questions, please do not hesitate to contact me at (202) 861-1877.

Sincerely,

  
Leslie J. Kerman

97043804587



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BEFORE THE FEDERAL ELECTION COMMISSION

NOV 27 4 48 PM '96

IN THE MATTER OF:

DEMOCRATIC SENATORIAL CAMPAIGN  
COMMITTEE, et al.

Respondents.

MUR 4490

MUR 4502 (Consolidated)

RESPONDENTS' MOTION TO DISMISS

NOV 29 10 23 AM '96

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Robert F. Bauer  
Marc E. Elias  
PERKINS COIE  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-2011  
(202) 628-5600

Attorneys for Respondents

## CONTENTS

INTRODUCTION .....	2
ARGUMENT .....	3
I.    The Tally Program Has Operated Lawfully and in Accordance with the Terms of MUR 3620 .....	3
II.   The NRSC's Complaint Mischaracterizes the Tally Program as an Earmarking Program .....	10
III.  The Candidates and Contributors Named in MUR 4490 Acted Properly .....	14
Elliot S. Close for U.S. Senate .....	14
Friends of Dick Durbin Committee .....	15
Kerry Committee .....	16
Friends of Senator Carl Levin .....	16
Victor Morales For Senate Campaign Committee .....	19
Friends of Tom Strickland, Inc. ....	19
Torricelli For U.S. Senate, Inc. ....	20
Friends of Mark Warner .....	21
Wellstone for Senate .....	21
CONCLUSION .....	23

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

DEMOCRATIC SENATORIAL CAMPAIGN  
COMMITTEE, et al.

Respondents.

MUR 4490  
MUR 4502 (Consolidated)

**RESPONDENTS' MOTION TO DISMISS**

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Democratic Senatorial Campaign Committee ("DSCC"), Friends of Max Baucus, Roger H. Bedford for U.S. Senate, Beshear for U.S. Senate Committee, Jim Boren for U.S. Senate Committee, Brennan for U.S. Senate, Tom Bruggere for U.S. Senate, Committee to Elect Winston Bryant for U.S. Senate, Friends of Max Cleland for U.S. Senate, Elliott S. Close for U.S. Senate, Docking for U.S. Senate,<sup>1</sup> Friend of Dick Durbin Committee, Harvey Gantt for Senate Committee, Houston Gordon for Senate/Friends of Houston Gordon, Tim Johnson for South Dakota, Inc., Karpan for Wyoming, Kerry Committee, Mary Landrieu for Senate Committee, Inc., Friends of Senator Carl Levin, Minnick for Senate, Victor Morales for Senate Campaign Committee, Nebraskans for Nelson, Reed Committee, Friends of Tom Strickland, Inc., Swett for Senate, Sally Thompson for U.S. Senate, Torricelli for U.S. Senate, Inc., Welstone for Senate, Maryanne Hanson Alix, Mandell and Madelaine Berman, Maurice Cohn, Sadie Cohen, Linda Dresner, Dorothy Gerson, Irwin Green, Doreen Hermelin, Robert Larson, David and Miriam

<sup>1</sup> Because MUR 4502, in which the Docking campaign is named, is identical in all respects to MUR 4490, Respondents move to consolidate them. For the sake of convenience, Respondents have filed one joint Response and Motion.



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Mondry, Richard and Susan Rogel, Joel Tauber, and Timothy Wuliger, hereby move the Federal Election Commission ("FEC" or the "Commission") to dismiss the above captioned MUR.<sup>2</sup>

### INTRODUCTION

Before the Commission is a complaint filed by the National Republican Senatorial Committee ("NRSC") against the DSCC, Democratic Senate candidate committees (and their treasurers) and contributors for their participation in the DSCC "tally program." The tally program is a means by which Democratic Senate candidates help raise money to fund DSCC's programs and activities. As part of this program, the DSCC keeps a record or "tally" of the amount of money a particular candidate has helped raise for the DSCC. That "tally" is then used, along with other factors, to determine the amount of support Senate candidates receive from the DSCC.

For several years the NRSC has been concerned about the tally program because it serves as an effective way to utilize the DSCC's best fundraisers -- its candidates -- to raise money. As it has in the past, the NRSC has now filed a complaint in an effort to halt the tally program. The NRSC's 41-page complaint deliberately misstates facts, mischaracterizes evidence, and misconstrues the law. It purposefully distorts the Commission's past findings with respect to the tally program and attempts to create a suggestion of unlawfulness around the program. The NRSC has also added a new twist to MUR 4490 -- rather than simply naming the DSCC and the participating candidate campaigns, the NRSC named "John and Jane Doe" tally contributors as well. Unable to prevail on a level playing field, the NRSC has now moved to attempt to intimidate the Democratic Party's candidates and contributors. The Commission should not tolerate this abuse of the complaint process. Specifically, the NRSC has purposefully employed terms such as "scheme," "illegal," and "conspiracy," hoping to scare contributors into believing

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<sup>2</sup> This response and motion is also made on behalf of the respective treasurers of the Committees listed above.

that they face serious civil, or even criminal, exposure for having contributed money to the DSCC. The FEC must move swiftly to dismiss this complaint lest it encourage similar tactics in the future.

MUR 4490 should also be dismissed because it threatens to undermine FEC's conciliation process. Following the 1994 election cycle, the DSCC and Commission negotiated an agreement that was intended to clarify the lawful limits of the tally program. For the DSCC's part, it voluntarily agreed to certain requirements to make sure that candidates and contributors understood the tally program. In exchange, the DSCC, and all tally participants received clear cut rules about what is and is not lawful. Having abided by the MUR 3620 conciliation agreement, the DSCC feels strongly that without conclusive evidence of a violation of these rules -- which wasn't provided by the NRSC and does not exist -- it and its candidates and contributors should not be subjected to the agency's investigative process again. If this matter is not promptly dismissed, the Commission will be sending a clear message to the DSCC and other future Respondents that reaching agreement with the FEC offers no protection against harassing complaints in the future. As a result, settling large scale complaints will be much more difficult.

#### ARGUMENT

##### **I. The Tally Program Has Operated Lawfully and in Accordance with the Terms of MUR 3620**

For several election cycles the DSCC has asked Democratic Senate candidates to assist it in soliciting funds for its activities and operations. Under the "tally" program, DSCC contributors have the option to credit -- or "tally" -- their contributions to the DSCC in the name of a particular candidate, thereby expressing support for that candidate or crediting the candidate with the raising of the contribution for the DSCC's programs and activities. The amount that a candidate has tallied is one of many factors the DSCC then uses to determine what amount, if any, of coordinated expenditures to make on behalf of a candidate's campaign pursuant to 2 U.S.C. § 441a(d). Other factors may include the candidate's need for the money, the closeness of the race, and an assessment that the coordinated expenditures would be significant in helping the candidate's campaign.

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Concerned with the growing success of the tally program, in the last several election cycles the NRSC has filed complaints with the FEC charging that the tally program violates the earmarking provisions of the Federal Election Campaign Act ("FECA" or the "Act"). For example, on September 24, 1992, the NRSC filed a complaint with the FEC charging DSCC and several of its candidates with having violated the Act. In August, 1995, after investigation and negotiation, the DSCC and FEC agreed to a conciliation agreement settling the charges contained in MUR 3620. (A copy of the MUR 3620 conciliation agreement is attached at Tab A.) No contributors were charged with having violated the law in connection with MUR 3620, and all of the participating candidate campaigns that were initially named in the complaint were dismissed from the complaint by the FEC.

The MUR 3620 conciliation agreement set forth specific criteria for establishing the legality of the 1996 DSCC tally program. Among other things, the MUR 3620 conciliation agreement:

- acknowledged that the FECA permits the DSCC to ask its candidates to assist it in soliciting funds for the Committee. Agreement at § IV, ¶ 11.
- recognized that while tally contributions are used to fund coordinated expenditures, 2 U.S.C. § 441a(d), they are also used to fund "other DSCC activities on behalf of its candidates." Id. at ¶ 12.
- further recognized that "tallying is not earmarking, but rather is a means of expressing support for that candidate or crediting the candidate with the raising of the contribution for the DSCC's 'coordinated expenditure' program and other activities." Id. at ¶ 13.
- stated that "[i]t was the DSCC's stated policy and practice to inform contributors that the DSCC did not accept earmarked contributions, that the amount of tallied contributions was a significant factor that the DSCC took into account in citing the amount of 441a(d) expenditures to be made on behalf of a particular candidate, and that the DSCC retained final discretion regarding the use of any tallied contribution." Id. at ¶ 16.



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The conciliation agreement clearly contemplated that the DSCC would continue in the future to operate its tally program.<sup>3</sup> To do so, however, the DSCC agreed to abide by certain steps required by the conciliation agreement. First, the DSCC agreed that any contribution that appeared earmarked on its face would be returned to the contributor. Second, on an ongoing basis, the DSCC agreed to provide education and training to its staff and the staff of its participating campaigns regarding the tally program. That training has emphasized that the DSCC does not accept earmarked contributions, that tallied contributions are spent on all DSCC activities and programs as the DSCC determines within its sole discretion, and that campaigns must advise potential DSCC contributors about these facts. Third, the DSCC has utilized certain standard language that the DSCC and FEC agreed it would use in its tally solicitations. Specifically, the DSCC includes the following "disclaimer" in all of its solicitation for tallied contributions as well as its standard description of the tally program:

The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

Finally, the DSCC has implemented a reasonable procedure to review DSCC and candidate fundraising solicitations for the tally program to ensure that they do not inadvertently solicit earmarked contributions.

The DSCC's tally program was modified early in the 1996 election cycle to conform with the requirements of the MUR 3620 conciliation agreement. For example, under the terms of the conciliation agreement, the DSCC agreed to refund any contributions that appeared to be earmarked to a particular candidate. In fact the DSCC went further than required by the agreement. Rather than depositing such contributions and then later refunding them to the

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<sup>3</sup> Contrary to the NRSC's suggestion, the conciliation agreement clearly contemplates DSCC's continued use of the tally program. See, e.g., Agreement § IV, ¶ 12 ("DSCC has utilized and utilizes a 'tally' program") (emphasis added); *Id.* at § V, ¶ 2(c) ("DSCC will utilize standard language in its solicitation pertaining to the tally program") (emphasis added).

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contributor, the DSCC initiated a policy that no contribution that bore indicia of earmarking would be accepted or deposited by the DSCC. Under this new, stricter policy, for example, any check that includes a memo line note bearing the name of the candidate is returned, uncashed, unless under the circumstances it is clear that the contributor understands the tally program and does not intend the contribution to be earmarked.

This new policy was explained to all DSCC fundraising staff and Democratic Senate candidates both orally and in writing. For example, at the beginning of the "tally" cycle, in April 1996, DSCC counsel drafted and circulated memoranda to both DSCC and candidate fundraising staff that clearly and plainly spelled out the requirements of the tally program. (Copies of the memoranda distributed to DSCC and candidate staff are attached at Tabs B and C, respectively.) These memoranda were distributed to all DSCC and candidate fundraisers. Among other things, the memo to DSCC staff stated:

Any contribution that is received by the DSCC that appears to be earmarked to a particular candidate must be returned. In past cycles, those contributions were deposited and a form letter was sent to the contributor. This is no longer acceptable. Any check that bears the name of a candidate, including a memo line note such as "tally to \_\_\_\_\_" or "for \_\_\_\_\_" must be returned unless it is accompanied by a properly worded letter or response card, signed by the contributor, that indicates that the donor understands the tally program[]. The returned check may be accompanied by a proper solicitation for a new contribution.

(DSCC Memo at 1 (emphasis in original).)

The memorandum sent to 1996 Democratic Senate candidates stated the same point slightly differently:

Tally is not an earmarking program; indeed, the DSCC does not accept earmarked contributions. Therefore, any contribution that is received by the DSCC that appears to be earmarked to a particular candidate will be returned. Any check that bears the name of a candidate, including a memo line note such as "tally to \_\_\_\_\_" or "for \_\_\_\_\_" would be returned unless it is accompanied by a signed and properly worded letter or response card that indicates that the donor understands the tally program[]. The returned check may be accompanied by a proper solicitation for a new contribution.

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(Candidate Memo at 1 (emphasis in original).)

Under this new policy, the DSCC and its candidates have returned numerous checks to contributors. Even checks that otherwise do not appear earmarked are returned if they include the name of a candidate on the face of the check. While such steps are not required by the conciliation agreement, they represent the DSCC's best efforts to ensure that no earmarked contributions are accepted by the DSCC. To demonstrate the DSCC's commitment to this requirement of the conciliation agreement, we have attached, for your review, three examples of letters that the DSCC has sent to contributors returning their checks.<sup>4</sup> (Attached at Tabs D, E and F.) In each instance, the check was returned for nothing more than having a candidate's name in the memo line. In each of these instances the DSCC clearly explained its policy of not accepting earmarked contributions. For example, the letter dated February 8, 1996 states, "in order to avoid any misperception concerning the intent of your contribution, I am returning your check." The letter also makes clear that if the contributor wishes to give money to the campaign of the candidate in question, he should do so directly. There is no question that DSCC's policy of returning contributions more than meets its obligations under the conciliation agreement.

The DSCC has also met its requirement to provide training to DSCC staff and candidate campaigns. On several occasions DSCC's outside counsel have conducted in person seminars and conference calls with DSCC staff and Senate campaign staff regarding the requirements of the tally program. In addition, DSCC's outside counsel regularly consults with the DSCC's fundraising and conference staff as well as candidate fundraisers to answer any questions that may arise regarding the tally program. Finally, as noted above, the DSCC has distributed memoranda from its outside counsel setting forth, in clear plain language, the requirements of the tally program. (See Tabs B and C.) Among other things explained in those memoranda, fundraising staff are told that "[w]e must tell our candidates and contributors that the DSCC does not accept

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<sup>4</sup> Because the Commission has followed the NRSC lead and treated tally contributors as potential Respondents, DSCC has redacted this letter, as well as all others that identify a particular contributor who is not already named in MUR 4490.



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earmarked contributions and that tallied contributions are spent for DSCC activities and programs as the Committee determines within its sole discretion." (DSCC Memo at 1.) The DSCC regularly incorporates specific language that instructs its contributors that tallied contributions are spent for DSCC activities and programs as the DSCC determines within its sole discretion in all of its solicitations. Furthermore, as set forth below, DSCC staff make efforts to see that fundraising solicitations sent by individual Senate campaigns incorporate the same language as used by the DSCC.

In addition, the DSCC regularly distributes to contributors who are uncertain about the nature of the tally program a standard written explanation of the program. (Attached at Tab G.) Among other things, this explanation states:

DSCC funds are allocated to targeted Democratic Senate candidates by the Allocation Committee of the DSCC. This committee sets the DSCC allocation policies at its discretion. In allocating funds to candidates, many factors are considered by the DSCC's Senate Allocation Committee such as need, winability, latest polling figures, finances on hand and the amount of funds tallied to the DSCC for that specific candidate. The DSCC maintains a record (a "Tally") of how much money each candidate helps to raise for the Committee. The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent to DSCC activities and programs as the Committee determines within its sole discretion.

(Id. (emphasis in original).)

Also in the conciliation agreement, the parties agreed that, in order to assure that there was no confusion on the part of contributors in the future, the DSCC would include certain language in its written tally solicitations. Consistent with this requirement, DSCC fundraising staff were explicitly instructed that:

All tally solicitations by the DSCC, its candidates and agents must include the following language:

The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the committee determines within its sole discretion.

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(DSCC Memo at 2 (emphasis in original).)

The same "standard language" was provided to Senate campaigns in a memorandum addressed to them. (Candidate Memo at 2.) For example, the invitation attached by the NRSC as an example of the DSCC's noncompliance proves the DSCC's adherence to the conciliation agreement. Exhibit 5 to the NRSC's motion is an invitation to a "Take Back the Senate Dinner." Clearly included in that invitation package is the following text, as its own paragraph:

The DSCC maintains a record (a "Tally") of how much money each candidate helps raise for the Committee. The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

This "tally disclaimer" is set out as its own paragraph, in the same size type and typeface, directly above the other disclaimers required by federal law. This invitation, selected by the NRSC for its "incriminatory" affect, is not unusual. All DSCC invitations from this election cycle contain the required disclaimer language. (See examples attached at Tabs H, I, J and K.) In all instances, the required tally explanation appears in the same size font and in the same location as other important and pertinent information.

Finally, the conciliation agreement in MUR 3620 required the DSCC to implement "reasonable procedures" to review its own fundraising solicitations as well as its the fundraising solicitations of its Democratic Senate candidates. As with the other requirements, DSCC's legal counsel circulated a memorandum to all DSCC fundraising staff as well as all campaign fundraising staff that specifically states that "the DSCC should review tally fundraising solicitations, when possible, to make sure they comply with the requirements [of the conciliation agreement]." (DSCC Memo at 2 (emphasis in original).)

The fact that the DSCC has reviewed its own solicitations is evidenced by the inclusion of the standard language in all DSCC-initiated solicitations. The DSCC has also made significant efforts to review campaign tally solicitations to ensure that they, too, abide by the agreement's requirements, and the candidates have complied. Attached is one recent example of a fax cover sheet, marked-up invitation, and tally solicitation for candidate Dick Durbin's campaign.



(Attached at Tab L.) The Commission will note, among other things, that the DSCC employee reviewing this solicitation stated: "If you want to add the 'tally' option - you must also include the language attached - (see \*) in place noted." The language that the DSCC employee had indicated must be included in the solicitation is marked in the document and reads as follows:

The DSCC does not accept contributions earmarked for a particular candidate. The DSCC maintains a record ('tally') of how much money each candidate helps raise for the Committee. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

The Commission should also note that the DSCC employee concludes her note to the campaign by instructing the campaign to fax a revised version of the invitation back to the DSCC so that it could be reviewed by the DSCC's counsel for compliance with the tally conciliation agreement. This type of careful review of candidate solicitations is the DSCC's standard policy. Furthermore, as indicated by the facsimile cover sheet, it is also DSCC's policy for all such solicitations to be reviewed by counsel if there is any question as to whether or not the solicitation comports with the requirements of the conciliation agreement.

## **II. The NRSC's Complaint Mischaracterizes the Tally Program as an Earmarking Program**

It is clear from the gross factual and legal errors contained in the NRSC's complaint that its primary intention is to harass the DSCC, Democratic candidate committees (and their treasurers) and contributors. For example, on pages 2-3 of the complaint -- literally the first two sentences of the complaint -- the NRSC states that "[t]he DSCC and its Democratic Senate candidates are conspiring to raise illegal and excessive earmarked contributions to fund their races this fall . . . [and] have used the tally program as a vehicle to circumvent federal election laws governing earmarked and excessive contributions." Both the NRSC and Commission know that these statements are false.

For example, the FEC knows from MUR 3620 that the tally program is not an earmarking program. In fact, the conciliation agreement in MUR 3620 stated plainly that "[i]t was the DSCC's stated policy and practice to inform contributors that the DSCC did not accept earmarked



contributions." Agreement at § IV, ¶ 16. In fact, the DSCC has previously supplied the Commission with a detailed statistical analysis of the 1992 and 1994 tally programs conducted by a nationally recognized Professor of Political Science at Duke University. (The DSCC Tally Program: Recycling or Electioneering?, William T. Bianco, May 22, 1995 (attached at Tab M)) In his report, Professor Bianco asks:

In making allocations to candidates, does the DSCC focus on the amount of tallied receipts collected by a candidate for the party, or the candidates who tallied more receiving larger allocations (the recycling hypothesis)? Or does the DSCC's allocation strategy reflect a wider range of factors, consistent with the goal of allocating funds so as to preserve the party's incumbent base and elect as many challengers as possible (the electioneering hypothesis)? That is, are DSCC allocations driven by the goal of recycling tally funds, or by the goal of electing candidates to office?

Bianco at 1. After conducting a statistical analysis of the tally program's operation in 1992 and 1994, Professor Bianco concludes:

[A]nalysis of 1992 and 1994 tally and allocation data, with appropriate controls for factors such as the electoral process of different candidates, their ability to raise funds, and the variable cost of campaigning in different states, indicate that the recycling hypothesis is an insufficient explanation of the DSCC's allocation strategy. Rather, consistent with the electioneering hypothesis, DSCC allocations are strongly influenced by political variables, such as the closeness of a race and the cost of campaigning.

Bianco at 1 (emphasis added). Thus, Professor Bianco found that the DSCC's tally program is not an earmarking program (what he calls the "recycling hypothesis"). Rather, the DSCC's pattern of allocating funds demonstrates conclusively that the monies it receives are spent to support its political goals of electing candidates to office rather than simply "recycling" the money back to the candidate to whom it was tallied.

Nowhere in the MJN 3620 conciliation agreement, or in any other DSCC document from the 1996 election cycle or before, is it suggested that the DSCC will use tallied funds solely for the coordinated expenditures on behalf of the candidates to whom the funds are tallied. In fact, as noted above, the NRSC's contention that the tally program is simply a means by which contributors can earmark their contributions to particular candidates is completely undermined by

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Professor Bianco's statistical analysis of the DSCC tally program as it operated in 1992 and 1994. In his conclusion, Professor Bianco states: "The DSCC's allocation of funds collected through the tally program appears to reflect a political strategy, one directed at preserving the Party's incumbents running for reelection and electing as many of the Party challengers to office." Bianco at 7.

Professor Bianco's analysis is consistent with the data from the 1996 tally program. A preliminary review indicates wide disparities between the amount a particular candidate tallied, and the amount his or her campaign received in section 441a(d) expenditures. For example, several Senate candidates tallied all, or nearly all of their targeted amount and received the benefit of no section 441a(d) expenditures at all.<sup>5</sup> Other candidates' campaigns received the benefit of several times the amount of section 441a(d) expenditures that they had tallied to the DSCC. In sum, the data do not corroborate the NRSC's allegation of earmarking.

The NRSC is similarly incorrect when it asserts that the DSCC had "promised the Commission that it would discontinue its illegal tally program activities," and calls the DSCC's use of the stipulated disclaimer language "cosmetic," "over-lawyered," and "legalese." First, nothing in the agreement suggests that the tally program is "illegal" or that it should be discontinued. To the contrary, the agreement assumes the continuation of the tally program, and contains specific steps that the DSCC agreed to undertake in order to ensure that the tally program is conducted lawfully in the future. Second, the "cosmetic," "over-lawyered," and "legalese" disclaimer language complained of by the NRSC is contained in the conciliation agreement negotiated and signed by the General Counsel of the FEC on behalf of the Commission.

Finally, in its complaint the NRSC overlooks the fact that the changes the DSCC made to the tally program after MUR 3620 have had a notable affect on contributor understanding. As noted above, checks that bear an indicia of earmarking are returned to contributors with an

<sup>5</sup> The following campaigns were the beneficiaries of no section 441a(d) expenditures by the DSCC: Obermeyer, Biden, Hunt, Trajillo, Johnson, Warner, and Rockefeller.

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explanation that the DSCC does not accept earmarked contributions as well as a fuller explanation of what the tally program is. (See Tabs D, E and F.) Contributors are then given an opportunity to make a new contribution to the DSCC. If they do, they must indicate in some form that they understand the tally program as it has been explained to them. Enclosed for the Commission's consideration are several of the letters received by the DSCC that indicate a clear understanding of the tally program. (Attached at Tabs N, O, P, Q, R, S, T.) For example:

- In a September 27 transmittal letter tallying \$15,000 a contributor states "I am enclosing some tally sheet requests, which, of course, I understand are subject to the discretion of the Democratic Senatorial Campaign Committee." (Tab R.)

- A September 12, 1996 transmittal letter to the DSCC asking that a \$20,000 contribution to the DSCC be tallied to Senator Barbara Boxer states explicitly that the contributor understands the DSCC tally program as it has been explained to them in the following way:

Tally is not an earmarking program, and the DSCC does not accept earmarked contributions. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

(Tab Q.)

- A similar letter dated June 24, 1996 accompanied a \$19,000 contribution to the DSCC that was tallied in the name of Bob Torricelli. (Tab P.) That letter also stated explicitly that the contributor understood that "the DSCC does not accept contributions earmarked for a particular candidate." Id. The contributor further stated that he understood that "[c]ontributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion." (Id.)

In sum, these examples clearly demonstrate that the DSCC's contributor base understands the tally program because the DSCC and its candidates have made an effort to educate them as to what the tally program is, and as importantly, what it is not. Unlike the NRSC, DSCC contributors understand that the tally program is not earmarking.



### III. The Candidates and Contributors Named in MUR 4490 Acted Properly

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The NRSC's complaint goes to great lengths to suggest that each and every Democratic Senate campaign and certain contributors violated the Act simply by participating in the tally program. Indeed, for the vast majority of the candidate campaigns the NRSC alleges nothing more than that they "knowingly participat[ed] in the tally program and solicit[ed] funds for [their] DSCC 'tally.'" Yet such allegations, standing alone, hardly provide the Commission with "reason to believe" a violation of the Act has occurred. Indeed, Respondents are at a loss about how to respond because the NRSC has failed to even state a violation of the Act. In fact, MUR 3620 makes it clear that participation in the tally program alone is not unlawful. Consequently, these allegations are not only utterly baseless, they represent a transparent attempt to engage in wholesale harassment of the Democratic senatorial campaign process that should not be sanctioned by this Commission.

For the few remaining candidates, the NRSC has attempted to misconstrue documents and statements by the candidate so that it would appear that the campaigns were doing something improper. When examined carefully, however, the NRSC's "evidence" against these few campaigns turns out to be a chimera. Accordingly, the NRSC's complaint against such campaigns should be dismissed as well. This is plainly evidence from a brief examination of the facts related to each campaign.

#### **Elliot S. Close for U.S. Senate**

Beyond the boiler-plate allegations that the Close campaign violated the law by participating in the tally program, the NRSC alleges that it, and its contributors, violated the law because several members of the candidate's family contributed money to the DSCC around the same time that the DSCC made coordinated expenditures in behalf of the Close campaign. The NRSC's allegations are clearly without merit.

First, in order for there to be a violation of the Act for earmarking there needs to be an intent on the part of the contributor to earmark the contribution. In this instance, the NRSC has

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failed to provide any evidence -- direct or circumstantial -- that rebuts the logical inference that the contributions in question were for the DSCC, to be used in its sole discretion.

Second, the NRSC places great weight on the fact that the \$70,000 in contributions to the DSCC were made within a few days of \$74,000 of coordinated expenditures. However, the NRSC's choice of figures is highly misleading. The fact is that the DSCC made over \$332,000 in section 441a(d) expenditures on behalf of the Close campaign and gave the campaign an additional \$17,500 pursuant to section 441a(h). All, or nearly all, of that money was spent/contributed in the final months of the election. The NRSC attempted to mislead the Commission by taking one expenditure out of the context of the \$350,000 that was spent on behalf of the Close campaign.

Finally, it should not be surprising to the NRSC or the Commission that a candidate's friends and family also contribute money to the DSCC. Indeed, it would be surprising if a Senate candidate's strongest supporters did not also support the candidate's party. Friends and family, like all contributors, have a right to contribute to the DSCC and that right cannot be confiscated by the government on the basis that the Party also supports the candidate. A candidate's friends and family will often share his political beliefs and will understand the importance of supporting the DSCC as well as the candidate. Even where a candidate's family is less "political," it will often understand that supporting the candidate's political party ultimately benefits all candidates, including their own.

#### **Friends of Dick Durbin Committee**

The NRSC presents two unrelated pieces of "evidence" to support its allegation that the Durbin campaign violated the law by soliciting excessive earmarked contributions. First, the NRSC quotes out of context a statement made by then-Congressman Durbin about his reluctance to accept money from tobacco interests. It is clear from the entire text of the article that Durbin's intent in making the quoted statement was to indicate that he neither solicits money for his own campaign from tobacco interests nor benefits from such money indirectly by soliciting it for the



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DSCC. When viewed in this context it is clear that Durbin did not intend to suggest that the money he raised for the tally program was earmarked.

More importantly, there is no evidence provided by the NRSC that any of the money Durbin raised for the DSCC was intended by any contributor to be earmarked. In fact, the documentary evidence attached (See Tab L) demonstrates the Durbin campaign's understanding of, and strict adherence to, the rules. Specifically, the documents show that the Durbin campaign sought guidance and approval from DSCC staff regarding the requirements for soliciting tally contributions. The record further demonstrates that, as a result, the Durbin campaign included the proper disclaimer language in its solicitation.

It is against this documented record of compliance that the NRSC offers a single, out of context, statement by the candidate. It would be a disservice to the Commission, Respondents, and the process, if an entity like the NRSC can file a politically motivated complaint on the basis of such "evidence" and, in the face of objective proof of compliance, the Commission proceeded to find reason to believe.<sup>6</sup>

#### **Kerry Committee**

The sole specific allegation against the Kerry campaign also relates to a June 25, 1996 letter from a DSCC contributor, tallying his contribution to certain campaigns. As noted above, it is unclear why the NRSC believed that this letter indicates a violation of the law.

#### **Friends of Senator Carl Levin**

It is clear from reading the complaint that its primary target is the Levin campaign and contributors that tallied to it. Having had its personnel sort through campaign trash, the NRSC touts its Levin tally documents as the "key" to "exposing" the "conspiracy." Rather than providing a basis for a complaint, however, these documents provide a boring picture of fundraising in Senate campaigns. For example the NRSC points to two draft tally solicitation

<sup>6</sup> Symptomatic of its desperation, and the weakness of its allegations, is the fact that the NRSC also points to a June 25, 1996 letter from a DSCC contributor to the DSCC regarding how the contributor wished his contribution to be tallied. The sum of \$1,000 of that contribution was tallied to Durbin's campaign. However, the NRSC does not explain how this letter could possibly indicate a violation of law.



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letters (NRSC Exs. 6-7) as evidence of a violation. The truth is more mundane. Even assuming that these two letters were, in fact, sent to potential contributors, it is clear from their content that they do not constitute a violation of the Act. The fact is that there is nothing in either of these letters that suggests that Senator Levin or his campaign impermissibly solicited earmarked contributions. The NRSC's complaint acknowledges begrudgingly that both letters include specific statements that the amount of money tallied to the Senator is only one of several factors, including the likelihood of winning and need for DSCC funds that the DSCC considers when making 441a(d) allocations. This is the precise sentiment embodied in the "standard language" contained in the agreement. Contrary to the suggestion by the NRSC, there is nothing improper with Senator Levin or his campaign asking potential contributors to tally their contributions to him.

Next, the NRSC cites as a violation of the Act an April 17, 1995 DSCC call sheet asking Senator Levin to call potential contributors for contributions. This allegation is even weaker than the last. In the MUR 3620 conciliation agreement the FEC specifically acknowledged that "[t]he Federal Election Campaign Act of 1971, as amended, does not prohibit party committees from referring to and promoting party candidates in soliciting funds for the committee and candidates may assist party committees in soliciting funds for the committee." (Agreement at § IV, ¶ 11 (emphasis added).) That is precisely what the DSCC asked Senator Levin to do. He was asked to solicit certain donors for contributions to the DSCC. He was also told, correctly, that these contributors could be asked to tally their contributions to Senator Levin. Nothing in these documents suggests any intent to solicit earmarked contributions. Furthermore, nothing in these documents suggests a violation of the agreement.

The NRSC also attempts to frame a violation from four innocuous letters from contributors who wrote the DSCC to state their intention to tally all or part of their contribution to the Levin campaign. Contrary to the NRSC's suggestion, none of these letters make any mention of earmarking contributions to the Levin campaign, or even suggest an intent to earmark

the contributions. To the contrary, all four of the letters clearly state their intention to tally their contributions to Levin.

Finally, while the NRSC appears surprised that the DSCC "keeps a specific, detailed accounting" of tallied contributions, such reports come as no surprise to the Commission because similar tally reports were provided during the course of the MUR 3620 investigation. In fact, the DSCC's standard description of the tally program states specifically that "[t]he DSCC maintains a record (a "Tally") of how much money each candidate helps raise for the Committee." (Tab G.)

Similarly, it is not surprising that many of the individuals who made contributions to the DSCC also made contributions to Senator Levin's campaign. It is a fact that the DSCC asks candidates to solicit contributions to the DSCC from individuals who otherwise have a good relationship with the candidate. Such behavior is not only protected by the First Amendment, but is specifically approved of in the conciliation agreement. (See Agreement § IV, ¶ 11.) It would be ridiculous to suppose that the DSCC would have asked Senator Levin to solicit individuals with whom he is unfamiliar. There is nothing in the Constitution, FECA or Commission regulations that offers any support to the NRSC's position. In fact, such a position would seriously impair Respondents' First Amendment rights to freedom of speech and association.

Finally, the NRSC recounts the chronology of a September fundraising event at which a contributor -- who had already contributed to the Levin campaign -- tallied his DSCC contribution to the Levin campaign. Specifically the NRSC seems concerned about the fact that the contributor was told not to put the candidate's name on the check. As discussed above, this prohibition is the result of the DSCC efforts to assure that there is absolutely no misunderstanding about the nature of tallied contributions. Although not required by the MUR 3620 conciliation agreement, the DSCC imposed this requirement upon itself to eliminate the potential for donor confusion. In fact, the DSCC has provided examples of contributions that were returned to contributors for nothing more than having the name of a candidate on the face of the check.

Of greater significance than the DSCC's own internal rules, is the fact that -- pursuant to MUR 3620 -- the tally solicitation letter contains the following:

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The DSCC maintains a record (a "tally") of how much money each candidate helps raise for the Committee. The amount of money to be spent by the DSCC on behalf of the party nominee is based on the nominee's tally record and, among other factors, the nominee's likelihood of winning and the need for DSCC funds. However, the DSCC does not accept contributions earmarked for a specific candidate; contributions tallied to a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

Furthermore, in order to assure no confusion on the part of the contributor, he was asked to sign a letter to the DSCC stating that he understands the tally program. Far from incriminating the DSCC and Levin campaign, this transaction demonstrates precisely how the tally system is designed to operate under the MUR 3620 conciliation agreement.

In sum, the documents the NRSC argue establish a clear violation only serve to support the legality of the tally program and the propriety of the Levin campaign's actions. Unfortunately in its desperation to stop tally, the NRSC targeted contributors for harassment. The Commission can minimize its impact by promptly dismissing this Complaint.

#### **Victor Morales For Senate Campaign Committee**

With respect to the Morales campaign, the NRSC provides a badly recorded audio cassette that it claims is the voice of the candidate. On the tape, according to the NRSC, Morales is heard stating that his campaign had between \$200,000 and \$300,000 and that "there's some tally money of about \$150,000." Once again, the NRSC has failed to explain how this "evidence" suggests a violation of the Act. Even assuming, arguendo, that Morales intended what the NRSC suggests -- that the tally money would go to him -- it still does not establish that contributors were in any way confused about the contributions they gave to the DSCC. Nor does or can it establish that the DSCC treated that money as "earmarked." In fact, Morales received approximately \$300,000 in section 441a(d) support -- twice the \$150,000 he apparently states he raised in tally.

#### **Friends of Tom Strickland, Inc.**

The NRSC next points to a January 10, 1996 Rocky Mountain News editorial that purports to summarize a letter from DSCC Chairman Bob Kerrey to five potential Democratic



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candidates, including Strickland. Without providing a copy of that letter or quoting it directly, the Rocky Mountain News editorial "summarizes" it as reminding candidates and contributors "that the money raised for the DSCC can be earmarked right back to the candidates." That characterization of Senator Kerrey's letter is simply inaccurate. In fact, the DSCC letter from Senator Kerrey states explicitly that "[t] money you raise now and throughout 1996 will enable us to fully fund Colorado and our other competitive Senate races around the country." (A copy of the letter is attached at Tab U (emphasis added).) Later in the letter Senator Kerry states that the tallied funds raised "are crucial if the DSCC is to reach its goal of fully funding our Democratic nominees." (Id. (emphasis added).) Senator Kerrey's letter is accurate, consistent with the MUR 3620 conciliation agreement, and completely lawful.

**Torricelli For U.S. Senate, Inc.**

When originally filed, the NRSC's complaint made no specific allegation about the Torricelli campaign. On October 22, however, the NRSC amended its complaint with a transcript of Torricelli talking about campaign resources. Once again the NRSC has taken out of context an innocent statement regarding the tally program. Torricelli was asked whether he anticipated that the "Democratic Political Committee" would give him money. In response, Torricelli was obviously attempting to draw a distinction between the DSCC's and NRSC's fundraising ability. According to Torricelli, while the NRSC is able to raise enough money to fund section 441a(d) activities by itself, the DSCC requires that its candidates help raise the money it uses to fund section 441a(d) expenditures. The "extraordinary deal" remark clearly refers to the fact that Democratic candidates have to be far more involved in Party fundraising than Republicans.

This is another example of how the NRSC took an isolated statement by a candidate out of context and yet ignored completely the fact that there is no evidence that any contributors were misled or did not fully understand the tally program. Indeed, as with the Durbin campaign, the objective documentary evidence contradicts the NRSC's suggestion of unlawfulness. For example, Respondents have included a letter dated June 24, 1996 from a DSCC contributor who tallied a contribution in Torricelli's name. In the letter, the contributor clearly states that his or her

contribution is not earmarked and that he or she expects that it will be used by the DSCC as the DSCC sees fit. (See Tab P.)

Finally, as the Commission knows, there is absolutely no evidence that the funds raised by Torricelli for the DSCC were actually treated by the DSCC as earmarked to his campaign. In fact, they were not. Thus, since no contributor was confused, and the funds were not actually treated as earmarked, there cannot be any violation of the Act.

#### **Friends of Mark Warner**

The allegations made with respect to the Warner campaign, perhaps better than any others, illustrate the NRSC's desperation to halt the tally program. The NRSC alleges that the Warner campaign and the DSCC violated the law because DSCC Chairman Bob Kerrey sent a letter to Warner telling him about an upcoming DSCC fundraising event. Not only does this letter not violate the law, but the Warner campaign did not actually receive any section 441a(d) support from the DSCC. Thus, whatever money Warner was able to help the DSCC raise absolutely did not benefit Warner via section 441a(d) expenditures.

#### **Wellstone for Senate**

Finally, the NRSC relies on three sets of documents to demonstrate that Senator Wellstone violated the Act. Once again, the NRSC's efforts are in vein. First, the NRSC provides copies of a Wellstone campaign fax cover sheet on which a campaign worker expresses concern that without a letter of intent from the donor, the DSCC might not tally the contribution. Far from being incriminatory, the Wellstone fax cover sheet provides concrete proof of the DSCC's and Wellstone campaign's vigilance in assuring that contributors were not confused when they made tallied contributions.

Since the DSCC entered into the MUR 3620 conciliation agreement, it has been DSCC policy to require some indicia from a contributor, when possible, that indicates that they understand that their contribution to the DSCC is tallied -- rather than earmarked -- to a candidate. Consistent with that policy, the Wellstone campaign properly asked a DSCC contributor to state in writing that his intent was to tally his contribution to Senator Wellstone.

Not only is such action appropriate, it exemplifies the proper tally procedure to prevent contributor confusion.

Next, the NRSC points to a fundraising solicitation in which Wellstone tells a potential supporter that "anything you can tally would be a tremendous help." Not only is that statement not improper, it is demonstrably true. The fact is that all Democratic candidates are aided when they persuade their supporters to contribute to the DSCC. As the saying goes "a rising tide lifts all boats." So too, the more money candidates raise for the DSCC, the more money there is to fund all DSCC activities, including section 441a(d) coordinated expenditures. Furthermore, a candidate's ability to raise money for the party is an early sign that the campaign is serious and therefore likely deserving of party support. Finally, it is ironic that after dismissing DSCC's disclaimer as "cosmetic" elsewhere, it complains that no disclaimer language was included in this letter. The reason for that, of course, is obvious: The MUR 3620 agreement containing the disclaimer language was not signed until August 1995 -- months after this letter was sent out.

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Lastly, the NRSC complains about March 28, 1996 call sheets. Once again the NRSC fails to explain why it believes it improper for Democratic Senate candidates to make telephone calls to help raise money for the Party. In fact, as noted earlier, the FEC has specifically acknowledged that "[t]he Federal Election Campaign Act of 1971, as amended, does not prohibit party committees from referring to and promoting party candidates in soliciting funds for the committee and candidates may assist party committees in soliciting funds for the committee." (Agreement at § IV, ¶ 11 (emphasis added).) Interestingly, each of the contributors Wellstone was asked to call had been contributors to the DSCC prior to Wellstone's election to the Senate. These contributors were, in every sense of the phrase, DSCC contributors. That they may have also contributed to Wellstone's campaign cannot all of a sudden disqualify them from giving to the DSCC as well.




## CONCLUSION

In sum, it is not surprising that in the wake of a tight election the NRSC chose to file an obviously politically motivated complaint such as this. However, that election is now concluded and it would be unfair for Respondents to have to suffer any further burden as a result of the NRSC's political efforts. The fact is that in framing this complaint the NRSC made no effort to understand the tally program, the record in MUR 3620, or the facts of this matter. As demonstrated above the NRSC took political license to misstate the facts and mischaracterize the law. Whatever political impact the NRSC achieved is now irrelevant. What is important is that the Commission not further the NRSC's abuse of the complaint process by proceeding further.

For the foregoing reasons, MURs 4490 and 4502 should be dismissed.

Respectfully submitted,



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Marc E. Elias  
PERKINS COIE  
607 Fourteenth Street, N.W.  
Washington, D.C. 20005-2011  
(202) 628-6600

Attorneys for Respondents

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Democratic Senatorial )  
 Campaign Committee and )  
 Donald J. Foley, as )  
 treasurer )  
 Abrams Committee, f/k/a )  
 Abrams '92 and Lawrence B. ) MUR 3620  
 Bittenwieser, as treasurer )  
 Feinstein for Senate '94 and )  
 Michael J. Barrett, as )  
 treasurer )  
 Sanford for Senate )  
 Committee and Alton G. )  
 Buck, as treasurer )

RECEIVED  
 FEDERAL ELECTION  
 COMMISSION  
 OFFICE OF GENERAL  
 COUNSEL

Aug 16 11 44 AM '95

## CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints by the National Republican Senatorial Committee and the John Seymour for U.S. Senate Committee. The Federal Election Commission ("Commission") found reason to believe the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, ("DSCC" or "Respondents") violated 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 102.8; 11 C.F.R. § 110.6(b)(2)(iii); and 11 C.F.R. § 110.6(c)(1). The Commission also found reason to believe that the Abrams Committee, f/k/a Abrams '92, and Lawrence B. Bittenwieser, as treasurer; Feinstein for Senate '94, and Michael J. Barrett, as treasurer; and Sanford for Senate Committee, and Alton G. Buck, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).

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NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Democratic Senatorial Campaign Committee is a national committee within the meaning of 2 U.S.C. § 431(14).

2. Donald J. Foley is treasurer of the Democratic Senatorial Campaign Committee.

3. A contribution made by a person, either directly or indirectly, on behalf of a particular candidate, which is in any way earmarked or otherwise directed through an intermediary or conduit, shall be treated as a contribution from such person to such candidate. 2 U.S.C. § 441a(a)(8).

4. Earmarked is defined as a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.

11 C.F.R. § 110.6(b)(1).

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5. A conduit or intermediary means any person (except for a few limited exceptions not applicable to this matter) who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee. 11 C.F.R. § 110.6(b)(2).

6. 11 C.F.R. § 110.6(b)(2)(iii) provides that any person who receives an earmarked contribution shall, among other requirements, forward such earmarked contribution to the candidate or authorized committee in accordance with 11 C.F.R. § 102.8.

7. Section 102.8 provides, inter alia, that earmarked contributions must be forwarded no later than 10 days after receipt.

8. Pursuant to 2 U.S.C. § 441a(a)(8), the intermediary or conduit of an earmarked contribution must report the source of the contribution and the intended recipient to the Federal Election Commission and to the intended recipient. See also, 11 C.F.R. § 110.6(c)(1).

9. Recipient candidates or candidate committees must report earmarked contributions and each conduit or intermediary, who forwards one or more earmarked contributions which in the aggregate exceed \$200 in any calendar year in accordance with 11 C.F.R. § 110.6(c)(2).

10. The national committee of a political party may make expenditures in connection with the general election campaign of a candidate for the office of Senator or of a Representative from a state which is entitled to only one Representative that equals the greater of two cents multiplied by the voting age population of the state, or \$20,000. 2 U.S.C. § 441a(d); 11 C.F.R. § 110.7(b).

11. The Federal Election Campaign Act of 1971, as amended, (the "Act") does not prohibit party committees from referring to and promoting party candidates in soliciting funds for the committee and candidates may assist party committees in soliciting funds for the committee.

12. The DSCC has utilized and utilizes a "tally" program as a means of raising funds on behalf of Democratic senate candidates. Tallied funds are used in part to fund coordinated party expenditures pursuant to 2 U.S.C. § 441a(d) as well as other DSCC activities on behalf of its candidates.

13. Under this program a contributor has the option to "tally" a contribution to the DSCC in the name of a particular candidate, thereby expressing support for that candidate or crediting the candidate with the raising of the contribution for the DSCC's "coordinated expenditure" program and other activities.

14. As part of the tally program, the DSCC and the candidate committees produced and distributed fundraising solicitations requesting contributions be sent to the DSCC and indicating that the contributors can tally their contributions to a specific candidate.

15. Some of these solicitations can be fairly read to solicit earmarked contributions and did not contain further clarification and explanation to avoid such a reading; the following examples are illustrative:

a. "For those of you who have already maxed out to my campaign, the DSCC tally is an avenue through which you can offer more support";

b. "[My] race will be close: the tally sheet will be of vital importance";

c. "As an individual, you can contribute up to \$1,000 directly to my committee. Contributions in excess of \$1,000 must be made payable to the DSCC and marked for my tally";

d. "You can tally your [DSCC] membership to [\_\_]'s campaign. This means that those dollars will go to [\_\_]'s effort";

e. The response card to a request from a candidate's committee to serve on the host committee for a fundraiser on behalf of the candidate, which provided no explanation of the DSCC's tally program, read as follows:

Please reserve a space in my name on the invitation as a Benefactor -- enclosed is my check for \$5,000 (payable to the "Democratic Senatorial Campaign Committee" marked for [\_\_]'s tally) or I pledge to raise \$5,000. Patron -- enclosed is my check for \$2,500 (payable to the "Democratic Senatorial Campaign Committee" marked for [\_\_]'s tally) or I pledge to raise \$2,500. Sponsor -- enclosed is my check for \$1,000 (payable to "[\_\_] for Senate") or I pledge to raise \$1,000;

f. "I must raise an additional \$4 million dollars over the next few weeks. . . . I am counting on you to help me pull it off. If you and [\_\_] have any room to make additional federal contributions, I would be grateful if you could tally money to the DSCC for this effort to defeat [my opponent]";

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g. "If you could make a \$2,000 contribution to [my committee] and a \$10,000 contribution to the DSCC for this effort to defeat [my opponent], it would be one of the building blocks of my campaign";

h. "If you choose to contribute through the DSCC, it is very important that you enclose a letter with your contribution indicating that it is meant for [my tally]. I hope you will consider this as our campaign really needs the support".

16. It was the DSCC's stated policy and practice to inform contributors that the DSCC did not accept earmarked contributions, that the amount of tallied contributions was a significant factor that the DSCC took into account in deciding the amount of 441a(d) expenditures to be made on behalf of a particular candidate, and that the DSCC retained final discretion regarding the use of any tallied contribution. The DSCC acknowledges that this information was not always conveyed to contributors.

17. Some percentage of contributors who responded to these "tally" solicitations earmarked their contributions to the DSCC on behalf of a particular candidate.

18. During the 1992 cycle, the DSCC raised approximately \$8,500,000 in tallied funds. During the 1994 cycle, the DSCC raised approximately \$11,000,000 in tallied funds. The Commission is not taking the position that all tallied contributions were earmarked, but, without conducting a full investigation, the percentage of contributors who intended that their tallied contributions be earmarked cannot be determined.

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19. The Commission acknowledges that the DSCC may not have intended to solicit earmarked contributions.

20. The tallied contributions that were earmarked for a designated candidate were not treated as earmarked by the DSCC, viz. forwarded to the recipient candidate committees within 10 days, reported as earmarked by the conduit and recipient, and applied to each contributor's limit to the candidate committee's campaign.

V. Because the parties desire an expeditious resolution of this matter, the parties enter into this conciliation agreement prior to the Commission completing its investigation. The parties agree that --

1. The DSCC and certain of its candidates prepared and distributed fundraising solicitations for the DSCC's tally program which can be fairly and reasonably read to mean that contributions would be earmarked for a particular candidate within the meaning of 2 U.S.C. § 441a(a)(8). In response to these solicitations, some contributors earmarked their contributions to the DSCC for a particular candidate.

2. Consistent with its stated policy and practice of not accepting earmarked contributions, the DSCC did not treat such tallied contributions as being earmarked for the designated candidate. When a contribution has been earmarked by a contributor for a particular candidate, a political committee receiving the contribution must follow the requirements of the Act, which the DSCC did not do in violation of 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 102.8, 110.6(b)(2)(iii) and

110.6(c)(1). Some of the funds received by the candidate committees as coordinated party expenditures from the DSCC were earmarked contributions which the DSCC, inter alia, failed to report as earmarked contributions and the candidate committees, in turn, did not report as earmarked contributions, in violation of 11 C.F.R. § 110.6(c)(2).

3. The parties agree that the solicitations could have been clarified to avoid soliciting earmarked contributions by additional DSCC efforts to assure that its staff and the candidate committees had a better understanding of the tally program and communicated this understanding more effectively to donors when soliciting for the DSCC's tally program.

VI. 1. DSCC will pay a civil penalty to the Commission in the amount of seventy-five thousand dollars (\$75,000), pursuant to 2 U.S.C. § 437g(a)(5)(A); such penalty to be paid as follows:

a. An initial payment of \$25,000 due within 30 days after the effective date of this conciliation agreement.

b. Thereafter, two consecutive monthly installment payments of \$25,000 each, due 60 and 90 days after the effective date of this conciliation agreement.

c. In the event that any installment payment is not received by the Commission by the fifth day after it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the DSCC. Failure by the Commission to

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accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

2. The DSCC agrees to implement the following remedial steps.

a. For contributions to the DSCC that appear to be earmarked, the DSCC will refund the contributions or forward the contributions to the designated candidate, in accordance with 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 102.8, 110.6(b)(2)(iii), and 110.6(c)(1).

b. On an on-going basis, the DSCC will provide additional education and training to DSCC staff and participants in the tally program, including the staff of Democratic senate candidates, which will emphasize that: (1) DSCC does not accept contributions earmarked for a particular candidate; (2) tallied contributions will be spent for DSCC activities and programs as the Committee determines within its sole discretion; and (3) contributors must be advised of (1) and (2) above when the DSCC and tally program participants solicit tallied contributions.

c. The DSCC will utilize standard language in its solicitations pertaining to the tally program and, as part of its education and training, will instruct its tally participants to include this language in solicitations distributed by such candidates, their committees and their agents. This language will provide, in substance, that the DSCC does not accept contributions earmarked for a particular candidate and that tallied

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contributions will be used as the DSCC determines in its sole discretion. At a minimum, the language will state that:

The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

d. The DSCC will implement reasonable procedures to review DSCC and Democratic Senate candidate fundraising solicitations pertaining to the tally program to ensure that the solicitations cannot be reasonably read to solicit earmarked contributions, in accordance with the requirements of Section VI(2)(b)-(c) of this agreement.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Except as provided in Section VI, paragraph (1)(b)-(c), Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble (LQ)  
Lawrence M. Noble  
General Counsel

8-21-95  
Date

FOR THE RESPONDENTS:

Robert F. Bauer  
Robert F. Bauer  
Counsel to Democratic  
Senatorial Campaign Committee

8-11-95  
Date

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B

**PERKINS COIE**  
**POLITICAL LAW GROUP**

TO: DSCC Fundraising Staff  
FROM: Perkins Coie Political Law Group  
RE: Tally Program Compliance

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Last August the DSCC and the FEC entered into a conciliation agreement to settle various complaints against the DSCC's tally program. As a part of that settlement, we exacted significant concessions from the FEC, including an acknowledgment that, properly conducted, the tally program is legal. As for the DSCC, it agreed to implement the following "remedial" steps:

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1. Any contributions that is received by the DSCC that appears to be earmarked to a particular candidate must be returned. In past cycles those contributions were deposited and a form letter was sent to the contributor. This no longer is acceptable. Any check that bears the name of a candidate, including a memo line note such as "tally to \_\_\_\_\_" or "for \_\_\_\_\_" must be returned unless it is accompanied by a properly worded letter or response card, signed by the contributor, that indicates that the donor understands the tally program (see number 3 below for acceptable language). The returned check may be accompanied by a proper solicitation for a new contribution.
  2. We must tell our candidates and contributors that the DSCC does not accept earmarked contributions and that tallied contributions are spent for DSCC activities and programs as the Committee determines within its sole discretion.

---

For more information:

Robert F. Bauer	(202) 434-1602	Marc E. Elias	(202) 434-1623
Judith L. Corley	(202) 434-1622	Alicia Alexion (Legal Assistant)	(202) 434-1658
B. Holly Schadler	(202) 434-1630	Compliance Specialist	

24 Hour Pager 1-800-608-5145

3. All tally solicitations by the DSCC, its candidates and agents must include the following language:

The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

This language should be included as its own paragraph or a part of another but it must be included in its entirety.

4. The DSCC should review candidate tally fundraising solicitations, when possible, to make sure they comply with the requirements set forth above. To make this task easier we will be sending a memorandum to all candidates in the next few days informing them about the tally program.

While some of these requirements require effort and attention, the good news is that if we comply with them the tally program can continue to be a valuable DSCC fundraising program. In the future we will be providing further written and oral guidance regarding the tally program to both the DSCC staff and candidates. In the meantime, if you have any questions please do not hesitate to contact one of us.

MEE:mee

**PERKINS COIE**  
**POLITICAL LAW GROUP**

TO: 1996 Democratic Senate Candidates

FROM: Robert F. Bauer, General Counsel  
Democratic Senatorial Campaign Committee

RE: Tally Program Compliance

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As you know the "tally program" is one of the DSCC's most important and successful fundraising programs. So that you can fully participate in this program, we provide the following guidance:

1. Tally is not an earmarking program; indeed, the DSCC does not accept earmarked contributions. Therefore, any contributions that is received by the DSCC that appears to be earmarked to a particular candidate will be returned. Any check that bears the name of a candidate, including a memo line note such as "tally to \_\_\_\_\_" or "for \_\_\_\_\_" will be returned unless it is accompanied by a signed and properly worded letter or response card that indicates that the donor understands the tally program (see number 3 below for acceptable language). The returned check may be accompanied by a proper solicitation for a new contribution.
2. Candidates and their fundraising agents should tell contributors solicited for tally contributions that the DSCC does not accept earmarked contributions and that tallied contributions are spent for DSCC activities and programs as the Committee determines within its sole discretion.

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For more information:

Robert F. Bauer	(202) 434-1602	Marc E. Elias	(202) 434-1625
Judith L. Corley	(202) 434-1622	Alicia Alexion (Legal Assistant-	(202) 434-1658
B. Holly Schadler	(202) 434-1634	Compliance Specialist)	

24 Hour Pager 1-800-608-3145



3. All written tally solicitations should include the following language:

The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

This language should be included as its own paragraph or a part of another and should be included in its entirety.

4. Candidates are encouraged, when possible, to have the DSCC review tally fundraising solicitations.

The tally program will continue to be a valuable DSCC fundraising program. In the future we will be providing further written and oral guidance regarding the tally program to you. In the meantime, if you have any questions please do not hesitate to contact the DSCC.

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D



## Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

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Women's Council  
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Barbara Boxer, CA

Leadership Circle  
Kent Conrad, ND

Labor Council  
Russ Feingold, WI

DSCC Roundtable  
David Pryor, AR  
Carol Mosley-Braun, IL  
Patty Murray, WA

February 8, 1996

Thank you for your recent contribution to the Democratic Senatorial Campaign Committee. However, we are unable to accept your generous contribution due to Federal Election Commission guidelines regarding "earmarked" contributions.

The memo line of your check indicates that your contribution is for the "Wyden Campaign." In order to avoid any misperception concerning the intent of your contribution, I am returning your check. While the Oregon Senate race ended with a victory for Senator Ron Wyden, it proved to be extremely expensive and the campaign needs to pay-off a debt. If you would like to help Senator Wyden reduce his campaign debt, please make your check payable to Wyden for Senate and send it to the following address:

Wyden for Senate  
P.O. Box 3498  
Portland, OR 97208

Thank you for your cooperation in assisting the DSCC to comply with federal campaign laws, and for your support of Senator Wyden.

Sincerely,

Tim Tozer  
Finance Assistant

*Paid for and authorized by the Democratic Senatorial Campaign Committee  
Contributions are not tax deductible.*

97043804628

E



# Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447  
Internet: info@dsc.org

J. Robert Kerrey, NE  
Chairman

June 24, 1996

Program Chairs

Next Majority Trust  
John Breaux, LA

Women's Council  
Barbara Mikulski, MD  
Barbara Boxer, CA

Leadership Circle  
Kent Conrad, ND

Labor Council  
Rust Feingold, WI

DSCC Soundtable  
David Pryor, AR  
Carol Moseley-Braun, IL  
Patty Murray, WA

Thank you for your \$5,000 contribution to the Democratic Senatorial Campaign Committee. Unfortunately, we cannot accept the check in its current form because it is made payable to the "DSCC for Benefit of Ben Nelson." Under federal law, the DSCC is prohibited from accepting contributions earmarked for Senate candidates. That is to say the DSCC may not serve as a conduit in order to funnel money directly to our Senate candidates. In order for your contribution to be in compliance with federal election laws, please issue a replacement check made payable to the "DSCC."

The DSCC may allocate a certain amount of money to each state based upon population. For the 1996 Senate campaign in Nebraska, the DSCC may spend up to \$165,126 to support Governor Nelson in his bid for the U.S. Senate. Senator Bob Kerrey has already pledged that the DSCC will do everything possible to ensure Governor Nelson succeeds Senator Exon as the next U.S. Senator from Nebraska. Your participation in the DSCC will help make this possible.

Along with your contribution, I have enclosed information regarding the DSCC's "tally" program. Please read the information carefully, and if you should have any questions please feel free to call me at (202) 224-2447. Thank you for your patience and understanding in assisting the DSCC to properly comply with federal election guidelines and restrictions.

Sincerely,

Tim Tozer  
Finance Assistant

9704380462





## Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

Internet: info@dsc.org

J. Robert Forrey, NE

Chairman

### Program Chairs

#### Next Majority Trust

John Breaux, LA

#### Women's Council

Barbara Mikulski, MD

Barbara Boxer, CA

#### Leadership Circle

Kent Conrad, ND

#### Labor Council

Russ Feingold, WI

#### DSCC Roundtable

David Pryor, AR

Carol Moseley-Braun, IL

Patty Murray, WA

November 14, 1995

Thank you for joining Senator Daschle and the DSCC on November 6, 1995. Your support will provide Senator Daschle and the DSCC with the resources necessary to wage successful Senate campaigns in 1996.

As per a telephone conversation between Kim Koivisto of Senator Daschle's office and your office, I am returning your recent contribution. The memo line of your check states that the contribution is "in honor of Senator Simon and Daschle." Since it is unlawful for the DSCC to "earmark" contributions, we are obligated to return your check under federal law. If you should desire to issue a replacement check, please do so at your earliest convenience. Your cooperation and understanding in helping the DSCC comply with federal election guidelines is appreciated.

Thank you again for your support of Senator Daschle and the DSCC.

Sincerely,

Tim Tozer  
Finance Assistant

G



# Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

Internet: info@dsc.org

## Democratic Senatorial Campaign Committee THE TALLY OPTION

**J. Robert Korry, ME**  
Chairman

**Program Chairs**

**Nest Majority Trust**  
John Breaux, LA

**Women's Council**  
Barbara Mikulski, MD  
Barbara Boxer, CA

**Leadership Circle**  
Kent Conrad, ND

**Labor Council**  
Russ Feingold, WI

**DSCC Roundtable**  
David Pryor, AR  
Carol Moseley-Braun, IL  
Patty Murray, WA

### WHAT ROLE DOES THE DSCC PLAY?

#### Funding Democratic Senate Nominees

The Democratic Senatorial Campaign Committee is a national party committee formed by the Democratic members of the U.S. Senate to help raise funds to provide campaign services for Democratic U.S. Senate incumbents and candidates throughout the country. The Finance Staff of the DSCC raises funds which are allocated to targeted Democratic Senate races based on factors such as the campaign's need and winability. These funds provide nominees with an extra source of funding apart from what is raised by the individual campaigns. The DSCC raises funds in a variety of ways through its donor programs and through national fundraising activities. PAC and personal funds are accepted by the DSCC. Contributions to the DSCC are not tax deductible under federal law.

### WHY GIVE TO THE DSCC?

Under FEC regulations, an individual may contribute a maximum of \$2,000 directly to a candidate running for Federal office. (\$1,000 in the primary and another \$1,000 for the general election). In addition, an individual may contribute up to \$20,000 annually to a political party organization, such as the DSCC, which is part of the overall federal limit of \$25,000 per person per year as set by the Federal Election Commission. PAC's may contribute a maximum of \$15,000 annually to the DSCC. DSCC contributions allow donors to further support Democratic Senate candidates. This important source of funds can make the critical difference between winning and losing in the final days leading up to an election.

### WHAT DOES "TALLY" MEAN?

When contributing to the DSCC, a donor may request that his or her contribution be "tallied" to the Democratic Senate candidate(s) of his or her choice. This is a way for a donor to express support for a candidate or candidates and how he or she would like the success in raising the contribution credited.

DSCC funds are allocated to targeted Democratic Senate candidates by the Allocation Committee of the DSCC. This committee sets the DSCC allocation policies at its discretion. In allocating funds to candidates, many factors are considered by the DSCC's Senate Allocation Committee such as need, winability, latest polling figures, finances on hand and the amount of funds tallied to the DSCC for that specific candidate. The DSCC maintains a record (a "Tally") of how much money each candidate helps to raise for the Committee. The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion. The DSCC Tally Groundrules are available to candidates, their representatives and donors on request.

### HOW DO I JOIN THE DSCC SO I CAN "TALLY"?

The DSCC has many donor categories and levels of participation for PAC's and individuals, with corresponding benefits for each donor group. All contributions to the DSCC at any donor level may be tallied to specific candidates by the donor. The DSCC requests that donors notify the DSCC in writing of their tally requests within 30 days of the receipt of their contribution. Tally requests in excess of 30 days cannot be honored.

For additional information, please call the DSCC Finance Division at (202) 224-2447.

*Paid for and authorized by the Democratic Senatorial Campaign Committee  
Contributions are not tax deductible.*

9704380463



Host Committee

Ron Burkle  
Edye & Eli Broad  
Bob Burkett  
Diane & John Cooke  
Barry Diller  
Debbie & Sim Farar  
Stanley Hirsh  
Peter M. Hoffman  
David Geffen  
Ed McGrath  
Karen & Gary Winnick

(Host Committee in formation)

**Senator Bob Kerrey**

Chairman of the Democratic Senatorial Campaign Committee

Cordially invites you to join him and special guests

**Senator Barbara Boxer**  
**Senator Chris Dodd**

**Senator Bill Bradley**  
**Senator Carl Levin**

for a reception to benefit the  
Democratic Senatorial Campaign Committee

Friday, June 23, 1995

at the home of  
Ron Burkle  
Green Acres  
Beverly Hills

7:00 p.m.

Cocktails and Hors d'oeuvres

For more information contact  
Tricia Riffenburgh at (818) 980-6961

\$1,000 Contribution  
\$5,000 DSCC California Roundtable membership





**DEMOCRATIC SENATORIAL  
CAMPAIGN COMMITTEE**

- ☐ Yes, I/We will attend. Enclosed is my contribution of \$ \_\_\_\_\_
- ☐ I/We are unable to attend, but would like to help elect Democrats to the Senate.  
Enclosed is my contribution of \$ \_\_\_\_\_
- ☐ Yes, I/We would like to join the DSCC's California Roundtable.  
Enclosed is my contribution of \$5000 which will entitle me to a one year membership.
- ☐ I/We would like to tally my contribution to \_\_\_\_\_  
(See Reverse for Details)

Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

Name \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Home Address \_\_\_\_\_

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

Title or Position \_\_\_\_\_ Self-Employed ☐

Employer or Firm \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Business Address \_\_\_\_\_

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

**Make checks payable to:**

Democratic Senatorial Campaign Committee, and return in the enclosed envelope to:  
859 Hollywood Way, Suite 294, Burbank, CA 91505

Authorized and paid for by the Democratic Senatorial Campaign Committee.  
Contributions are not tax deductible on federal tax returns.  
Corporate contributions cannot be accepted.

The Democratic Senatorial Campaign Committee (DSCC) is a national party committee formed by the Democratic members of the U.S. Senate to help raise funds to provide campaign services for Democratic U.S. Senate incumbents and candidates throughout the country.

The DSCC can accept donations from individuals up to \$20,000 per calendar year (not to exceed the total \$25,000 yearly federal limit for an individual) and from PACs up to \$15,000 per calendar year.

The DSCC maintains a record (a "Tally") of how much money each candidate helps to raise for the Committee. The amount of money to be spent by the DSCC on behalf of the party nominee is based on the nominee's tally record and among other factors, the nominee's likelihood of winning and need for DSCC funds.



Senator Paul Wellstone

Senator Bob Kerrey

Chairman of the Democratic Senatorial Campaign Committee

request the pleasure of your company  
at a dinner to support

the Democratic Senatorial Campaign Committee

at  
the home of

Janice and Mark Dayton

Monday, August 19, 1996  
6:00 pm dinner

1701 Mount Curve Avenue  
Minneapolis, Minnesota

\$5,000 contribution  
Business Attire

R.S.V.P. Card Enclosed or call  
Mark Dayton at (612)377-5747

- \* The Democratic Senatorial Campaign Committee (DSCC) is a national party committee formed by the Democratic members of the U.S. Senate to help raise funds to provide campaign services for Democratic U.S. Senate incumbents and candidates throughout the country.
- \* Under federal law, the DSCC may contribute up to \$12,500 per election cycle to candidates for the U.S. Senate. In addition, the DSCC may make expenditures in connection with the general election campaigns of Democratic nominees for the U.S. Senate. The amount the DSCC may spend on behalf of a nominee is based on the voting age population of that nominee's home state. The DSCC raises funds in a variety of ways - through DSCC donor programs, the Next Majority Trust, Leadership Circle, DSCC Roundtable and Women's Council; and through special events and national fundraising activities.
- \* The DSCC can accept donations from individuals up to \$20,000 per calendar year (not to exceed the total \$25,000 yearly federal limit for an individual) and from PAC's up to \$15,000 per calendar year.
- \* The DSCC maintains a record (a "Tally") of how much money each candidate helps raise for the Committee. The DSCC does not accept contributions ear marked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.
- \* Paid for and authorized by the Democratic Senatorial Campaign Committee. Contributions are not tax deductible.



YES, I would like to support the Democratic Senatorial Campaign  
Committee and help elect Democrats to the U.S. Senate!

☐ I will attend the reception and dinner (\$5,000)  
☐ I am unable to attend, but want to help. Enclosed is my contribution in  
the amount of \_\_\_\_\_

Please make checks payable to the Democratic Senatorial Campaign  
Committee. If you prefer to pay by credit card, please complete the following  
information:

☐ Visa ☐ MasterCard  
Number \_\_\_\_\_ Exp. Date \_\_\_\_\_

Federal Law requires political committees to report the name, mailing address, occupation  
and name of employer for each individual whose contributions aggregate in excess of \$200  
in a calendar year.

Name \_\_\_\_\_

Address \_\_\_\_\_

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

Phone \_\_\_\_\_ Bus. Phone \_\_\_\_\_

Self Employed \_\_\_\_\_ Title or Position \_\_\_\_\_

Employer (or Firm) \_\_\_\_\_

Bus. Address \_\_\_\_\_

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

Contributions are not tax deductible. Paid for and authorized by the Democratic Senatorial Campaign  
Committee, 420 South Capitol Street, SE Washington, DC 20003, (202) 224-2447.

97043804638.

9 7 0 4 3 8 0 4 6 3 7



HOUSE

Dionne Davies  
Robert Fitch  
George Gould  
Sonny Hall  
Jim and Warrie Price  
Paul Quinn  
Thomas H. Quinn  
Bob and Marcia Riesman  
Mark Weiner

*Committee in Formation*

Pell



SENATE DEMOCRATIC LEADER  
Senator Tom Daschle

DEMOCRATIC SENATORIAL  
CAMPAIGN COMMITTEE CHAIRMAN  
Senator Bob Kerrey

and

US SENATE CANDIDATE  
Congressman Jack Reed

*invite you to join them at a reception  
saluting the distinguished career of retiring*

*Scholarship Endowment Pell*

*to benefit the*

Democratic Senatorial Campaign Committee's  
efforts to elect a new Democratic Majority  
and Congressman Jack Reed as the next  
Democratic Senator from Rhode Island

*at the home of Thomas H. Quinn  
1217 28th Street, NW  
Washington, DC*

*Wednesday, April 2, 1996  
6:00 PM*

*Minimum Contribution: \$1,000*

*Please RSVP by enclosed card or call  
Chris Long at (703) 790-3095 or  
Liz Salter (202) 405-3136*

*Filed for by the Democratic Senatorial Campaign Committee*

ESTABLISHED 1978

- ☐ Yes! I will attend the Salute to Senator Pell.  
(\$1,000 Contribution). Amount \$ \_\_\_\_\_
- ☐ No, I am unable to attend, but enclosed is  
my contribution of \$ \_\_\_\_\_

*Please make checks payable to the Democratic Senatorial Campaign Committee.  
If you prefer to pay by credit card, please complete the following information:*

☐ VISA ☐ MASTERCARD

NUMBER \_\_\_\_\_

EXP. DATE \_\_\_\_\_

*Federal law requires political committees to report the name, mailing address,  
occupation and name of employer for each individual whose contributions  
aggregate in excess of \$200 in a calendar year.*

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

BUSINESS PHONE \_\_\_\_\_

TITLE OR POSITION \_\_\_\_\_

☐ SELF EMPLOYED

EMPLOYER (OR FIRM) \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP \_\_\_\_\_

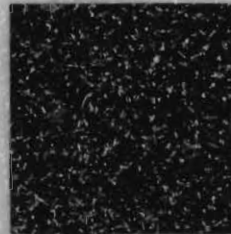
TICKETS UNDER THE NAME: \_\_\_\_\_

RESERVE: \_\_\_\_\_

I understand the tally system, and would like my contribution tallied to the  
Rhode Island nominee

Signature \_\_\_\_\_

Paid for by the Democratic Senatorial Campaign Committee



ATTENTION: LIZ SILVA

430 South Capitol St., SE

Washington, DC 20003

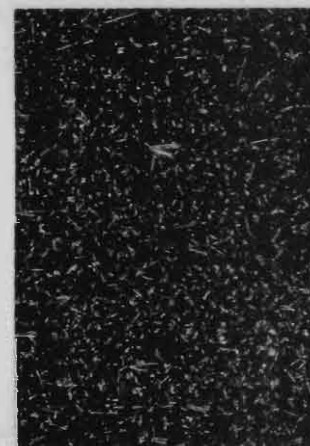


97043804638



- The Democratic Senatorial Campaign Committee (DSCC) is a national party committee formed by the Democratic members of the U.S. Senate to help raise funds to provide campaign services for Democratic U.S. Senate incumbents and candidates throughout the country.
- Under federal law, the DSCC may contribute up to \$17,500 per election cycle to candidates for the U.S. Senate. In addition, the DSCC may make expenditures in connection with the general election campaigns of Democratic nominees for the U.S. Senate. The amount the DSCC may spend on behalf of a nominee is based on the voting age population of that nominee's home state. The DSCC raises funds in a variety of ways: through DSCC donor programs, the Near Minority, First Leadership Fund, DSCC Roundtable, and Women's Councils, and through special events and national fundraising activities.
- The DSCC can accept donations from individuals up to \$20,000 per calendar year (not to exceed the total \$25,000 yearly federal limit for an individual) and from PAC's up to \$15,000 per calendar year.
- The DSCC maintains a record (a "Tally") of how much money each candidate helps raise for the Committee. The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.
- Paid for and authorized by the Democratic Senatorial Campaign Committee, Donald J. Foley, Treasurer. Contributions are not tax deductible.

A SALUTE TO SENATOR PELL



WELCOME TO JACK REED

THE HONORABLE JIMMY CARTER

THE HONORABLE SAM NUNN

and

THE HONORABLE ZELL MILLER

Cordially invite you to attend a dinner honoring

MAX CLELAND

in his bid for the United States Senate

On Monday, September 30, 1996

at the JW Marriott Hotel  
3300 Lenox Road, N.E.  
Atlanta, Georgia

7:00 - 9:00 p.m.  
Business Attire

\$1,000 per person dinner  
\$10,000 host committee

Please RSVP by enclosed card or call Tommy Thompson at (770)458-2662

Paid for by the Democratic Senatorial Campaign Committee.  
Contributions are not tax deductible

The Democratic Senatorial Campaign Committee (DSCC) is a national party committee formed by the Democratic members of the U.S. Senate to help raise funds to provide campaign services for Democratic U.S. Senate incumbents and candidates throughout the country.

The DSCC can accept donations from individuals up to \$20,000 per calendar year (not to exceed the total \$25,000 yearly federal limit for an individual) and from PACs up to \$15,000 per calendar year.

The DSCC does not accept contributions earmarked for a particular candidate. The DSCC maintains a record (a "Tally") of how much money each candidate helps to raise for the Committee. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

#### Allocation Formula for Funds

The allocation for funds raised under this Agreement shall be as follows:

Contributors shall be advised and the proceeds shall be allocated as follows:

The first \$1,000 of each contribution from an individual and the first \$5,000 of any contribution from a qualified multicandidate committee PAC will be allocated to Friends of Max Cleland Campaign Committee and designated for the general election. Any portion of any contribution in excess of these amounts or that would cause a contributor to exceed applicable contribution limits to Friends of Max Cleland Campaign Committee will be allocated to the DSCC.

All other contributions to the extent they are allowed under Georgia law, such as individual contribution in excess of federal limits, will be allocated to the DSCC.

Yes! I Would Like To Support the  
Georgia Victory Fund  
And Help Elect Max Cleland To The U.S. Senate!

- ☐ I will serve on the Host Committee, be a table buyer (10 seats) and attend the special reception (\$10,000).  
☐ I will attend the dinner (\$1,000).

For additional details, please call Tommy Thompson at (770)458-2562

Please make checks payable to "Georgia Victory Fund."  
Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

Name \_\_\_\_\_

Address \_\_\_\_\_

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

Phone \_\_\_\_\_ Bus. Phone \_\_\_\_\_

Self Employed \_\_\_\_\_ Title or Position \_\_\_\_\_

Employer (or Firm) \_\_\_\_\_

Paid for by the Democratic Senatorial Campaign Committee.  
Contributions to this committee are not deductible for federal income tax purposes.  
Please see notice for more details.

97043804649





# Democratic Senatorial Campaign Committee

430 South Capitol Street, S.E., Washington, D.C. 20003 • (202) 224-2447

Internet: info@dscc.org

I. Robert Torrey, MD  
Chairman

Program Chair

West Majority Trust  
John Brown, LA

Women's Council  
Barbara Mikulski, MD  
Barbara Sauer, CA

Leadership Chair  
Kent Conrad, ND

Labor Council  
Rosa Fungfeld, WI

DSCC Board Chair  
David Pryor, AR  
Carol Moseley-Brown, IL  
Patty Murray, WA

## FAX COVER SHEET

Please Deliver As Soon As Possible

Date: \_\_\_\_\_ Time: \_\_\_\_\_

To: Laurie Borders

From: LISA COWELL

Send to FAX #: 312-832-0468

COMMENTS: Caught a typo. looks ok. If

you want to add the "tally" option - you

MUST also include the language attached -

(see \*) in place noted. They must write in a

name (hopefully DD!!) and sign. Can do this in

lieu of a tally letter. If you do this, please fax to me so I

Number of Pages to Follow: 4

DSCC Telephone: (202) 224-2447

Lisa Cowell's Direct Line: (202) 485-3110

DSCC FAX: (202) 485-3120

①

## Durbin Contribution Form

### Contribution List & Edition Number

#### Contribution

\$500 #  
\$500 #  
\$1,500 #  
\$2,500 #  
\$1,000 #  
\$1,000 #  
\$1,000 #

#### Contribution

\$2,500 #  
\$1,000 #  
\$1,000 #  
\$1,000 #  
\$500 #  
\$750 #

Total Contribution: \_\_\_\_\_

### Payment

#### Check

Please make checks payable to the Illinois Scante Victory Fund.

#### Visa & Mastercard Payment

Name (as appears on Credit Card): \_\_\_\_\_

Card #: \_\_\_\_\_

Exp Date

Expiration Date: \_\_\_\_\_

### Shipping and Handling Charges

Please make shipping checks payable to

#### Shipping:

\$20 - Wegman & Bolser prints only  
\$50 - 4 or less prints  
\$75 - more than 4 prints  
\$125 - set

*SS* This is a joint ....

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Occupation: \_\_\_\_\_

Employer: \_\_\_\_\_

→ ☒ Please tally

My contribution should be designated according to the allocation formula stated on the reverse.

Signature: \_\_\_\_\_

97043804643



**Durbin***Take 9B  
Durbin letterhead  
& use plan*

(2)

## Illinois Senate Victory Fund

Illinois Senate Victory Fund is a joint fundraising committee authorized by Friends of Dick Durbin and the Democratic Senatorial Campaign Committee (DSCC).

The first \$1000 of each federal contribution from an individual and up to the first \$5000 of a contribution from a qualified multi-candidate committee PAC will be allocated to Friends of Dick Durbin and designated for the general election. Any portion of any contribution in excess of these amounts or that would cause a contributor to exceed applicable contribution limits to Friends of Dick Durbin will be allocated to the DSCC.

Notwithstanding the allocation formula, any contributor may designate his or her contribution for a particular participant. The allocation formula above may change if any contributor makes a contribution that, when allocated, would exceed the amount he or she can lawfully give to any participants.

The DSCC is a national party committee, formed by the Democratic United States Senators to help raise funds for the Democratic U.S. Senate candidates throughout the country. It can accept donations from individuals of up to \$20,000 per calendar year (not to exceed the total \$25,000 yearly federal limit) and from PAC's up to \$15,000 per calendar year.

TH → X

The DSCC is authorized to allocate \$1.1 million in Illinois to support the Durbin for Senate Campaign. Illinois Senate race.

For more information please contact Nancy Kohn, Chicago Finance Director, Friends of Dick Durbin, (312) 832-9600.

Paid for by Illinois

Friends of Dick Durbin

800 N. Dearborn, Suite 300, Chicago, IL 60610 P.O. Box 1840, Springfield, IL 62715



Front

## DURBIN

- ☐ I will attend the October 12, 1996 Fundraiser
- ☐ Enclosed is my contribution:
- ☐ \$100 Individual Ticket
- ☐ \$500 Patron
- ☐ \$1,000 Sponsor
- ☐ I cannot attend, but want to help Dick Durbin.  
Enclosed is my contribution of \$\_\_\_\_\_.

This is a joint fundraising event for Friends of Dick Durbin and the Democratic Senatorial Campaign Committee. Please make checks payable to "Illinois Senate Victory Fund."

Federal law requires political committees to report the names, mailing address, occupation and name of employer for each individual whose contributions aggregate to more than \$100 in a calendar year.

NAME \_\_\_\_\_

RESIDENCE ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

TITLE OR POSITION \_\_\_\_\_ ☐ SELF EMPLOYED

EMPLOYER (OR FIRM) \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

My contribution should be designated according to the allocation formula listed on the reverse.

SIGNATURE \_\_\_\_\_

Back

ILLINOIS SENATE  
VICTORY FUND

Illinois Senate Victory Fund is a joint fundraising committee authorized by Friends of Dick Durbin and the Democratic Senatorial Campaign Committee (DSCC).

The first \$1,000 of each federal contribution from an individual and up to the first \$5,000 of a contribution from a qualified multi-candidate committee PAC will be allocated to Friends of Dick Durbin and designated for the general election. Any portion of any contribution in excess of these amounts or that would cause a contributor to exceed applicable contribution limits to Friends of Dick Durbin will be allocated to the DSCC.

Notwithstanding the allocation formula, any contributor may designate his or her contribution for a particular participant. The allocation formula above may change if any contributor makes a contribution that, when allocated, would exceed the amount he or she can lawfully give to any participants.

The DSCC is a national party committee, formed by the Democratic United States Senators to help raise funds for the Democratic U.S. Senate candidates throughout the country. It can accept donations from individuals of up to \$20,000 per calendar year (not to exceed the total \$25,000 yearly federal limit) and from PAC's up to \$15,000 per calendar year.

The DSCC is authorized to allocate \$1.1 million in Illinois to support the Durbin for Senate Campaign.

For more information please contact Nancy Rubin, Chicago Finance Director, Friends of Dick Durbin, (312) 432-9690.

The Democratic Senatorial Campaign Committee (DSCC) is a national party committee formed by the Democratic members of the U.S. Senate to help raise funds to provide campaign services for Democratic U.S. Senate incumbents and candidates throughout the country.

The DSCC can accept donations from individuals up to \$20,000 per calendar year (not to exceed the total \$25,000 yearly federal limit for an individual) and from PACs up to \$15,000 per calendar year.

The DSCC does not accept contributions earmarked for a particular candidate. The DSCC maintains a record (a "Tally") of how much money each candidate helps to raise for the Committee. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

- ☐ Yes, I/We will attend. Enclosed is my contribution of \$ \_\_\_\_\_
- ☐ I/We are unable to attend, but would like to help elect Democrats to the Senate.  
Enclosed is my contribution of \$ \_\_\_\_\_
- ☐ I/We would like to tally my contribution to \_\_\_\_\_  
(See Reverse for Details)

Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year.

Name \_\_\_\_\_ Phone \_\_\_\_\_  
Home Address \_\_\_\_\_  
City and State \_\_\_\_\_ Zip \_\_\_\_\_  
Title or Position \_\_\_\_\_ Self-Employed ☐  
Employer or Firm \_\_\_\_\_ Phone \_\_\_\_\_  
Business Address \_\_\_\_\_  
City and State \_\_\_\_\_ Zip \_\_\_\_\_

Make checks payable to:

Democratic Senatorial Campaign Committee, and return in the enclosed envelope to:  
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The DSCC Tally Program:  
Recycling or Electioneering?

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May 22, 1995

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This analysis uses statistical techniques to examine the strategy used by the Democratic Senatorial Campaign Committee (DSCC) in its allocations of funds to senate candidates in the 1992 and 1994 elections. In particular, it focuses on the allocations of funds that are a part of the DSCC's tally program -- that is, contributions to the party that were generated through the efforts of individual candidates. The question is: in making allocations to candidates, did the DSCC focus on the amount of tally receipts collected by a candidate for the party, with candidates who tallied more receiving larger allocations (the recycling hypothesis)? Or does the DSCC's allocation strategy reflect a wider range of factors, consistent with the goal of allocating funds so as to preserve the party's incumbent base and elect as many challengers as possible (the electioneering hypothesis)? That is, are DSCC allocations driven by the goal of recycling tally funds, or by the goal of electing candidates to office?

Evaluating these hypotheses is not an easy task, owing to the small number of cases available for analysis (35 each in 1992 and 1994) and the FEC-mandated state-by-state limits on DSCC allocations. Nevertheless, analyses of 1992 and 1994 tally and allocation data, with appropriate controls for factors such as the electoral prospects of different candidates, their ability to raise funds, and the variable cost of campaigning in different states, indicate that the recycling hypothesis is an insufficient explanation of the DSCC's allocation strategy. Rather, consistent with the electioneering hypotheses, DSCC allocations are strongly influenced by political variables, such as the closeness of a race and the cost of campaigning.

This paper proceeds as follows. First it describe the recycling and electioneering hypotheses, noting, where appropriate, the differences in their predictions concerning variation in tally receipts and in DSCC allocations across candidates. It then turns to a critical test of these predictions using various multivariate statistical techniques, including maximum likelihood estimation, followed by an interpretation of the results and a brief conclusion. (The technical details of these estimations, along with the parameter estimates, are in Appendix One.)

### The Two Hypotheses: Predictions about Allocation and Tallying

This section sets out the two hypotheses, recycling and electioneering, that frame later analysis of tallying and allocation. In essence, each hypothesis is a claim about the motives that underlie the DSCC's allocations to candidates running under the party label. In addition, predictions are made about the pattern of tally receipts and allocations that would be observed if a given hypothesis were true. The central goal of the analysis presented later is to test these predictions and determine which if any are true.

#### The Recycling Hypothesis

The essence of the recycling hypothesis is simple. By law, individuals are severely limited in the amount of money they can contribute directly to a senate candidate. However, the limits for contributions to a party committee such as the DSCC are much higher. Moreover, while the DSCC is limited by law in the amounts it can contribute to a senate candidate, these limits are far higher than those faced by individual contributors. Hence, it is logically possible that the DSCC could function as a mechanism for contributors to bypass the limits on individual contributions. This result would arise if the DSCC kept track of how much individual candidates raised for the committee through the tally program, then returned tallied contributions to the candidates who helped to raise them. Contributors would be writing a check to the party, but they would be in effect helping their favored candidate get elected.

Two predictions, one dealing with allocations and one with tally receipts, follow from

the recycling hypothesis. To begin with, if the recycling hypothesis is true, a candidate's allocation should be closely related to his or her tally receipts. That is, candidates who tallied extensively should receive large allocations, while candidates who tallied relatively smaller amounts (for whatever reason) should receive smaller allocations. More specifically, the recycling hypothesis implies that a candidate's allocation from the DSCC should equal 100 percent of his or her tally, consistent with the notion that the DSCC keeps records on the amount of tallied funds raised by each candidate, then eventually returns these contributions to the candidate who raised them in the form of coordinated spending.<sup>1</sup>

The second prediction concerns candidates' propensity to raise tally funds. Specifically, if the DSCC returned 100 percent of tally receipts to the candidates who helped to raise them, and if this policy were common knowledge (which seems a trivial assumption), then candidates would have considerable incentive to work at generating tally contributions -- the same effort that would produce a relatively small direct contribution could instead be directed at generating a much larger indirect contribution via the tally program. The only limit would be the state-by-state limits on the amount of funds that the DSCC can allocate to candidates. Of course, candidates who are running pro forma campaigns, either because their victory was certain or because they had no chance to win, would not be expected to tally much in any case. But consider candidates locked in close races: they need all the help they can get. Thus, if the recycling hypothesis was true, we would expect that tally receipts would track state allocation limits -- if, say, a state's limit was one million dollars, we would expect the party's candidate from that state, if he or she was in a tight race, to tally roughly that amount. Moreover, we would expect candidates in noncompetitive races to tally virtually nothing at all. And if some tallying is observed from incumbents in the latter group, the amount should be unrelated to their state's allocation limit.

### The Electioneering Hypothesis

The electioneering hypothesis builds on the conventional wisdom on senate elections and the role that contemporary party organizations play in these elections (e.g., Jacobson 1993). The premise of this literature is that the party organizations are purposive actors whose campaign-relevant decisions are a function of two factors, (a) the party's goals and (b) political context, or the electoral prospects of the party's candidates. Simply put, party organizations are expected to focus their efforts -- and their allocations -- on maintaining and increasing the party's cohort in Congress by protecting incumbents and aiding the campaigns of competitive challengers running under the party's banner.

Specifically, the electioneering hypothesis posits that large allocations will be given to two classes of candidates: incumbents who have some significant chance of losing their seat, and challengers with a good chance of either unseating their opponent or of winning an open seat. The remaining types of candidates, incumbents in safe races and challengers with little or no chance of winning, will receive low or no allocations -- safe incumbents do not need funds from the party in order to run a winning campaign, while hopeless challengers are nearly certain to lose no matter what the party does for them. Moreover, allocations will be shaped by the cost of campaigning in different states: looking only at incumbents and challengers running in

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<sup>1</sup> The reader may question the specifics of this prediction, arguing that it is also possible to construct modified versions of the recycling hypothesis in which a lower level of tallies, say 50 percent, was recycled back to candidates, with the remainder reserved for allocations based on political considerations. This possibility is addressed and refuted in later analysis.



competitive campaigns, candidates in states where the cost of campaigning is high will receive larger allocations than candidates in states where the cost of campaigning is low.

Just as with the recycling hypothesis, the electioneering hypothesis implies specific patterns of allocation as well as variation in tally receipts across candidates. To begin with, if the electioneering hypothesis is correct, we should expect to see a candidate's allocation vary with the political variables discussed above.<sup>2</sup> Targeted candidates (incumbents who might lose, challengers who might win) will receive larger allocations than untargeted candidates; within the set of targeted candidates, allocations also vary as a function of the cost of campaigning. (Recall that the recycling hypothesis implies that a candidate's allocation will vary with the size of his or her tally receipts, with no weight attached to political variables.)

The electioneering hypothesis also predicts systematic variation in tally receipts. Specifically, a candidate's tally receipts should vary with his or her campaign prospects and ability to attract campaign contributions. Candidates with relatively poor chances have little incentive to raise funds for the party -- all their efforts will be focused on their own campaigns. Thus, the electioneering hypothesis implies that targeted candidates (incumbents who might lose, challengers who might win) will tally more funds than candidates whose chances are poor as well as more than safe incumbents. However, given the scholarly literature's emphasis on the idea that party organizations work to increase the size of the party's cohort in Congress, the electioneering hypothesis predicts that safe incumbents will tally at a higher rate compared to hopeless challengers, with the expectation that these receipts will be redistributed to targeted candidates. Finally, holding prospects constant, a targeted candidate's ability to generate tally funds should vary with her overall ability to raise funds for her own campaign. (In contrast, the recycling hypothesis posits that the amount of funds tallied by a candidate will vary principally with her state's allocation limit.)

### Analysis and Results

This section presents the results of statistical analysis of the DSCC's tally program for the 1992 and 1994 elections. The technical details of the analysis, including model specifications, variable definitions, estimation techniques, and parameter estimates, are all contained in Appendix 1. This section focuses on interpreting the results of the analysis.

#### Political Factors in the Allocation Process

As noted in the Appendix, the results of statistical analysis of DSCC allocations (as shown in Table One) provides considerable support for the electioneering hypothesis. However, the raw parameter estimates do not by themselves disprove the recycling hypothesis. Additional interpretation of these estimates presented in this section allows a more definitive conclusion, one in favor of the electioneering hypothesis.

Given the form of the recycling hypothesis, one obvious way to interpret the raw

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<sup>2</sup> In addition, as noted in the Appendix, because of data limitations it would be no surprise to find (as later analysis does) a positive relationship between allocations and tally receipts, even if the electioneering hypothesis was true and the recycling hypothesis false. Thus, the critical test between the two hypotheses, recycling and electioneering, lies in a determination of the extent to which political variables played a significant role in determining the allocation of DSCC funds.



estimates in Table One is to plot the maximum and minimum predicted allocations to a candidate as a function of his or her tally receipts. The "Max. Predicted" line shows what the party would give to a candidate who really needs the money and could use it to good effect -- in substantive terms, such a candidate hails from a state where the cost of campaigning is high and is locked in a tight race with his or her opponent. Conversely, the "Min. Predicted" line shows the party's allocation to a candidate who does not need the money -- because he or she is well ahead or hopelessly behind, and in a state with low campaign costs. According to the electioneering hypothesis, there should be considerable distance between the maximum and minimum lines, reflecting the fact that the DSCC's allocation to a candidate varies with the political situation in the candidate's race rather than with his or her tally.<sup>3</sup> In contrast, the recycling hypothesis predicts that the maximum and minimum lines should be close together, and centered on 100 percent -- that is, a candidate's allocation should be a simple reflection of his or her tally, with 100 percent of tally receipts being recycled into an allocation.

The maximum and minimum predicted allocations derived from table one are plotted in figure one for candidates in the 1992 election cycle. A dotted line at 100 percent is added for clarity. (Recall that if the recycling hypothesis is correct, the maximum and minimum predicted allocations should be close to this line.) The plots show that allocations vary the most for low values of tallying, then move closer together (but remain substantially apart) at higher levels of tallying.<sup>4</sup> For example, the analysis reveals that for a candidate who tallied \$250,000, the DSCC's predicted allocation will be between 60 percent and 450 percent of this amount. (This prediction can be seen by looking upward from between the "200" and "300" tick marks on the x-axis of figure one, to the points on the maximum and minimum lines, then over to the y-axis. Note that the scale on the y-axis, measuring the maximum and minimum allocations, is a logarithmic scale.) Similarly, given a candidate who tallied \$1,000,000, the DSCC's predicted

<sup>3</sup> In theory, the min. predicted line for allocations should stay at or near zero regardless of a candidate's tally receipts. However, this plot lies substantially over zero in figures one and two. While it is reasonable to expect that the minimum level of DSCC allocations to a candidate would be zero, two factors combine to raise the min. predicted line over the zero level in our analysis. The first is difficulties involved with measuring a candidate's election prospects. While the analysis uses a well-known and well-accepted measure developed by *Congressional Quarterly*, the discrete nature of this variable undoubtedly omits some of the variation in electoral prospects -- variation which the estimation technique could well attribute to the tally variable in the equation that estimates the DSCC's allocations to a candidate. The second factor is that a candidate's tally receipts may themselves function as a signal of her electoral prospects. For both of these reasons, it is no surprise to find a nonzero min. predicted line. This anomaly presents no problem for the results discussed here, as the fact that the min. and max. predicted lines lie substantially apart in figures one and two is sufficient to support the electioneering hypothesis and refute the recycling hypothesis. In fact, if it were possible to control for the factors noted here, the revised analysis would generate a min. predicted line that was lower than the one shown here, increasing the distance between the max. predicted and min. predicted line, and further supporting the electioneering hypothesis.

<sup>4</sup> The fact that the lines are so far apart at low levels of tallying is no surprise given the electioneering hypothesis: a good candidate who was unsuccessful at tallying will still receive a substantial allocation from the DSCC. At higher levels of tallying, however, the same allocation to the same top-flight candidate is a lower percentage of the (larger) amount tallied. Again, this pattern is precisely what would be expected given the electioneering hypothesis was true and the recycling hypothesis was false.

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allocation is between 60 percent and 200 percent of this amount.

Figure one reveals strong evidence in favor of the electioneering hypothesis. In general, for any level of tallying, there is a wide range of predicted allocations, some far from 100 percent of tally receipts. Depending on their situation, candidates may receive more than 100 percent of their tally receipts from the DSCC, but on the other hand, they may receive substantially less. Clearly, the DSCC's allocation strategy is not one of simple recycling. Rather, the DSCC's allocation decisions appear to be driven by political factors such as candidates' electoral prospects and variation in the costs of campaigning across states.

Figure two repeats this presentation of results for the 1994 election cycle. While the precise shape of the maximum and minimum predicted allocation lines differ somewhat from those derived from the 1992 data, the basic message is the same: allocations can vary widely as a function of political context, but there is no tendency for the allocation lines to cluster near 100 percent, the value predicted by the recycling hypothesis.

The reader may question the conclusion drawn from figures one and two, arguing that the analysis has pitted the electioneering hypothesis against a relatively extreme alternate scenario, one where all tally contributions are recycled back to the candidates who raised them (i.e., the recycling hypothesis). Specifically, the reader might wonder about the validity of a modified recycling hypothesis, where some fixed fraction of tally receipts (e.g., 50 percent) were recycled, with the remainder allocated according to political criteria. Both figures one and two show that this possibility is not supported by the data. The plots describing a candidate's minimum and maximum predicted allocation show that depending on circumstances (the candidate's electoral prospects and the cost of running a campaign in her state), a candidate may receive an allocation that far exceeds his or her tally, or an allocation that is far less than her tally receipts.<sup>5</sup> The predictions also vary across the two election cycles analyzed here. Thus, there is no fixed minimum (or maximum) percentage of tally receipts that candidates can expect as an allocation regardless of their political circumstances.<sup>6</sup> Similarly, contributors lobbied by a candidate to make a contribution at the to the DSCC could not reasonably expect that some fixed percentage of their contribution would be recycled to the candidate in question. Rather, they would have to expect that DSCC allocations would be made based on political context -- a context that may result in an extremely large allocation to their candidate, or a very

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<sup>5</sup> While the figures one and two show a nonzero minimum level of tallying, this finding was shown earlier to be a predictable and nonsubstantive result of anomalies in the data. Even if we accept this result as substantive, it does not support a modified recycling hypothesis (i.e., 50 percent of tally receipts are recycled), as the minimum predicted allocation varies across the range of tally receipts. Attempts to explain this variation as a byproduct of some complex and difficult-to-specify recycling scheme invariably wind up looking identical to the electioneering hypothesis.

<sup>6</sup> Moreover, extreme values of the explanatory variables (campaign costs and campaign prospects) that were not observed in the 1992 or 1994 elections, or additional factors such as an election that is considered a "must win" by the DSCC might push predicted allocations even higher than is seen in figures one and two. Similarly, the DSCC might make no allocation to a candidate whose prospects for winning are considered hopeless, or who is ideologically out of step with the party platform on issues of the highest salience -- even if the candidate has tallied substantial funds to the DSCC. Thus, the variation in allocations observed here is, if anything, an underestimate of what happens and what might happen in the real world.



small, even nonexistent, allocation.

### Political Factors and Tally Receipts

Figure three provides a similar interpretation of the second part of the analysis, relating tally receipts to state allocation limits for the 1992 data. As in figures one and two, the two solid lines plot the maximum and minimum predicted tally receipts for a candidate as a function of the allocation limit for the candidate's state.<sup>7</sup> (However, the scale on the y-axis in figure three is linear rather than logarithmic.) The difference between the maximum and minimum lines represents political context -- the candidate's electoral prospects and his or her ability to raise funds. The "Max. Predicted" line gives the amount of tallying predicted for a candidate who is engaged in a tight race and who has a well-developed fundraising organization, while the "Min. Predicted" gives the expected amount of tallying for a candidate who is well out of the running and expends little effort on the tally program. As in figures one and two, a horizontal (dotted) line at 100 percent is added as a reference. This is the amount of tallying that would be expected under the recycling hypothesis.

As in the case of allocations, the recycling hypothesis predicts that the maximum predicted tally in figure three should lie near 100 percent, reflecting the idea that if that tally receipts are generally returned to candidates, strong candidates should work to generate tally receipts right up to their state's allocation limit, as this limit provides a ceiling on what the party can give to them.<sup>8</sup> If, on the other hand, the electioneering hypothesis is true, the maximum and minimum lines should be relatively far apart, reflecting the notion that tally receipts reflect political context rather than an expectation of recycling. The maximum should not lie near the 100 percent line as well.

The message of figure three is simple: not only do tally receipts vary with political circumstances, they show no signs of tracking allocation limits. In states with low allocation limits, candidates may tally nothing at all -- or they may tally far more than the limit, reflecting the possible variation in election prospects and in candidates' ability to raise funds. As allocation limits increase, candidates are likely to tally something, but far less than the maximum

<sup>7</sup> Again, the min.predicted line is not at the theoretically reasonable position -- at zero regardless of allocation limit -- because of an anomaly in the data. The problem is the empirical regularity that elections in large (high-population) states (i.e., California, New York, etc.) tend to attract national attention. Moreover, owing to this national attention and to the relative partisan balance of these states, their elections almost always feature well-qualified, politically attractive challengers. In contrast, small states with low allocation limits are more likely to have low-salience races with challengers who do not attract much support or run a credible campaign. The result is a nonzero minimum level of tallying, a level which increases with the allocation limit -- the circumstances that would yield zero tallying (the theoretic minimum) simply do not arise in high-allocation limit states. As with the discussion of the minimum level of allocations, this anomaly does not compromise the analysis, as the observed differences between minimum and maximum tallies are sufficient to distinguish between the electioneering and recycling hypotheses. Moreover, absent the empirical regularity discussed here, the minimum predicted tally line would be expected to lie at zero.

<sup>8</sup> One might argue that this expectation might not hold for states with extremely high allocation limits (i.e., California), but it should surely hold for states with low and medium ceilings.



allocation that they could receive from their party. In short, there is no evidence of recycling, and much evidence of electioneering.

A similar pattern is evidenced in the analysis of 1994 tally data as shown in figure four. In fact, the plots are virtually identical. Again, tally receipts are not linear with allocation limits. Moreover, candidates are predicted to tally substantially different amounts depending on their political circumstances.

### Conclusion

Within the limits of available data, the message is clear: the DSCC's allocation of funds collected through the tally program appears to reflect a political strategy, one directed at preserving the party's incumbents running for reelection and electing as many of the party's challengers to office. While there are certainly isolated pieces of evidence that are consistent with the recycling hypothesis, once the results are considered within a multivariate framework, the electioneering hypothesis emerges as the clearly best explanation of the DSCC's actions.

## Appendix One:

### Models, Variables, and Parameter Estimates

To begin with, both the direct test of the role of political factors in allocation decisions (Figures one and two) are derived from a statistical model where DSCC allocations are assumed to be a function of a candidate's election prospects, the cost of campaigning in her state and the amount tallied to the DSCC by the candidate. By simultaneously assessing the importance of political factors and tally receipts in determining allocation decisions, this specification allows the critical test between the recycling and electioneering hypothesis described earlier.

The equation used to analyze DSCC allocations and the associated hypotheses takes on the following form:

$$\text{Allocation} = \beta_0 + \beta_1(\text{Tally}) + \beta_2(\text{Tally} * \text{Chal}) + \beta_3(\text{Target} * \text{Expend}) + \beta_4(\text{Target} * \text{Expend} * \text{Incumb}) \quad (1)$$

Where:

Allocation	The DSCC's allocation to candidate i (\$1000).
Tally	Candidate i's tally receipts to the DSCC (\$1000).
Target	1 if candidate was an incumbent in danger of losing, or challenger with good chance of winning (This measure was constructed from data in <i>Congressional Quarterly's</i> October 1992 and 1994 Election Outlook issues.)
Chal	A dummy variable, 1 if candidate i is a challenger, 0 otherwise.
Expend	A measure of the cost of campaigning in candidate i's home state, as developed by Gronke (1993).
Incumb	A dummy variable, 1 if candidate i is an incumbent, 0 otherwise.

This specification reflects the earlier discussion. The parameters will be estimated separately for 1992 and 1994, allowing for the possibility that the DSCC's allocation strategy might have varied between the two years. The predictions for parameters are as follows. If the electioneering hypothesis is true,  $\beta_3$  should be significant and positive -- that is to say, higher allocations will be made to targeted candidates, and to targeted candidates running in high-cost states. Similarly,  $\beta_4$  should also be positive and significant, reflecting the DSCC's special interest in reelecting incumbents. As noted earlier, a literal reading of the electioneering hypothesis would imply that estimates for both  $\beta_1$  and  $\beta_2$  should be zero (nonsignificant), implying that a candidate's tally has no impact on his or her allocation. However, as noted later, limitations on available data raise the possibility that these parameters will be positive and significant, even if the electioneering hypothesis is true.

If, on the other hand, the recycling hypothesis is true, a different pattern of estimates in the allocation equation should be observed. To begin with,  $\beta_1$  and  $\beta_2$  should both be positive and significant, reflecting the notion that tally receipts are recycled to the candidates who helped to raise them. Moreover,  $\beta_3$  and  $\beta_4$  should both be equal to zero (nonsignificant), reflecting the unimportance of political factors in determining allocation decisions.

Estimation of equation (1) is complicated by the fact that the DSCC's allocations to candidates are limited by a federally-mandated cap on total allocations. The magnitude of the cap varies state-by-state as a function of state population. As a result, the dependent variable - DSCC's allocations to candidate i - may be censored for some observations, meaning that the



DSCC might have wished to donate more money to candidate  $i$  but was limited by the allocation cap in  $i$ 's state. The technical term for this phenomena is *censoring*. Left uncorrected, censoring would bias the analysis, although the direction of the bias is difficult to predict without careful study of the dataset being analyzed. Happily, techniques exist to correct for censoring. This analysis uses the correction discussed in Maddala (1983, 158-160).

Using the correction given in Maddala and estimating the model using maximum likelihood techniques, the resulting parameter estimates are given in table one. In general, the pattern of parameter estimates in table one supports the electioneering hypothesis: political factors appear to play a significant role in determining DSCC allocations. Such a finding is completely contrary to the recycling hypothesis, and places its validity in doubt. However, table one also shows the tally variables to be significant which, while not surprising, mandates the additional analysis contained in figure one of the main text.<sup>9</sup> For more details, and for a more definitive conclusion about the electioneering and recycling hypotheses, see the main text.

The corresponding equation for the analysis of tally receipts in figures three and four is as follows:

$$\text{Tally} = \beta_0 + \beta_1(\text{Limit}) + \beta_2(\text{Receipts} \cdot \text{Target}) + \beta_3(\text{Receipts} \cdot \text{Target} \cdot \text{Incumb}) \quad (2)$$

Where:

Tally	Candidate $i$ 's tally receipts to the DSCC (\$1000).
Limit	The Federally-mandated allocation limit for $i$ 's state (\$1000)
Receipts	Candidate $i$ 's campaign spending, less party contributions, taken from <i>Politics in America</i> , 1992 and 1994 (\$1000)
Target	1 if candidate was incumbent in danger of losing, or challenger with good chance of winning (This measure was constructed from data in <i>Congressional Quarterly</i> 's October 1992 and 1994 Election Outlook issues.)
Incumb	A dummy variable, 1 if candidate $i$ is an incumbent, 0 otherwise.

This equation does not exhibit the censoring problems noted for the allocation equation, and can therefore be estimated with ordinary least squares. And as in the case of the allocation regression, the 1992 and 1994 datasets will be analyzed separately. Predictions for the variables are as follows. If the electioneering hypothesis is correct,  $\beta_2$  and  $\beta_3$  should be positive and significant. In contrast, the recycling hypothesis would predict that both variables would be equal to zero (i.e., nonsignificant). The recycling hypothesis predicts that  $\beta_1$  will be positive and significant, while the electioneering hypothesis predicts it will not be significant, subject to the caveat noted earlier concerning data limitations.

<sup>9</sup> It should be noted that because of data limitations, the tally variables could well be statistically significant, as shown in table one, even if the recycling hypothesis were false and the electioneering hypothesis true. This problem arises because of the factors noted earlier: the preponderance of competitive elections in large states, problems involved with measuring a candidate's campaign prospects and attractiveness, and the possible use of tally receipts as a signal of both prospects and attractiveness. For all of these reasons, it would be no surprise to find that the tally variable "pick ups" variation in allocations that is actually explained by differences across candidates in the likelihood of election -- even if the electioneering hypothesis is a complete explanation of the allocation process, and the recycling hypothesis completely false



Parameter estimates for equation (2) are given in table two. Again, the signs and significance of the parameter estimates are consistent with the electioneering hypothesis, although the parameter associated with the limit variable ( $\beta_1$ ) is significant as the recycling hypothesis predicts.<sup>10</sup> (Note, in particular, that safe incumbents tally at a higher level than nontargeted challengers but at a lower rate compared to targeted candidates of all types. This result is completely contrary to the recycling hypothesis, and supports the electioneering hypothesis.) A more definitive conclusion is offered in the main text.

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<sup>10</sup> As with allocations, a positive relationship between tally receipts and allocation limits could exist even if the recycling hypothesis were false and the electioneering hypothesis true. For example, an association between receipts and allocation limits could reflect the fact that states with higher allocation limits have more people within their borders and, as a result, more opportunities for soliciting tally contributions. Moreover, high-population states (e.g., California, Florida, Illinois, New York, and Texas) also tend to have large urban areas, which are prime locations for fundraising events cosponsored by the DSCC and local candidates. Both factors would lead to a positive relationship being observed between tally receipts and allocation limits, even if the recycling hypothesis is completely false.

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Jacobsen, Gary. 1993. *The Politics of Congressional Elections*. 3rd Edition. New York: Harper Collins.

Maddala, G. S. 1983. *Limited-Dependent and Qualitative Variables in Econometrics*. New York: Cambridge University Press.

Table One: Parameter Estimates for Allocation Regressions

Variable	1992 Election Cycle		1994 Election Cycle	
	Parameter	Sig. Level	Parameter	Sig. Level
Constant	11.3 (22.9)	-	-17.9 (27.8)	-
\$ Tallied	.56 (.16)	< .01	.92 (.10)	< .01
\$ Tallied (Chal. Dummy)	.42 (.19)	< .05	.63 (.17)	< .01
Targeted Candidate	.47 (.09)	< .01	.70 (.22)	< .01
Targeted (Inc. Dummy)	.51 (.20)	< .05	-.39 (.30)	n.s.
Inverse Mills Ratio	-10.1		-59.4	
R <sup>2</sup>	.97		.95	
N of Cases	33		34	

Cell entries are parameter (std. error).

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Table Two: Parameter Estimates for Tally Regressions

Variable	1992 Election Cycle		1994 Election Cycle	
	Parameter	Sig. Level	Parameter	Sig. Level
Constant	-50.4 (35.5)	-	-87.5 (44.5)	-
Allocation Limit	.32 (.08)	< .01	.40 (.065)	< .01
Targeted Candidate* Expenditures	.042 (.025)	< .05	.086 (.013)	< .01
Safe Incumbent* Expenditures	.029 (.021)	< .10	.029 (.016)	< .05
R <sup>2</sup>	.83		.85	
N of Cases	34		34	

Cell entries are parameter (std. error).

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Figure 1  
Predicted Allocation as Function of Amount Tailed  
(1992 Election Cycle)

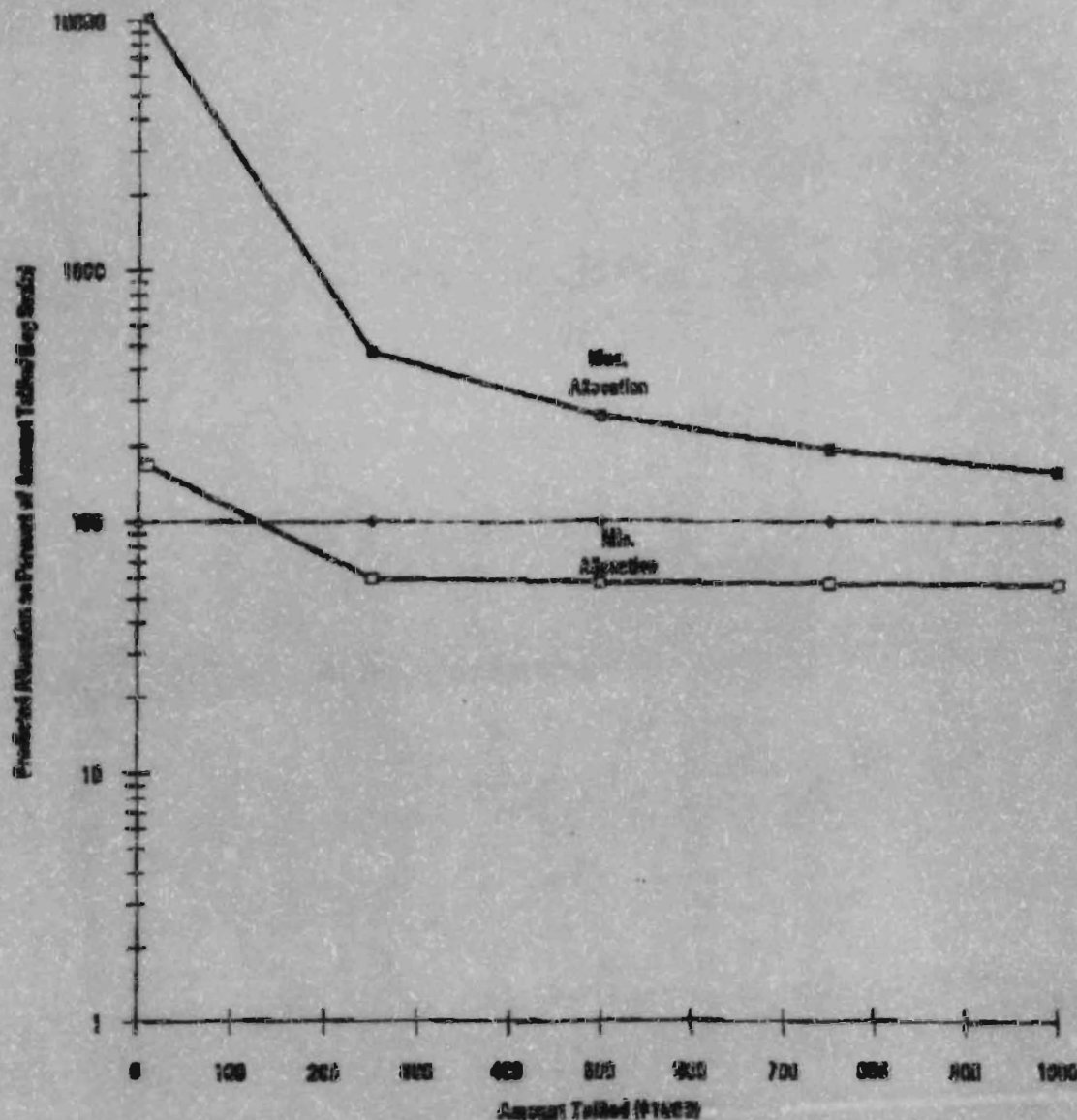
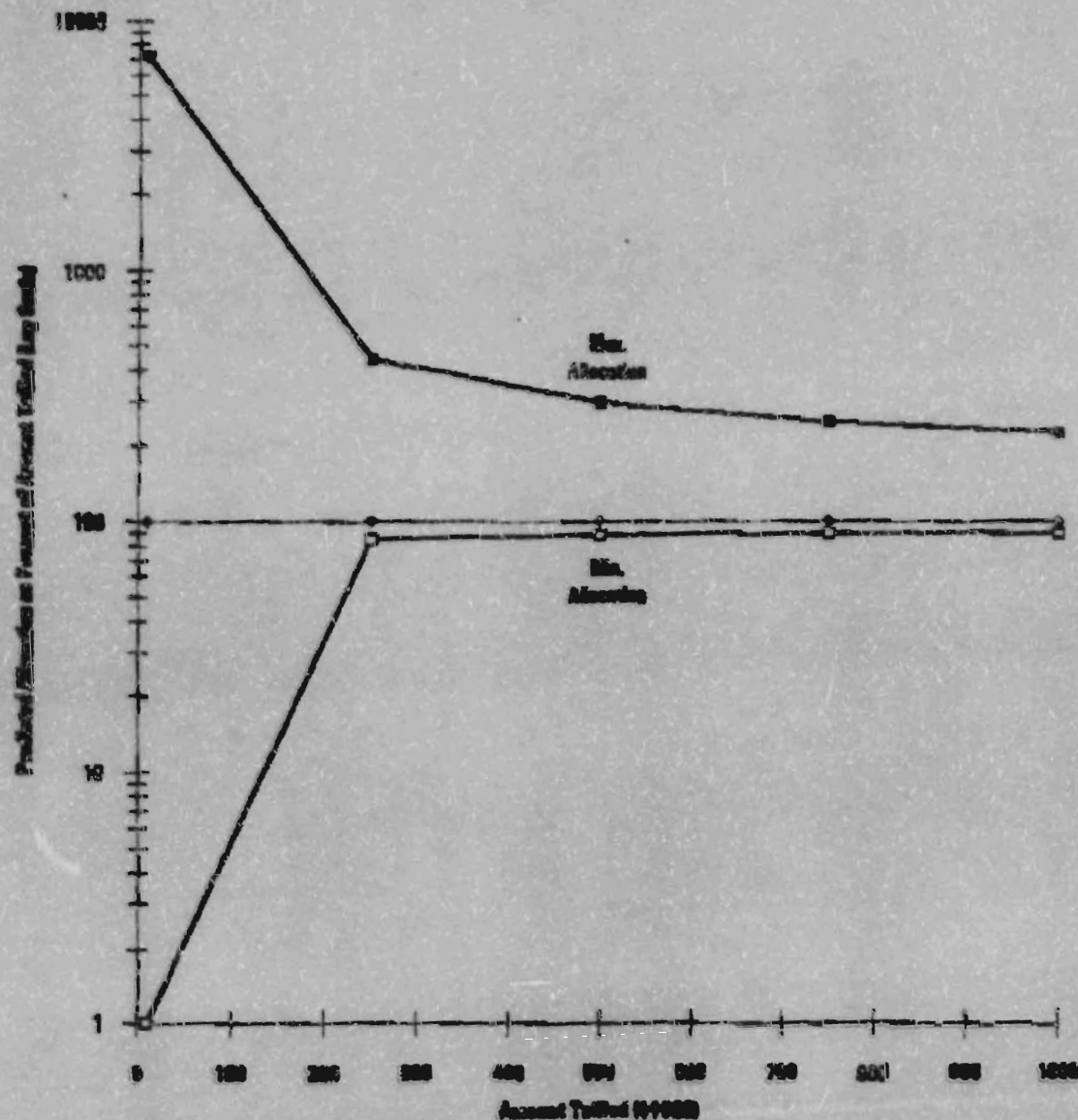


Figure 2  
Predicted Allocation as Function of Amount Told  
(1964 Election Cycle)





**Figure 3**  
**Predicted Tally as Function of Allocation Limit**  
**(1982 Election Cycle)**

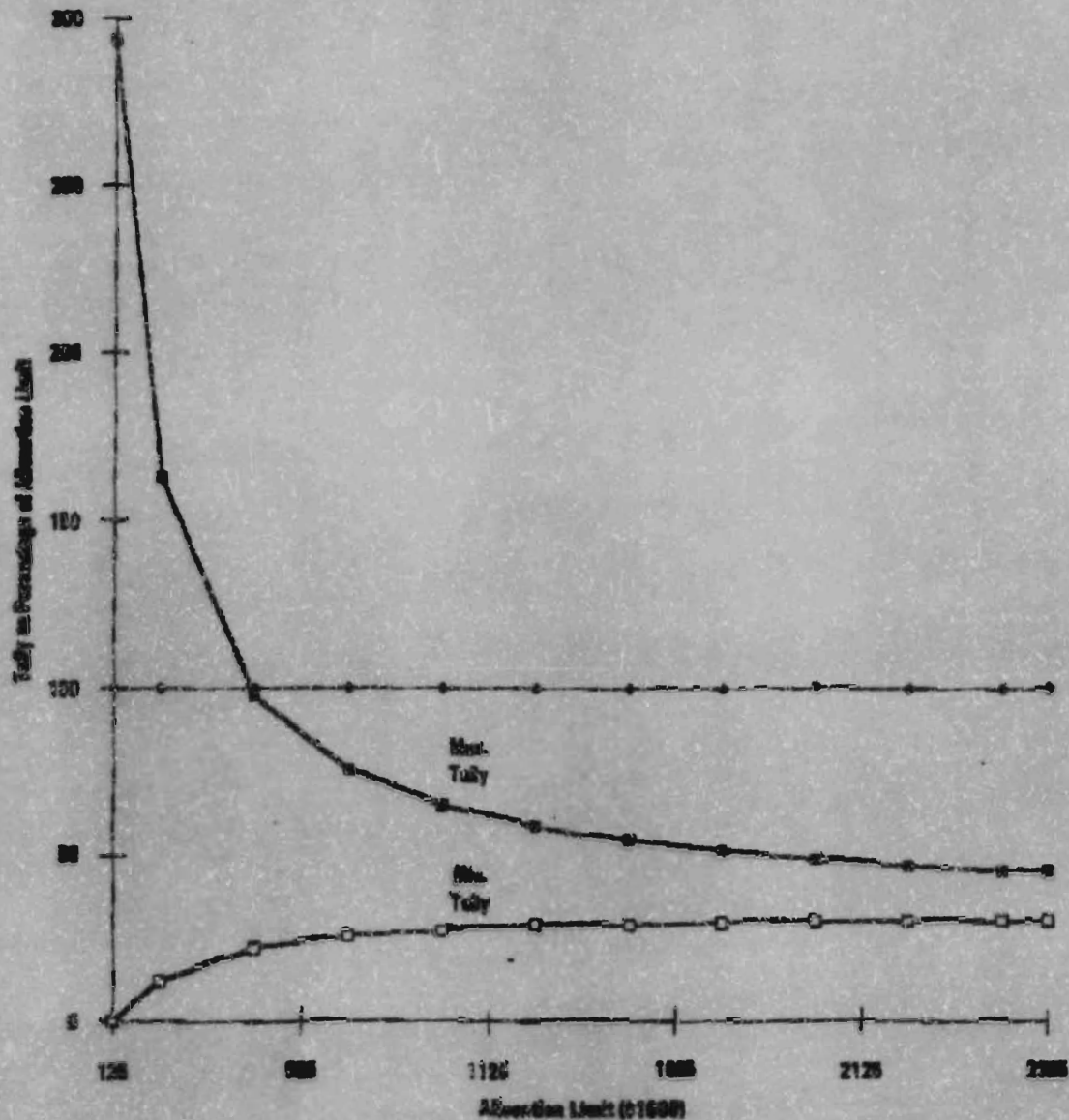
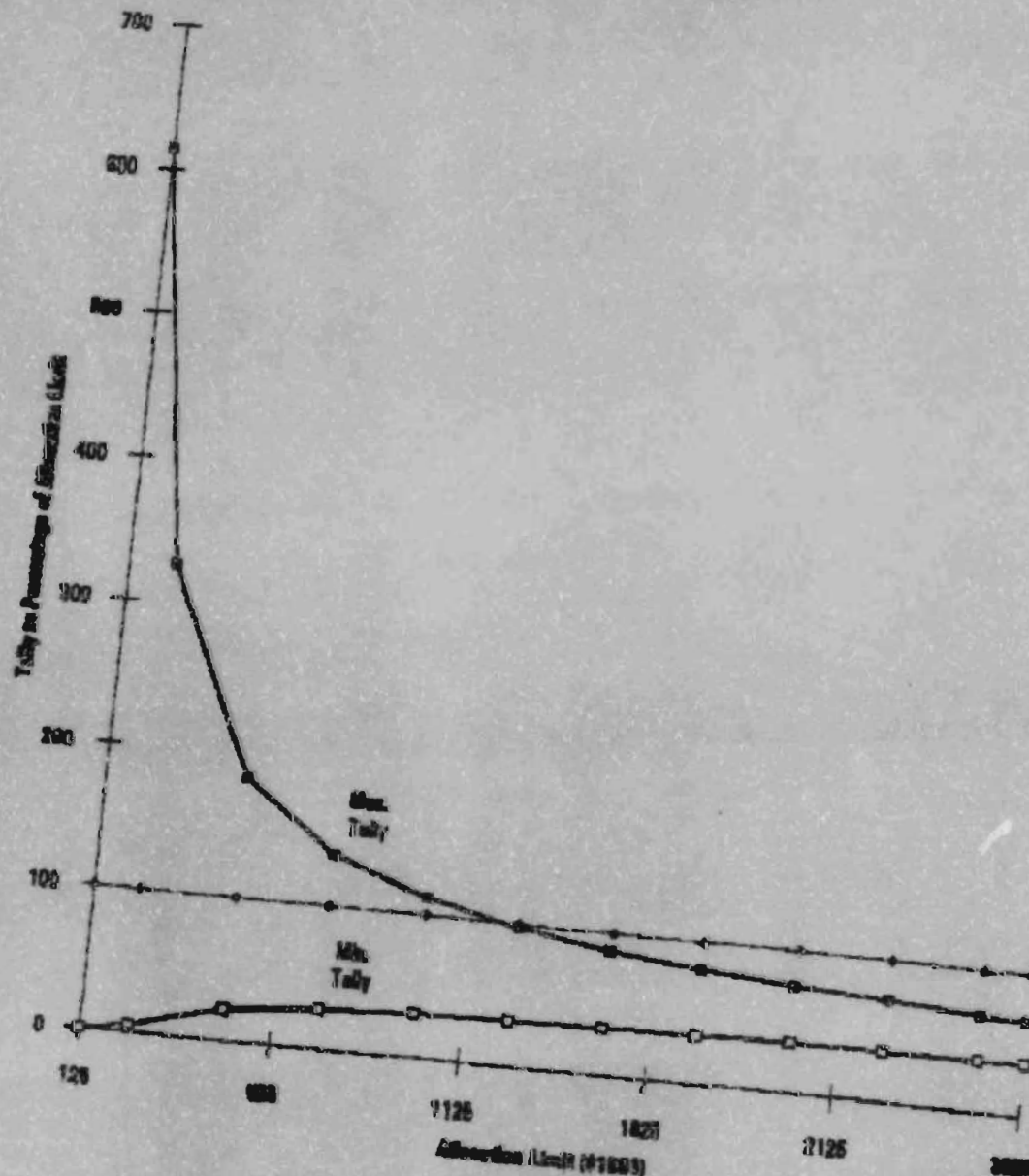


Figure 4  
Predicted Tally as Function of Attention Limit  
(1200 Elution Cycle)



March 11, 1996

Ms. Melissa Maxfield  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, S.E.  
Washington, D.C. 20003

Dear Melissa:

Please tally the  
contribution of \$5,000 to the Democratic Senatorial Campaign  
Committee to Senator Jim Exon.

The            understands that the DSCC does not accept contributions  
earmarked for a particular candidate and that this contribution will  
not be treated as an earmarked contribution. We further understand  
that contributions tallied for a particular candidate will be spent for  
DSCC activities and programs as the Committee determines within  
its sole discretion.

Sincerely,

97043804663



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April 23, 1996

Ms. Stephanie Cooper  
Finance Director  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, S.E.  
1st Floor  
Washington, D.C. 20003

*Stephanie*  
Dear Ms. ~~Cooper~~:

97043804668

Please tally to the name of Senator Max Baucus \$1000 of  
my contribution to the DSCC.

Sincerely,

✓

P

The Honorable Bob Kerrey  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, SE  
Washington, D.C. 20003  
June 24, 1996

Dear Senator Kerrey,

97043804669

On June 21, 1996 I made a \$19,000.00 contribution to the DSCC. I am writing to request that the DSCC tally my previous contribution toward Representative Bob Torricelli who is running for United States Senate from the state of New Jersey. I understand that the DSCC does not accept contributions earmarked for a particular candidate. I further understand that contributions tallied for a particular candidate will be spent for DSCC activities and programs as the committee determines within its sole discretion.

Thank you for your cooperation in tallying my previous contribution.

✓

September 12, 1996

DSCC  
Rita Lewis, Finance Director  
430 South Capitol St. SE  
Washington, DC 20003

Dear Rita,

I understand the SDCC "tally" program which has been explained to me in the following way:

Tally is not an earmarking program, and the DSCC does not accept earmarked contributions. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

Please tally my DSCC contribution of \$20,000.00 to the name of Sen. Barbara Boxer.

Tally 75% Boxer  
25% Women's Council



September 27, 1996

Ms. Stephanie Cooper  
Democratic Senatorial Campaign Committee  
430 South Capitol Street, S.E.  
Washington, DC 20003

Dear Stephanie,

In accordance with your letter dated September 25, 1996, please find enclosed a check in the amount of \$15,000.

Per your letter, I will become a member of the Majority Trust Program from now until December 31, 1997.

Under separate cover, I am enclosing some tally sheet requests which, of course, I understand are subject to the discretion of the Democratic Senatorial Campaign Committee.

Kindest regards,

Enclosure: Check No. 1108

October 10, 1996

DSCC  
Rita Lewis, Finance Director  
430 South Capitol St., SE  
Washington, DC 20003

Dear Rita:

I understand the DSCC "tally" program which has been explained to me in the following way:

Tally is not an earmarking program, and the DSCC does not accept earmarked contributions. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

Please tally my DSCC contribution of \$10,000 as well as my wife's contribution for \$10,000 to the name of Senator Barbara Boxer.

Sincerely,

Enclosure

T

October 11, 1996

DSCC  
Rita Lewis, Finance Director  
430 S. Capitol St., SE  
Washington, DC 20003



Dear Rita:

I understand the DSCC "tally" program which has been explained to me in the following way:

Tally is not an earmarking program, and the DSCC does not accept earmarked contributions. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion.

Please tally my DSCC contribution of \$10,000 to the name of Senator Barbara Boxer.

With kind regards,

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97043804679



u

Dear Candidate,

Governor Roy Romer, Democratic Chair Michael Beatty and I would like to invite you to an important DSCC event. January 12-15, 1996 is the DSCC Majority Trust weekend in Aspen. This is a weekend where we bring together our \$20,000 contributors from around the country. We will also be joined by Senators **Bowell Heflin, Joe Biden, Frank Lautenberg, Tom Harkin** and **Byron Dorgan**, with many other special guests not yet confirmed. Please review the enclosed schedule for the weekend.

This weekend is an important opportunity for you as well. As a special incentive for Coloradans, we are offering them this weekend for \$5000. In addition, our Friday night dinner of this weekend being hosted by **Bob Utley**, Chairman of First Southwest Company, will be open to Colorado individuals who donate \$1000 to the DSCC. All the funds raised through these individuals will be credited to the Colorado tally.

As you know, the DSCC is allowed to allocate \$325,000 to the Colorado Senate race. The money that you raise now and throughout 1996 will enable us to fully fund Colorado and our other competitive Senate races around the country. I am asking each Colorado Senate candidate to commit to raising \$10,000 toward this weekend. These funds are crucial if the DSCC is to reach its goal of fully funding our Democratic nominees. I have enclosed tally information for you and your donors.

I look forward to seeing you in January. If you have any questions, please feel free to call me at 202-224-2447. If I am not there, please speak to Liz Silva of the DSCC staff.

Sincerely,

Bob Kerrey

Enclosure



# AFSCME®

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

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

November 27, 1996

Gerald W. McIntee  
International President

William Lucy  
International Secretary-Treasurer

John C. Dempsey  
Larry P. Weinberg  
General Counsel

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

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street, N.W. - Room 657  
Washington, D.C. 20463

Re: MUR 4490

Dear Mr. Noble:

As you know, AFSCME-PEOPLE is not named as a party in the above captioned complaint. Presumably we have been served with a copy of the complaint because AFSCME-PEOPLE made contributions to the Democratic Senatorial Campaign Committee (DSCC) and asked that some of those contributions be tallied to certain Senators. These contributions did not exceed the limits imposed by law and were entirely legal under the Federal Election Campaign Act of 1971, as amended. 2 U.S.C. 441(a)(2). Indeed, there is no specific allegation in the complaint that AFSCME-PEOPLE engaged in any conduct that constituted a violation of the FECA. Instead, the National Republican Senatorial Committee (NRSC) alleges that the DSCC's tally program was an illegal earmarking scheme to circumvent the contribution limits and, without any factual support in the complaint as to the donor's involvement, states: "the FEC should contact and investigate all contributors who donated the maximum to a Democratic Senate candidate and then contributed to the DSCC to determine if that donor was told or believed his or her contribution would benefit any specific candidate. These donors are referred to in this complaint as 'John and Jane Doe Contributors'." Complaint at 3.

The complaint on its face does not meet the standards required by the Commission, at least as to "John and Jane Doe Contributors". Specifically, the Commission's regulations require, among other things, that a complaint "contain a clear and concise recitation of the facts which describe a violation of the statute or regulation over which the Commission has jurisdiction". 11 C.F.R. 111.4(d)(3). As noted above,

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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Lawrence M. Noble  
November 27, 1996  
Page 2

the only facts in the complaint pertaining to AFSCME-PEOPLE are that it made contributions to the DSCC, some of which were tallied to candidates to whom AFSCME-PEOPLE had also made contributions. (Complaint at pp. 12, 33 & 37). These facts do not describe a violation of a statute or regulation within the jurisdiction of the Commission as required by 11 CFR 111.4(a)(3). AFSCME-PEOPLE is permitted to make contributions to both candidates and party committees under federal law. 2 U.S.C. 441(a)(2). While the NRSC alleges that the DSCC and the candidates used the tally program "as a vehicle to circumvent federal election laws governing earmarking and excessive contributions" (Complaint at 3), they offer *no facts* that any contributor, much less AFSCME-PEOPLE, had any awareness or involvement in this "scheme", even assuming *arguendo* that the allegations are correct.

It is offensive that the NRSC believes that it should be able to invoke the Commission's enforcement process without a factual basis to allege a violation of the FECA, and that it can call upon the Commission to investigate "all contributors" to their political rivals and have the Commission question those contributors to determine if they were in compliance with the law. (Complaint at p. 3). This is the worst form of "fishing expedition" and will have the effect, if not the design to chill those who do not support the NRSC. Individuals and organizations that participate in the political process should not be called before an enforcement agency to justify their activities unless there are facts that indicate some unlawful conduct has occurred or is about to occur. 2 U.S.C. 437g. The NRSC's complaint is little more than an effort to chill citizens from participating in the political process, either individually or as part of an organized committee like AFSCME-PEOPLE.

AFSCME-PEOPLE does not believe that it needs to respond to the substance of a complaint that does not meet the requirements of 11 C.F.R. 111.4. However, AFSCME-PEOPLE is also aware of the significant political pressure that is being placed upon the Commission to begin investigations and find violations where none exist. To insure that the Commission has sufficient evidence to dismiss this matter as to AFSCME-PEOPLE at this stage of the proceeding, we offer the following facts for the record.

As stated in the attached Affidavit of Lawrence R. Scanlon, Jr. AFSCME's Director of Political Action, AFSCME-PEOPLE did not believe that by tallying its contributions to the DSCC to a particular candidate, that it in any way controlled how the DSCC ultimately used those funds. Once those funds were given to the DSCC, AFSCME-PEOPLE believed those funds became the sole property of the DSCC, which could use them as it saw fit. AFSCME-PEOPLE believed that by tallying its contributions to particular Senators, those Senators would receive some

97043804674




Lawrence M. Noble  
November 27, 1996  
Page 3

credit from the DSCC for having raised the sums. In the experience of AFSCME-PEOPLE, it is common for individuals involved in fund raising to seek credit or to be seen as responsible for successful fundraising. At no point did anyone suggest to AFSCME-PEOPLE that the tally program was a means by which contributors could circumvent the contribution limits to candidates for federal office and to the best of its knowledge, that is not how the program was operated.

Thus, at this point the Commission has an uncontroverted record that AFSCME-PEOPLE was permitted by law to make the contributions it did and did not believe that by tallying contributions to particular Senators it was earmarking those contributions or circumventing the contribution limits in 2 U.S.C. 441(a)(2). The Commission should now find that there is no reason to believe that AFSCME-PEOPLE committed any violation of federal election law by making these contributions.

Respectfully submitted,



Larry P. Weinberg

97043804675

BEFORE THE FEDERAL ELECTION COMMISSION

In The Matter of:

Democratic Senatorial Campaign Committee

and Paul Johnson, as treasurer, et al.

MUR # 4490

DEC 2 2 29 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

AFFIDAVIT OF LAWRENCE R. SCANLON, JR.

1. I am the Political Action Director of AFSCME and have been employed by AFSCME in that capacity since November of 1995.

2. As AFSCME's Political Action Director, I have personal knowledge of the facts herein.

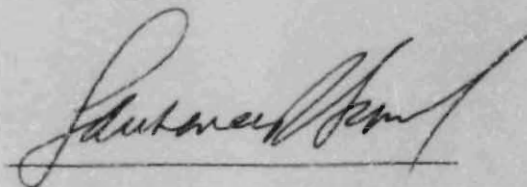
3. AFSCME's PAC, which is called PEOPLE, made a contribution of \$15,000 to The Democratic Senatorial Campaign Committee (DSCC) in 1996.

4. AFSCME-PEOPLE believes that once it gave a contribution to the DSCC, it was in the sole discretion of the DSCC as to how it would use that money and AFSCME-PEOPLE's tallying of a contribution to a particular Senator in no way obligated the DSCC to use AFSCME-PEOPLE's contribution to aid that Senator.

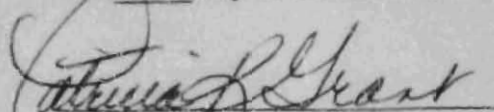
97043804676

5. AFSCME-PEOPLE believed that tallying contributions to particular Senators gave those Senators credit within the DSCC for having raised those sums. I have found it common for individuals who are fund raising to seek credit for successful fundraising.

6. At no point did anyone suggest to AFSCME-PEOPLE that the tally program was a means by which contributors could circumvent the contribution limits to candidates for federal office.



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



Notary Public

My Commission Expires: 6/14/99



STATEMENT OF DESIGNATION OF COUNSEL

DEC 6 5 13 PM '96

MUR 4490

NAME OF COUNSEL: Robert F. Bauer/Marc E. Elian

FIRM: Perkins Coie

ADDRESS: 607 14th Street, N.W.

Washington, D.C. 20005

TELEPHONE: ( 202 ) 628-6600

FAX: ( 202 ) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Democratic Senatorial Campaign Committee

ADDRESS: 430 South Capitol Street, S.E.

Washington, D.C. 20005

TELEPHONE: HOME(        )

BUSINESS( 202 ) 224-2447

97043804678

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/15/96  
Date

Marcy A. Buchman  
Signature

Respondent's Name: FRIENDS OF MRS BAUCUS

Address: 203 C ST NE  
WASHINGTON DC 20002

Telephone: Home 202-543-2473

Business 202-547-5493

FAX 202-547-5498

97043804679

**STATEMENT OF DESIGNATION OF COUNSEL**

**MUR**

**4491**

**NAME OF COUNSEL:** Hon. Jeffrey L. Bowling

**FIRM:** Bedford & Rogers, P.C.  
P. O. Box 669  
303 W. Jackson Ave.  
Russellville, Alabama 35653

**TELEPHONE:** (205) 332-2880  
**FAX:** (205) 332-7821

Hon. Marc E. Elias

**FIRM:** Perkins Cole  
407 14th Street, NW  
Washington, DC 20005

**TELEPHONE:** (202) 628-6600  
**FAX:** (202) 434-1690

The above-named individual(s) are hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Feb 22, 1996  
Date

[Signature]  
Signature

**RESPONDENT'S NAME:** Roger H. Bedford, Jr.

**ADDRESS:** 2341 Fairlane Drive  
Suite M320  
Montgomery, Alabama 36116

**TELEPHONE: HOME** (205) 332-7709

**BUSINESS** (334) 244-1956

9704380468C



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/23/94  
Date

Steven L. Beshear  
Signature *[initials]*

Respondent's Name: Steven L. Beshear

Address: 250. W. Main St., Suite 2300  
Lexington, Ky. 40507

Telephone: Home 606-268-1572

Business 606-224-2300

97043804681

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

10/23/96

Signature

Charles L. Stivers

Respondent's Name:

CHARLES L. STIVERS

Address:

144 N. Broadway  
Lexington, KY 40507

Telephone:

Home

606.273.0205

Business

606.252.6738

97043804682

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: William C. Oldaker

FIRM: Oldaker, Ryan, Phillips & Utrecht

ADDRESS: 818 Connecticut Avenue, NW

Suite 1110

Washington, DC 20006

TELEPHONE: (202) 728-1210

FAX: (202) 728-4044

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/22/96  
Date

Joseph R. Biden  
Signature

The Honorable Joseph R. Biden

RESPONDENT'S NAME: Citizens for Biden-1996 and Melvyn Monzack, as treasure

ADDRESS: Citizens for Biden

P.O. Box 171

Wilmington, DE 19899

TELEPHONE: HOME (302) 239-4928

BUSINESS (302) 998-7400

97043804683



STATEMENT OF DESIGNATION OF COUNSEL

MLR 4490

Name of Counsel Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone (202) 628-6600

Fax (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission

10-17-96  
Date  
Signature

Respondent's Name:

JIM BOREN (aka James H. Boren)

Address:

One Plaza SouthTableguash, OK 74464

Telephone: Home

(918) 456-1357

Business

(405) 557-1400or (405) 321-0314FAX (405) 557-1667COMPLAINT REC'D OCTOBER 8th.

97043804684

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/26/96  
Date

BRENNAN FOR U.S. SENATE  
B. Weiner B. Troutman  
Signature

Respondent's Name: BRENNAN FOR U.S. SENATE

Address: 100 MIDDLE ST -  
PORTLAND, MAINE  
04101

Telephone: Home \_\_\_\_\_  
Business 207-761-1667

97043804685

STATEMENT OF DESIGNATION OF COUNSEL

MUR: 4490

NAME OF COUNSEL:

Robert F. Bauer  
Marc E. Elias  
Perkins Coie  
607 14th Street, NW  
Washington, D.C. 20005  
Telephone: (202) 628-6600  
Fax: (202) 434-1699

Per A. Ramfjord  
Stoel Rives LLP  
900 SW Fifth Avenue, Suite 2300  
Portland, OR 97204-1268  
Telephone: (503) 224-3380  
Fax: (503) 220-2480

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

October 18, 1996  
Date

Robert D. Van Brocklin  
Signature

Respondent's Name:

Tom Bruggere for U.S. Senate  
c/o Robert D. Van Brocklin  
Treasurer  
900 SW Fifth Avenue, Suite 2300  
Portland, OR 97204-1268

Respondent's Telephone:

Home: (503) 775-9152  
Work: (503) 294-9660  
Fax: (503) 220-2480



**STATEMENT OF DESIGNATION OF CO-COUNSEL**

MUR 4490

**Name of Co-Counsel:** Robert F. Bauer, Marc E. Elias

**Firm:** Perkins Coie  
607 14th Street, N.W.  
Washington, DC 20005

**Telephone:** (202) 628-6600

**Fax:** (202) 434-1690

The above-named individuals are hereby designated as my co-counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Also designated as my counsel:

**Name of Co-Counsel:** Clifford P. Block, Esquire

**Address:** Post Office Box 34083  
Little Rock, Arkansas 72203

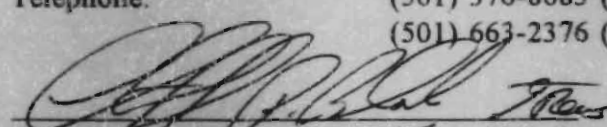
**Telephone:** (501) 376-8686

**Fax:** (501) 376-0591

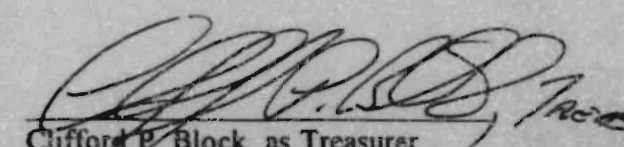
**Respondents' Names:** Committee to Elect Winston Bryant-U.S. Senate  
Clifford P. Block, as Treasurer

**Address:** Post Office Box 34083  
Little Rock, Arkansas 72203

**Telephone:** (501) 376-8683 (business)  
(501) 663-2376 (home)

  
Committee to Elect Winston Bryant-U.S. Senate  
by: Clifford P. Block, Treasurer

**Date:** 10/21/96

  
Clifford P. Block, as Treasurer

**Date:** 10/21/96

97043804687

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert J. Banks, Marc E. Elise

Firm: Perkins Cole

Address: 601 14th Street, NW  
Washington, DC 20005

Telephone: (202) 625-6900

Fax: (202) 494-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/15/96  
Date

H. Wayne Howell, Treasurer  
Signature

Respondent's Name: Friends of Max Cleland For the U.S. Senate, IncAddress: H. Wayne Howell, Treasurer

Po Box 127  
Fayetteville, GA. 30214-0127

Telephone: Home 770-460-9600Business 770-461-9887770-461-7844 (Fax)

H. WAYNE HOWELL  
ATTORNEY AT LAW

Wayne Howell  
Treasurer

10 HADSWORTH DRIVE  
SUITE 2

97043804688

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-15-96  
Date

Robert F. Bauer  
Signature  
Assistant Treasurer

Respondent's Name: Elliott S. Cross for U.S. Senate

Address: PO Box 4200  
Rock Hill SC 29732

Telephone: Home (803) 328-2764

Business (803) 329-9999

97043804689



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Cole

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 678-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/16/96  
Date

Jill A. Sadowsky for U.S. Senate, by  
Signature  
Robert F. Bauer, counsel

Respondent's Name: Jill Ann Sadowsky Dackin

Address: 125 South Crestway  
Wichita, KS 67218

Telephone: Home 316-683-6075

Business 316-263-3080

9704380469C

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

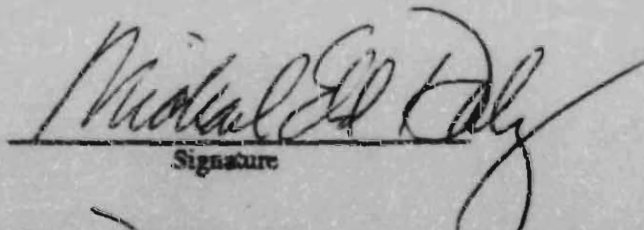
Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

15 October 1996

Signature



Respondent's Name:

Address:

Telephone:

Home:

Business:

FAX - 312 832 0468

Michael J. Day, Treasurer, FRIENDS OF DICK  
PO Box 1949, LARSEN Comm.  
Springfield, Illinois 62705

97043804691

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4470

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Portias Coic

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/96  
Date  
Signature

Respondent's Name:

PETER J. LAURIA, CAM FORHARVEY GANTT FOR  
SENATE CAMPAIGN  
COMMITTEE

Address:

119 E. 8<sup>TH</sup> STREET, SUITE ACHARLOTTE, NC 28202+ BOBBY T. MARTIN,  
TREASURER

Telephone:

Home (704) 376-3293

Business \_\_\_\_\_

97043804692



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490, MUR 4516

NAME OF COUNSEL: Jon E. Hastings Robert F. Bauer, Marc E. Elias

FIRM: Boult, Cummings, Conners & Berry Perkins Cole

ADDRESS: Suite 1600, 414 Union Street 607 14th Street, NW

Nashville, TN 37219

Washington, D.C. 20005

TELEPHONE: (615) 252-2306

(202) 628-6600

FAX: (615) 252-6306

(202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/14/96  
Date

  
Signature

RESPONDENT'S NAME: Houston Gordon FOR SENATE

ADDRESS: 214 Second Avenue North, Suite 401

Nashville, TN 37201

TELEPHONE: HOME (901) 475-0772

BUSINESS (615) 244-6446

97043804693

STATEMENT OF RESIGNATION OF COUNSELMUR 4490NAME OF COUNSEL: Theodore (Ted) L. JonesFIRM: McCollister & McClearyADDRESS: 3029 South Sherwood Forest Blvd., Suite 100Baton Rouge, Louisiana 70816TELEPHONE: (504 ) 292-8898 or direct 925-1115FAX: (504 ) 922-4708

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

IEYOUN FOR SENATE COMMITTEE, INC. RICHARD P. IEYOUN, CANDIDATE and  
RUTH LYNN RUSSELL, TREASURER10/16/96  
DateRuth Lynn Russell  
SignatureIEYOUN FOR SENATE COMMITTEE, INC.  
Ruth Lynn Russell, Treasurer

RESPONDENT'S NAME: \_\_\_\_\_

ADDRESS: 4582 Downing DriveBaton Rouge, Louisiana 70809TELEPHONE: HOME ( 504 ) 924-3209BUSINESS ( 504- ) 928-3846

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

10/15

Signature



Respondent's Name:

Joe Hansen for Tim Johnson Sr. SD

Address:

PO Box 88113  
Sioux Falls, SD 57106

Telephone:

Home 605 362-1444

Business 605 335-8087

FAX - 605 335-1537

97043804695



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Oct. 17, 1996  
Date

  
Signature

Respondent's Name: Karpan for Wyoming  
Roger A. Schreiner, Treasurer

Address: P. O. Box 522  
Cheyenne, WY 82003

Telephone: Home 307-638-8083  
Business 307-635-5178

97043804696

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: Marc Elias

FIRM: Perkins Coie

ADDRESS: 607 14th St NW

Washington DC 20005

TELEPHONE: (202) 434-1625

FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/12/96  
Date

  
Signature

RESPONDENT'S NAME: The Kerry Committee, William L. Elsbury, Treasurer

ADDRESS: 129 Portland St.

Boston, MA 02114

TELEPHONE: HOME (617) 247-0609

BUSINESS (617) 742-9696

FAX (617) 742-1999

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/98  
DateMary Landrieu  
SignatureRespondent's Name: MARY L. LANDRIEU FOR SENATE COMM, INCAddress: 910 HEARTHSTONE DRIVE  
FIATON BOULE, LA 70126Telephone: Home (504) 488-3310Business (504) 524-3669

97043804698



STATEMENT OF DESIGNATION OF COUNSEL

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The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

*Carl Lavin*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

RESPONDENT'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE: HOME( \_\_\_\_\_ ) \_\_\_\_\_

BUSINESS( \_\_\_\_\_ ) \_\_\_\_\_

97043804699

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Co-Counsel: Gardner Skinner  
Cantrill, Skinner,  
Sullivan & King  
1423 Tyrell Ln.  
Boise, ID 83706

Firm: Perkins Cole

Address: 607 14th Street, NW  
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(208) 344-8035

Fax: (202) 434-1690

(208) 345-7212

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/18/96  
Date

[Signature]  
Signature

Respondent's Name: Walter C. Ninnick

Address: 815 Park Blvd., #130

Boise, ID 83712

Telephone: Home (208) 345-3036

Business (208) 345-2559

Campaign Contact: Karen White (208) 345-2559

97043804700

STATEMENT OF DESIGNATION OF COUNSELMUR 4490NAME OF COUNSEL: Robert F. Bauer, Marc E. EliasFIRM: Perkins CoieADDRESS: 1607 14th Street, NWWashington DC 20005TELEPHONE: (202) 628-6600FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/96  
Date[Signature]  
SignatureRESPONDENT'S NAME: Victor Morales for Senate Campaign CommitteeADDRESS: P.O. Box 870789Mesquite, TX 75187TELEPHONE: HOME (214) 826-8391BUSINESS (972) 329-3010

97043804701



STATEMENT OF DESIGNATION OF COUNSEL

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/21/1996  
Date

Michael A. Shrier  
Signature

Respondent's Name: Michael A. Shrier, Treasurer

Address: Nebraskans for Nelson  
2912 South 84th Street  
Omaha, NE 68124

Telephone: Home (402) 496-0092

Business (402) 390-0250

97043804702

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MUR 4490

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96

Date

Elizabeth Young  
Signature

Respondent's Name: Elizabeth Young, The Reed Committee

Address: 150 Midway Road, Suite 168  
Cranston, RI 02920

Telephone: Home 401-467-3029

Business 401-944-5577

FAX 401 944-1213

97043804703

STATEMENT OF DESIGNATION OF COUNSEL

DOUR 4400

Name of Counsel: Robert F. Brown, Marc R. Ellis

Firm: Pacific Oaks

Address: 857 14th Street, NW  
Washington, DC 20005

Telephone: (202) 626-6880

Fax: (202) 431-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-28-96  
Date

  
SCOTT CHASE, Signature GRADY HENNINGER

Respondent's Name: PROPERTY OF THE STRICKLAND, LLP AND CARLIS BAKER,  
TRUSTEES

Address:

P.O. Box 30079DENVER COTelephone: Home (303) 361-5221Business (303) 361-5221 (303) 361-5221

AUTO and TRUCK

OCT-28-1996 17:43

97043804704



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

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Firm: Perkins Coie

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Washington, DC 20005

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Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

10/15/96

Signature



Respondent's Name:

Katrina Lanttas Swett

Address:

19 Dain Rd. Bow N.H.  
P.O. Box 1937, Bow N.H. 03304

Telephone:

Home 603/ 228-4745Business 603/ 668-1396

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

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Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96

Date

Sally Thompson  
SignatureRespondent's Name: Sally ThompsonAddress: P.O. Box 358Topsham, KS 66601Telephone: Fax (913) 272-8383Business (913) 272-5865

97043804706

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/16/96  
Date

Misia M. Lucette  
Signature

Respondent's Name: Torricelli for U.S. Senate

Address: P.O. Box 594  
New Brunswick, NJ 08903

Telephone: Home \_\_\_\_\_

Business (908) 249-0800

97043804707



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

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Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/21/96  
Date

*Richard L. Baker*  
Signature

Respondent's Name: WELLS FARGO BANK  
Address: P.O. BOX 65588  
ST. PAUL, MN 55165

Telephone: Home 612 545-2893  
Business 612 643-0828

97043804708

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

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Firm: Perkins Cole

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96  
Date

Maryanne R. Hanson - Alix  
Signature

Respondent's Name: MARYANNE HANSON ALIX

Address: 5400 PONTIAC TRAIL  
ORCHARD LAKE, MI 48323

Telephone: Home 810-738-9633

Business N/A

97043804709

Oct-15-96 02:50P

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P.03

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

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Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96

Date

  
Signature

Respondent's Name:

MANDELL L. BERMAN

Address:

29100 NORTHWESTERN HWY - SUITE 270  
SOUTHFIELD, MI 48034

Telephone:

Home 810-626-7352Business 810-353-8290

9704380471C



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Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-98.

Date

  
Signature

Respondent's Name:

Maurice Cohen.

Address:

2600 Turtle Lake Farm  
Bloomfield Hills Mich 48303

Telephone:

Home 810-818-7417

Business \_\_\_\_\_

97043804711

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

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Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

10/17/96

Signature

Sadie Cothran P/A RCH

Respondent's Name:

SADIE COTHRAN

Address:

3141 INTERLAKEN  
ORCHARD HILL MI 48323

Telephone:

Home

810 683 2783

Business

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MUR 4490

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-22/97  
Date

  
Signature

Respondent's Name: LINDA DRESNER

Address: 711 G. BATES  
BIRMINGHAM MICH 48009

Telephone: Home 810 - 258 6644  
Business 810 - 642 4999 - or 212 - 305 3177

97043804713



STATEMENT OF DESIGNATION OF COUNSELMUR 4490NAME OF COUNSEL: Robert F. Bauer, Marc E. EliasFIRM: Perkins ColeADDRESS: 607 14th Street, N.W.Washington, D.C. 20005TELEPHONE: ( 202 ) 628-6600FAX: ( 202 ) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/13/96  
DateDorothy Gerson  
SignatureRESPONDENT'S NAME: DOROTHY GERSONADDRESS: 30285 WOODSIDE COURTFRANKLIN, MICHIGAN 48025TELEPHONE: HOME ( 810 ) 851-8808BUSINESS (    )                     

97043804714

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

Firm: Perkins Coie

Address: 607 14th Street, NW  
Washington, DC 20005

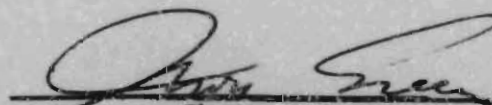
Telephone: (202) 628-6600

Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

OCT 15 1996

Date

  
Signature

Respondent's Name: IRWIN GREEN

Address: 3000 TOWN CENTER # 530

SOUTHEFIELD MI 48075

Telephone: Home (810) 851-5550

Business (810) 358-1560

97043804715

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

10-15-96

Signature

Doreen Hermelin

Respondent's Name:

DOREEN HERMELIN

Address

31500 BINGHAM ROAD

BINGHAM FARMS, MI 48025

Telephone:

Home 810-642-6670

Business 810-827-1700

97043804716



STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

NAME OF COUNSEL: Marc E. Elias

FIRM: Perkins Cole

ADDRESS: 607 14th Street, NW

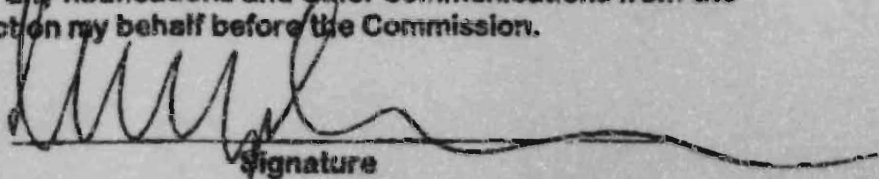
Washington, DC 20005

TELEPHONE: (202 ) 628-6600

FAX: (202 ) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Oct 11, 1996  
Date

  
Signature

RESPONDENT'S NAME: ROBERT LARSON

ADDRESS: 580 YARBORO DRIVE  
BLOOMFIELD HILLS MI 48304

TELEPHONE: HOME( )

BUSINESS( )

97043804717

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4490

Name of Counsel: Robert F. Bauer, Marc E. Elias

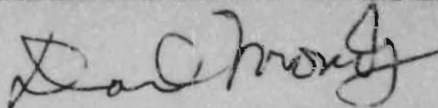
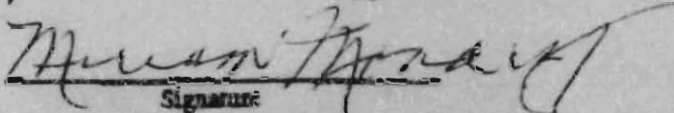
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Fax: (202) 434-1690

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/17/96  
Date  
  
SignatureRespondent's Name: DAVID MONDRY  
MIRIAM MONDRYAddress: 1433 LOCUST RIDGE  
BLOOMFIELD HILLS, MI 48302Telephone: Home (610) 338-7319  
Business (810) 540-8843

97043804718

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10/18/96  
Date*Susan Rogel*  
SignatureRespondent's Name: ~~RICHARD ROGEL~~ ~~SUSAN ROGEL~~Address: 4411 LANDING DRIVE  
WEST BLOOMFIELD MI 48323Telephone: Home 810/661-3263Business 810/357-7766

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STATEMENT OF DESIGNATION OF COUNSEL

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The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/8/96  
DateJoel D. Tauber  
SignatureRespondent's Name: Joel D. TauberAddress: 27777 Franklin Road - Suite 1850  
Southfield, Michigan 48034Telephone: Home (810) 332-6633Business (810) 353-0790

97043804720

Oct-16-96 02:59P  
12:00 AM EDT

P.03

STATEMENT OF DESIGNATION OF COUNSEL

MUF: 4490

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Firm: Perkins Cole

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Fax: (202) 434-1690

3 pages enclosed

The above-named individuals are hereby designated as my counsel and are authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

10-16-96  
DateTimothy F. Wulger  
Signature

Respondent's Name:

Timothy F. Wulger

Address:

20 Basswood LaneMoreland Hills, OH 44022

Telephone:

Home (216) 247-6210Business (216) 247-6230

97043604721



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

December 6, 1996

Benjamin L. Ginsberg, Esquire  
PATTON BOGGS, L.L.P.  
2550 M Street, NW  
Washington, DC 20037-1350

RE: MUR 4490

Dear Mr. Ginsberg:

This letter acknowledges receipt on November 19, 1996, of the supplement to the complaint filed by the National Republican Senatorial Committee on October 1, 1996. The respondents will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alva E. Smith", is written over the typed name.

Alva E. Smith, Paralegal  
Central Enforcement Docket

97043804722





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 6, 1996

Marc E. Elias, Esquire  
PERKINS COIE  
607 Fourteenth Street, NW  
Washington, DC 20005-1690

RE: MUR 4490

Democratic Senatorial Campaign Committee, Paul Johnson, as treasurer  
Elliott S. Close  
Elliott S. Close for US Senate, Harry Dalton, as treasurer

Dear Mr. Elias:

On October 8, 1996, your clients were notified that the Federal Election Commission received a complaint from the National Republican Senatorial Committee alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time your clients were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On November 19, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

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

Sincerely,

Alva E. Smith, Paralegal  
Central Enforcement Docket

Enclosure

97043804723



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 16, 1997

Thomas S. Obermeyer, Treasurer  
Alaskans for Theresa Nangle Obermeyer, Ph.D.  
3000 Dartmouth Drive  
Anchorage, AK 99508

re: MUR 4490

Dear Mr. Obermeyer:

On January 15, we received from you a copy of the complaint, attachments, and mailing envelope sent to you on October 8, 1996 regarding the above-captioned Matter Under Review (MUR). Quite frankly, this left us somewhat puzzled.

We forwarded this complaint to you within five days of its receipt in accordance with the procedures outlined in Federal Election Campaign Act and its governing regulations. As explained in our letter to you, the purpose of this action was to solicit any response you may have to the allegations contained in the complaint. The complaint and your response will be used to determine whether there may be reason to believe a violation of the Act may have occurred. Reason to believe is a threshold determination as to whether the allegations should be investigated; no conclusions about the matter have been reached as of this time. Accordingly, a substantive response to the allegations as they pertain to Alaskans for Theresa Nangle Obermeyer, Ph.D. would be most helpful to us in evaluating the merits of the complaint and what further action, if any, should be taken.

Since you returned to us the original letter and attachments, we have taken the liberty of enclosing these materials to assist you with preparing a substantive response, should you choose to submit one.

If we can be of any further assistance to you in this regard, please feel free to call me during business hours (EST) at 1-800-424-9530.

Many thanks for your consideration.

Very truly yours,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

97043804724

BEFORE THE FEDERAL ELECTION COMMISSION

MAR 13 4 10 PM '97

In the Matter of

Democratic Senatorial Campaign  
Committee and Paul Johnson, as  
Treasurer, et. al.

)  
) MUR 3620, Conciliation  
) Agreement Inquiry  
) MUR 4490  
) MUR 4502

**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On September 27, 1996, the National Republican Senatorial Committee ("NRSC") filed an Emergency Motion for Civil Enforcement of the Conciliation Agreement, alleging that the Democratic Senatorial Campaign Committee ("DSCC") has knowingly and willfully violated the remedial provisions of the conciliation agreement in MUR 3620. At its October 1, 1996, Executive Session, the Federal Election Commission ("Commission") decided to forward the NRSC's motion to the DSCC and to wait for a response from the DSCC before determining how to proceed in this matter. The Commission received the DSCC's Memorandum in Opposition to the National Republican Senatorial Committee's Motion for Civil Enforcement on October 17, 1996.

Because there was insufficient information to verify whether the DSCC had fully complied with the conciliation agreement, the Commission, on October 29, 1996, opened an inquiry in MUR 3620 and approved a Subpoena for the Production Documents and Answers to Interrogatories to the DSCC. The DSCC responded to the subpoena and order on December 13, 1996. Attachment 1. The DSCC also responded to follow-up questions on January 24, 1997. Attachment 2.

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At issue in MUR 3620 was whether certain contributions made to the DSCC and tallied to the DSCC accounts of various Democratic Senate candidates during the 1991-92 and 1993-94 election cycles were actually earmarked to those candidates. On August 15, 1995, the Commission accepted a signed conciliation agreement from the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, and took no further action against the candidates. Besides requiring the payment of a \$75,000 civil penalty, which the DSCC paid, the conciliation agreement required the following remedial action, which was to occur within 30 days after the agreement became effective:

a. For contributions to the DSCC that appear to be earmarked, the DSCC will refund the contributions or forward the contributions to the designated candidate, in accordance with 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 102.8, 110.6(b)(2)(iii), and 110.6(c)(1).

b. On an on-going basis, the DSCC will provide additional education and training to DSCC staff and participants in the tally program, including the staff of Democratic senate candidates, which will emphasize that: (1) DSCC does not accept contributions earmarked for a particular candidate; (2) tallied contributions will be spent for DSCC activities and programs as the Committee determines within its sole discretion; and (3) contributors must be advised of (1) and (2) above when the DSCC and tally program participants solicit tallied contributions.

c. The DSCC will utilize standard language in its solicitations pertaining to the tally program and, as part of its education and training, will instruct its tally participants to include this language in solicitations distributed by such candidates, their committees and their agents. This language will provide, in substance, that the DSCC does not accept contributions earmarked for a particular candidate and that tallied contributions will be used as the DSCC determines in its sole discretion. At a minimum, the language will state that: "The DSCC does not accept contributions earmarked for a particular candidate. Contributions tallied for a particular candidate will be spent for DSCC activities and programs as the Committee determines within its sole discretion."

d. The DSCC will implement reasonable procedures to review DSCC and Democratic Senate candidate fundraising solicitations pertaining to the tally program to ensure that the solicitations cannot be reasonably read to solicit

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earmarked contributions, in accordance with the requirements of Section VI(2)(b)-(c) of this agreement.

Conciliation Agreement at Section VI, Paragraph 2.

After filing its Emergency Motion regarding the conciliation agreement in MUR 3620 on October 1, 1996, the NRSC filed a complaint on similar grounds, designated as MUR 4490, which named the DSCC, most Democratic Senate candidates running for election in 1996, and certain unnamed contributors. The basis of the complaint was that these respondents had violated the conciliation agreement, as well as the earmarking and excessive contribution provisions of the Federal Election Campaign Act of 1971, as amended, ("Act" or "FECA") through the 1996 operation and participation in the DSCC's tally program. On October 8, 1996, the NRSC filed an additional complaint, MUR 4502, on the same basis which added an additional Democratic Senate candidate as a respondent. All of these respondents were notified of the complaint, and most responded. The main response of the DSCC and a Motion to Dismiss was received on November 29, 1996, and it was similar in content to the DSCC's response to the emergency motion.

For the reasons given below, this Office recommends that the Commission close the inquiry into the conciliation agreement in MUR 3620 and close the files in MUR 4490 and MUR 4502.

## II. ANALYSIS - MUR 3620, CONCILIATION AGREEMENT INQUIRY

The response to the interrogatories sent in the MUR 3620 conciliation agreement inquiry is consistent with the DSCC's response to the NRSC's Emergency Motion, except that the answers are sworn under the penalty of perjury. The DSCC contends that

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it fully complied with the four remedial provisions required by the August of 1995 conciliation agreement, and it did so in a timely manner. After examining the response, it appears that the DSCC did substantially implement the four requirements of the conciliation agreement. However, because there are a few outstanding concerns suggesting that the DSCC needs to make additional efforts to ensure total compliance with the spirit as well as the letter of the agreement, this Office recommends sending a cautionary letter notifying the DSCC that it should amend its procedures to strengthen its compliance.

**A. Treatment of Earmarked Contributions.**

As required by the conciliation agreement, the DSCC must refund to contributors contributions that appear to be earmarked or forward them to the designated candidate pursuant to the requirements of the FECA, and the DSCC appears to have implemented this requirement. Conciliation Agreement at Section VI, Paragraph 2(a). As discussed in the DSCC's response to the Emergency Motion and reiterated in its answers to the interrogatories, the DSCC has adopted a policy that if a contribution appears to bear any indicia of earmarking it will be returned to the contributor. Attachment 1 at 3-4. These indicia include such items as memo line notes bearing the name of a candidate, and the phrases "tally to \_\_\_\_" or "for \_\_\_\_." According to the DSCC, its only exception to this policy is if the contribution is accompanied by a letter or response card indicating that the contributor understands the tally program.

This policy was explained to DSCC staff and the staff of candidates orally and in memoranda. *Id.* at 4, 15 and 17. In addition, particular checks were reviewed by DSCC

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counsel to determine whether they complied with the requirements of the conciliation agreement. This refund policy for earmarked contributions demonstrates that the DSCC complied with the remedial earmarking provision of the conciliation agreement.

Conciliation Agreement Section VI, Paragraph 2(a).

**B. Education and Training**

Pursuant to Section VI, Paragraph 2(b) of the conciliation agreement, the DSCC was obligated to provide additional education and training to DSCC staff and tally participants about the new requirements of the tally program, and the DSCC appears to have implemented this requirement. According to the DSCC, training to implement the remedial provisions was conducted primarily by its outside lawyers Robert F. Bauer and Mark E. Elias. Training included in-person group seminars, pre-scheduled conference calls, and individual consultations with DSCC staff, candidates, Senate campaign staff, and fundraisers to answer questions and to provide instructions on the tally program and the conciliation agreement. *Id.* at 5. Memoranda distributed to DSCC staff and candidate staff after April of 1996 instructed participants on the requirements of the tally program with regard to earmarking and twice stated that "the DSCC does not accept earmarked contributions and that tallied contributions are spent for DSCC activities and programs as the Committee determines within its sole discretion." *Id.* at 15-18. Although all Democratic Senate campaigns received the memoranda, the DSCC cannot state that all campaigns received training and education beyond the memoranda.

*Id.* at 6-7.

Unlike in prior tally cycles, tally participants were informed that:

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the tally program does not include earmarking and that the DSCC does not accept earmarked contributions. They were also told that checks that bore an indicia of earmarking would be returned. They were also instructed that campaigns and fundraisers should take steps to ensure that the contributors understood the tally program. The DSCC also instructed its fundraising staff that it had to include the agreed upon disclaimer language in all tally solicitations, and campaigns were strongly encouraged to do the same. Finally, the education and training advised that candidates should, when possible, have the DSCC review tally fundraising solicitations to ensure compliance with the MUR 3620 conciliation agreement.

Id. at 8.

According to the DSCC response, required education and training about the tally program began in September of 1995 and continues in the present. Because the memoranda containing tally instructions were printed on April 29, 1996, this Office requested supplemental information on education and training that occurred in 1995. Counsel noted that it was hard to reconstruct at this point exactly what training had taken place in 1995 to implement the conciliation agreement, and that the tally fundraising program is not very active in odd-numbered years. Nonetheless, according to the DSCC, its counsel met with the DSCC's Executive Director in August of 1995 to educate him about the requirements of the conciliation agreement and implementation of those requirements. From August through December of 1995, counsel began briefing DSCC staff and candidates on the changes in the tally program. In September of 1995, counsel met with DSCC senior staff to formulate new policies and procedures to operate the tally program and began educating DSCC administrative and fundraising personnel about the tally program revisions. By October of 1995, DSCC documents describing the tally program had been revised to include the new disclaimer language. In November of 1995,

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counsel held a formal in-person training session for the entire DSCC fundraising staff about the new tally program requirements. Attachment 2.

Based on this information, it appears that the DSCC did conduct education and training with the DSCC and candidates on the requirements of the conciliation agreement. Although a major portion of the training consisted of the distribution of the April 29, 1996 memoranda, counsel for the DSCC also held seminars and individual consultations to discuss the requirements. This education and training appears sufficient to satisfy the requirement of the conciliation agreement. Nonetheless, based on the information provided by the NRSC in its Emergency Motion, it appears that although campaign and finance staff for Democratic candidates were aware of the requirements imposed by the conciliation agreement, some of the candidates themselves made statements suggesting that they believed tallied contributions would directly help them. See discussion of statements made by Candidates Durbin and Morales, General Counsel's Report (October 24, 1996) at 6 and 7.<sup>1</sup> As discussed below, while this Office believes that the education and training generally were adequate and did not violate the letter of the conciliation agreement, the DSCC needs to improve them and make a greater effort to directly explain the requirements of the tally program and the conciliation agreement to the candidates.

<sup>1</sup> For example, according to an Associated Press article, Congressman Durbin reportedly stated: "The only way the Democratic Senatorial Campaign Committee money goes to me is if I raise the money and it is tallied to me." When asked about his campaign finances, Mr. Morales allegedly said in a campaign interview submitted by the NRSC: "I think we have about a little over \$200, almost \$300,000. And then there's some tally money of about \$150,000. Tally money that, you know, people have tallied in my name to the DSCC."

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C. Disclaimer Language

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In the conciliation agreement, the DSCC agreed to utilize standard disclaimer language in its own solicitations pertaining to the tally program and to "instruct" tally participants to include the language in solicitations distributed by candidates, their committees, and their agents. Conciliation Agreement Section VI, Paragraph 2(c). The DSCC appears to have substantially implemented this requirement. In its response to the interrogatories, the DSCC states that it has "encouraged" candidates to include the disclaimer language in their solicitations, and the April 29, 1996 memoranda to 1996 Democratic Senate Candidates states that: "All written tally solicitations should include the following language: [The Disclaimer]. This language should be included as its own paragraph or a part of another and should be included in its entirety." *Id.* at 10 and 18 (emphasis in original).

It is clear that the DSCC utilized the agreed upon disclaimer language in solicitations distributed directly by the DSCC. This Office has reviewed a number of DSCC solicitations included in the NRSC's Emergency Motion, the DSCC's response to that motions, and the DSCC's answers to interrogatories, and all of these solicitations have included the agreed upon interrogatory language. Based on the memoranda and the responses to the interrogatories, the DSCC did stress to its candidates that they were to use the disclaimer language, and there is no indication that those candidates failed to use the disclaimer in solicitations, following distribution of the memoranda in April of 1996.<sup>2</sup>

<sup>2</sup> As discussed in the previous General Counsel's Report, Senator Levin's solicitations to the Chrysler Corporation Nonpartisan PAC (dated October 9, 1995) and to the National Structured Settlements PAC (dated December 29, 1995) failed to include the disclaimer. Nonetheless, these solicitations were distributed prior to the memoranda and

However, in response to the interrogatories, the DSCC informed the Commission that it only "encouraged" its candidates to include the disclaimer language, and encouragement is far less emphasis than the instruction required by the conciliation agreement.

Accordingly, as discussed in this Office's recommendation to send a cautionary letter to the DSCC, the DSCC needs to do more than encourage candidates to use disclaimer language.

#### D. Review Procedures

Pursuant to Section VI Paragraph 2(d) of the conciliation agreement, the DSCC was obligated to implement reasonable procedures to review DSCC and Democratic Senate candidate fundraising solicitations pertaining to the tally program to ensure that the solicitations cannot be reasonably read to solicit earmarked contributions. Based on information received from the DSCC, the DSCC needs to do more to implement reasonable procedures to review tally solicitations produced by the candidates.

According to the response, the DSCC communicated this "procedure" to DSCC staff and Democratic Senate candidates through formal training, written memoranda, and informal telephone consultation. The DSCC notes that it educated its staff and obviously reviewed its own solicitations, because all contain the required disclaimer.

The DSCC's memorandum to its fundraising staff states that "The DSCC should review candidate tally fundraising solicitations, when possible, to make sure they comply with the requirements set forth above." *Id.* at 16 (emphasis added). The memorandum to

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relatively soon after the effective date of the conciliation agreement. While the DSCC itself is specifically required to include the disclaimer language in its own solicitations, it is only obligated to "instruct" candidates to include the specific language.

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1996 Democratic Senate Candidates states that "Candidates are encouraged, when possible, to have the DSCC review tally fundraising solicitations." *Id.* at 18 (emphasis added). The language in the April 29, 1996 memoranda that the DSCC "should review candidate tally solicitations, when possible" is weak, and candidates have no positive or negative incentive to have their tally solicitations reviewed by the DSCC.

When asked to provide copies of all tally solicitations reviewed by the DSCC as part of these procedures, the DSCC responded: "The DSCC does not routinely maintain non-DSCC tally solicitations. All solicitations as well as those in the possession of the DSCC from candidate campaigns are attached." *Id.* at 12. The DSCC further states that it "is unaware of how many, if any, solicitations pertaining to the tally program since September 1, 1995 were not reviewed by the DSCC." *Id.* at 12. Nonetheless, the only candidate solicitation included with the response to the interrogatories which appears to have been reviewed and edited by the DSCC was for an October 12, 1996 Durbin campaign fundraiser. This was edited and changed substantially by the DSCC on October 9, 1996, after the DSCC received notification of the emergency motion on October 2, 1996. *Id.* at 41-44. The DSCC's use of the October, 1996, Durbin material as its only example of compliance with the review requirement raises the possibility that no other tally solicitations produced by Democratic Senate candidates were reviewed before the filing of the motion.

#### **E. Conclusion**

Based on the information included in the responses, it appears that the DSCC has, in most respects, adhered to the technical terms of the conciliation agreement. However,

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the evidence also shows that the DSCC needs to strengthen certain of its efforts in order to ensure that the steps the DSCC has taken achieve the intended purpose of the requirements in the agreement. Since it appears that there has been general compliance with the conciliation agreement, however, this Office recommends that the Commission take no further action at this time and terminate its inquiry into this matter. This Office also recommends that the Commission send a cautionary letter advising the DSCC of areas in which the organization needs to make further efforts to comply with the letter and spirit of the conciliation agreement.

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The proposed letter to the DSCC states in part that the Commission will take no further action in this matter at this time, but it advises the DSCC to take steps to ensure that its operation of the tally program is modified to improve its efforts in three areas. First, it appears that some of the 1996 Democratic Senate candidates, as opposed to campaign staff, remain unaware of certain of the remedial provisions of the 1995 conciliation agreement and are still not describing the tally program accurately, calling into question the effectiveness of some of the DSCC's educational efforts. Second, the DSCC needs to "instruct" Democratic Senate Candidates to include the disclaimer in their solicitations, as opposed to merely "encourage" them. Finally, the DSCC should use stronger language with candidates to implement review procedure, because candidates currently are only "encouraged, when possible to have the DSCC review tally fundraising solicitations." Attachment 3.

A second letter advises informs the NRSC that the Commission has admonished the DSCC and will take no further action in this matter at this time. Attachment 4.

Accordingly, this Office recommends that the Commission take no further action in the conciliation agreement inquiry in MUR 3620, approve the attached letters, close the conciliation agreement inquiry in MUR 3620, and close the file.

### III. ANALYSIS in MUR 4490 AND MUR 4502

In MUR 4490 and MUR 4502, the NRSC filed complaints alleging that the DSCC, most Democratic Senate candidates during the 1996 election cycle, and various unnamed contributors had violated and were continuing to violate the 1995 conciliation agreement in MUR 3620, as well as the FECA's earmarking and excessive contribution provisions. In short, the NRSC alleges that many contributors who had "maxed" out in direct contributions to Democratic Senate candidates violated the excessive contribution prohibition by earmarking additional contributions to those candidates through the tally program. Democratic Senate candidates allegedly solicited earmarked contributions, failed to correctly report as earmarked contributions 441a(d) coordinated party funds derived from tallied contributions, and accepted excessive contributions from those contributors who had already maxed out to their campaigns. The DSCC is alleged to have solicited earmarked contributions and failed to report the receipt of earmarked contributions or forward them to the appropriate candidate.

The conclusion reached above regarding the inquiry in MUR 3620 has a derivative impact on the complaints filed in MUR 4490 and MUR 4502. The NRSC alleged that all of the new respondents named in those complaints had violated the conciliation agreement in MUR 3620. Because the DSCC was the only respondent who signed that agreement and the agreement does not require any remedial action from the

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Democratic Senate candidates or potential contributors, neither the candidates nor the contributors could have violated the conciliation agreement. As described above, this Office concluded that the DSCC did generally comply with the conciliation agreement.

The results of the inquiry into the conciliation agreement in MUR 3620 have another impact on the complaints in MUR 4490 and MUR 4502. Based on sworn statements provided by the DSCC during the inquiry and the absence of any information to the contrary, this Office concluded that there is no evidence that the DSCC did not appropriately treat earmarked contributions received in the 1996 cycle by returning such contributions to the contributors. The allegation of earmarked contributions at issue in the MUR 3620 inquiry pertained to the identical contributions received in MUR 4490 and MUR 4502. Having concluded that there is no evidence that the DSCC did not appropriately treat earmarked contributions by returning them (and thus the DSCC was not required to follow the regulations at 11 C.F.R. § 110.6), this Office concludes there is no evidence that the DSCC accepted earmarked tallied contributions or pass earmarked contributions on to the Democratic Senate candidates in the form of coordinated party expenditures. Based on this conclusion, there is no evidence that the Democratic Senate candidates received earmarked contributions that they failed to report.

Because the NRSC also alleged that the contributors made and the candidates accepted excessive contributions through contributions to the DSCC tally program, an analysis of 11 C.F.R. § 110.1(h) is pertinent to this issue. That provision states that a person may contribute to a candidate or his or her authorized committee, with respect to a particular election, and also contribute to a political committee which has supported, or

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anticipates supporting the same candidate in the same election, if three requirements are met. First, the political committee is not the candidate's principal campaign committee or other authorized political committee or a single candidate committee. Second, the contributor does not give with the knowledge that a substantial portion will be contributed to, or expended on behalf of, that candidate for the same election; and third, the contributor does not retain control over the funds. 11 C.F.R. § 110.1(h).

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This provision means that a contributor can max out to a Democratic Senate candidate, and give to the DSCC through the DSCC's tally programs (a political committee which is not the candidate's principal campaign committee or other authorized political committee or a single candidate committee), as long as the contributor does not have knowledge that a substantial portion of the contribution will be expended on behalf of the candidate. Because the amount of funds tallied for a Democratic Senate candidate is only one of the factors used by the DSCC in making its allocation determinations, the contributor cannot have the knowledge that a substantial portion of the contribution will be expended on behalf of the candidate. There has never been any allegation that any contributor has retained control over tallied contributions, so the provisions of 11 C.F.R. § 110.1(h) are, met and the contribution is not considered an excessive contribution made by the contributor and accepted by the Democratic Senate candidate or the DSCC.

MUR 4490 and MUR 4502 remain in the Central Enforcement Docket and have not been activated. The Commission recently expended significant resources in analyzing the DSCC's and various Democratic Senate candidates' tally activities during

the 1992 and 1994 election cycles in MUR 3620, concluding with the conciliation signed in August of 1995. This Office subsequently has investigated the 1996 Tally Program in connection with the inquiry into compliance with the conciliation agreement in MUR 3620.

Based on the information contained in this report, this Office believes that the Commission should exercise its prosecutorial discretion and not expend additional resources on these matters. This Office would notify the NRSC and all of the respondents of the Commission's actions through standard letters. Attachments 5 and 6. Accordingly, this Office recommends that the Commission take no action in MUR 4490 and MUR 4502, approve the attached letters, and close the files.

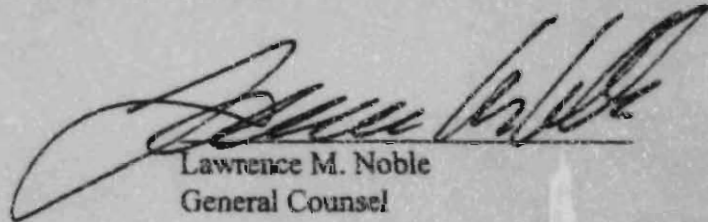
IV. RECOMMENDATIONS

1. Take no further action in the conciliation agreement inquiry in MUR 3620.
2. Approve the attached letters in the conciliation agreement inquiry in MUR 3620.
3. Close the conciliation agreement inquiry in MUR 3620 and close the file.
4. Take no action in MUR 4490 and MUR 4502.
5. Approve the attached letters in MUR 4490 and MUR 4502.
6. Close the files in MUR 4490 and MUR 4502.

Date

3/13/97

Lawrence M. Noble  
General Counsel



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Attachments:

1. DSCC Response to Interrogatories
2. DSCC Supplemental Response
3. MUR 3620 Letter to the DSCC
4. MUR 3620 Letter to the NRSC
5. MUR 4490 and MUR 4502 Letter to the NRSC
6. MUR 4490 and MUR 4502 Letter to Respondents

Attorney assigned: Stephan O. Kline

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE ROSS   
COMMISSION SECRETARY

DATE: MARCH 18, 1997

SUBJECT: MURs 3620, 4490, and 4502 - General Counsel's Report

The above-captioned document was circulated to the Commission  
on Friday, March 14, 1997.

Objection(s) have been received from the Commissioner(s) as  
indicated by the name(s) checked below:

Commissioner Aikens	—
Commissioner Elliott	<b>XXX</b>
Commissioner McDonald	—
Commissioner McGarry	—
Commissioner Thomas	<b>XXX</b>

This matter will be placed on the meeting agenda for  
Tuesday, March 25, 1997.

Please notify us who will represent your Division before the Commission on this  
matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3620 Conciliation
Democratic Senatorial Campaign	)	Agreement Inquiry
Committee and Paul Johnson, as)		MUR 4490
Treasurer, et al.	)	MUR 4502

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 25, 1997, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions with respect to the above-captioned matters:

1. Take no further action in the conciliation agreement inquiry in MUR 3620.
2. Approve the letters in the conciliation agreement inquiry in MUR 3620 as recommended in the General Counsel's March 13, 1997 report.
3. Close the conciliation agreement inquiry in MUR 3620 and close the file.
4. Take no action in MUR 4490 and MUR 4502.
5. Approve the letters in MUR 4490 and MUR 4502 as recommended in the General Counsel's March 13, 1997 report.

(continued)

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Federal Election Commission  
Certification: MURS 3620, 4490,  
and 4502  
March 25, 1997

Page 2

6. Close the files in MUR 4490 and MUR 4502.

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

Attest:

3-25-97  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Benjamin L. Ginsberg, Esquire  
PATTON BOGGS, L.L.P.  
2550 M Street, N.W.  
Washington, D.C. 20037-1350

RE: MURs 4490 and 4502

Dear Mr. Ginsberg:

On October 1 and October 8, 1996, the Federal Election Commission received complaints from your client, John Heubusch, Executive Director of the National Republican Senatorial Committee, alleging certain violations of the Federal Election Campaign Act of 1971, as amended, ("Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. Accordingly, the Commission closed its files in these matters on March 25, 1997. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Robert F. Bauer, Esq.  
Mark E. Elias, Esq.  
Perkins Coie  
607 14th Street, NW  
Washington, DC 20005

RE: MUR 4490

Joel Tauber; Friends of Max Cleland for the U.S. Senate, Inc.; Wayne H. Howell, former Treasurer; and Stephen R. Leeds, Treasurer; Victor Morales for Senate Campaign Committee and Susan Hays, Treasurer; Democratic Senatorial Campaign Committee and Paul Johnson, Treasurer; Friends of Max Baucus and Nancy Nicholson, Treasurer; Beshear for U.S. Senate Committee, Steven L. Beshear and Charles L. Stivers, Treasurer; James H. Boren; Brennan for U.S. Senate and William B. Troubh, Treasurer; Elliott S. Close for U.S. Senate and Harry M. Dalton, Treasurer; Friends of Dick Durbin Committee and Michael E. Daly, Treasurer; Harvey Gantt for Senate Campaign Committee and Bobby T. Martin, Treasurer; Tim Johnson for South Dakota, Inc. and Berniece F. Mayer, Treasurer; Karpan for Wyoming and Roger Schreiner, Treasurer; Kerry Committee and William L. Elsbree, Treasurer; Mary Landrieu for Senate Committee, Inc. and Thomas C. Delahaye, Treasurer; Nebraskans for Nelson and Michael A. Shrier, Treasurer; Reed Committee and Elizabeth R. Young, Treasurer; Friends of Tom Strickland, Inc. and Christopher W. Romer, Treasurer; Swett for Senate and Katrina Lantos Swett, Treasurer; Sally Thompson for U.S. Senate, Sally Thompson and Joan Wagnon, Treasurer; Torricelli for U.S. Senate, Inc.; Stephen Moses, former Treasurer; and Adam Crain, Treasurer; Wellstone for Senate and Richard S. Kahn, Treasurer; MaryAnne Hanson Alix; Mandell Berman; Madeline Berman; Maurice Cohen; Sadie Cohen; Linda Dresner; Dorothy Gerson; Irwin Green; Doreen Hermelin; Robert Larson; David Mondry; Miriam Mondry; Richard Rogel; Susan Rogel; and Timothy F. Wuliger.

Dear Messrs. Bauer and Elias:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

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Robert F. Bauer, Esquire  
Marc E. Elias, Esquire

Page 2

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Harvey Bernard Gantt  
517 N. Poplar Street  
Charlotte, NC 28202

RE: MUR 4490

Dear Mr. Gantt:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turlay  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Skip Eaton, Treasurer  
Committee to Elect Art Trujillo  
303 San Mateo NE, Suite 100  
Albuquerque, NM 87108

RE: MUR 4490

Dear Mr. Eaton:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against Committee to Elect Art Trujillo and you, as treasurer. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisor Attorney  
Central Enforcement Docket

Enclosure

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Maxwell Cleland  
3146 Northeast Expressway  
Atlanta, GA 30357

RE: MUR 4490

Dear Senator Cleland:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Winston Bryant  
PO Box 34083  
Little Rock, AR 72203

RE: MUR 4490

Dear Mr. Bryant:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Thomas H. Bruggere  
30000 SW 35th Drive  
Wilsonville, OR 97070

RE: MUR 4490

Dear Mr. Bruggere:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisor Attorney  
Central Enforcement Docket

Enclosure

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Edward Joseph Brennan  
45 Eastern Prom  
Portland, ME 04101

RE: MUR 4490

Dear Mr. Brennan:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804752





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Max S. Baucus  
511 Senate Hart Office Building  
Washington, D.C. 20510-2602

RE: MUR 4490

Dear Senator Baucus:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

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

F. Andrew Turley  
Supervisor Attorney  
Central Enforcement Docket

Enclosure

97043804753



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

The Honorable John F. Kerry  
421 Senate Russell Office Building  
Washington, D.C. 20510-2102

RE: MUR 4490

Dear Senator Kerry:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Tarley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804754



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Lyn Utrecht, Esq  
Oldaker, Ryan, Phillips & Utrecht  
818 Connecticut Avenue, NW, #1100  
Washington, DC 20006

RE: MUR 4490

The Honorable Tom Harkin, Citizens for Harkin and Theresa L. Kehoe, Treasurer

Dear Ms. Utrecht:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Aiva E. Smith at (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043604755





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Dick Swett  
PO Box 1937  
Bow, NH 03304

RE: MUR 4490

Dear Mr. Swett:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Dock

Enclosure

97043804756



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Joseph M. Jones, Esquire  
SCHWALB, DONNENFELD, BRAY & SILBERT  
1025 Thomas Jefferson Street, N.W., Suite 300 East  
Washington, D.C. 20007

RE: MUR 4490  
Robert S. Nathan

Dear Mr. Jones:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043804757



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Theodore L. Jones, Esquire  
McCOLLISTER & McCLEARY  
3029 South Sherwood Forest Blvd., Suite 100  
Baton Rouge, LA 70816

RE: MUR 4490  
Ieyoub for Senate Committee, Inc.; Ruth Lynn Russell, as treasurer; and  
Richard P. Ieyoub

Dear Mr. Jones:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043804758





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

William C. Oldaker, Esquire  
OLDAKER, RYAN, PHILLIPS & UTRECHT  
818 Connecticut Avenue, N.W., Suite 1100  
Washington, D.C. 20006

RE: MUR 4490  
The Honorable Joseph R. Biden; Citizens for Biden - 1996; and Melvyn  
Monzack, as treasurer

Dear Mr. Oldaker:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Tuttle  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043804759



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Paul D. Wellstone  
717 Senate Hart Office Building  
Washington, D.C. 20510-2303

RE: MUR 4490

Dear Senator Wellstone:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

9704380476C



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Martha G. Wehrle, Treasurer  
Friends of Senator Rockefeller  
245 Second Street, N.E., Suite 300  
Washington, D.C. 20002

RE: MUR 4490

Dear Ms. Wehrle:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against Friends of Senator Rockefeller and you, as treasurer. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

97043804761





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Robert H. Naftaly, Treasurer  
Friends of Senator Carl Levin  
PO Box 47368  
Oak Park, MI 48237

RE: MUR 4490

Dear Mr. Naftaly:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Friends of Senator Carl Levin and you, as treasurer. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804762



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Dan Lykins, Esq.  
Bryan, Lykins, Hejmanek, P.A.  
222 W. Seventh Street  
P.O. Box 797  
Topeka, KS 66601

RE: MUR 4490  
Joan Finney for U.S. Senate Campaign, Joan M. Finney and Dan Lykins, Treasurer

Dear Mr. Lykins:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804763



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Carl Levin  
1017 East Capitol Street, N.E.  
Washington, D.C. 20003

RE: MUR 4490

Dear Senator Levin:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043804764





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Richard Todd, Treasurer  
Roger H. Bedford for U.S. Senate  
P.O. Box 669  
Russellville, AL 35653

RE: MUR 4490

Dear Mr. Todd:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against Roger H. Bedford for U.S. Senate and you, as treasurer. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804765



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Robert G. Torricelli  
161 Walnut Street  
Englewood, NJ 07631

RE: MUR 4490

Dear Senator Torricelli:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Tarley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804766



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Thomas L. Strickland  
2627 E. 7th Avenue  
Denver, CO 80206

RE: MUR 4490

Dear Mr. Strickland:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804767





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Gardner W. Skinner, Jr., Treasurer  
Minnick for Senate  
PO Box 2009  
Boise, ID 83701

RE: MUR 4490

Dear Mr. Skinner:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Minnick for Senate and you, as treasurer. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

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

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804768



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

The Honorable John D. Rockefeller, IV  
245 Second Street, N.E., Suite 300  
Washington, D.C. 20002

RE: MUR 4490

Dear Senator Rockefeller:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804769



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Jack Reed  
339 Senate Russell Office Building  
Washington, D.C. 20510-3903

RE: MUR 4490

Dear Senator Reed:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

9704380477C





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

April 10, 1997

Shawn Richard O'Hara  
PO Box 15275  
Hattiesburg, MS 39404

RE: MUR 4490

Dear Mr. O'Hara:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804771



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Theresa Nangle Obermeyer, Ph.D.  
3000 Darmouth Drive  
Anchorage, AK 99508

RE: MUR 4490

Dear Ms. Obermeyer:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804772



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Thomas S. Obermeyer, Treasurer  
Alaskans for Theresa Nangle Obermeyer, Ph. D.  
3000 Dartmouth Drive  
Anchorage, AK 99508

RE: MUR 4490

Dear Mr. Obermeyer:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against Alaskans for Theresa Nangle Obermeyer, Ph.D. and you, as treasurer. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804773





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Art Trujillo  
4997 Butte Place, N.W.  
Albuquerque, NM 87120

RE: MUR 4490

Dear Mr. Trujillo:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804774



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Victor Manuel Morales  
122 Willow Lake Lane  
Crandall, TX 75114

RE: MUR 4490

Dear Mr. Morales:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804775



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Patty Myers, Treasurer  
Jim Boren for U.S. Senate Committee  
One Plaza South  
Tahlequah, OK 74464

RE: MUR 4490

Dear Ms. Myers:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Jim Boren for U.S. Senate Committee and you, as treasurer. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

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

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804776





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Leslie J. Kerman, Esquire  
EPSTEIN BECKER & GREEN, P.C.  
1227 25th Street, N.W., Suite 700  
Washington, D.C. 20037

RE: MUR 4490  
Friends of Mark Warner; Gerald McGowan, as treasurer; and Mark R.  
Warner

Dear Ms. Kerman:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804777



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

M. Jay Whitman, Esq.  
International Union, United Automobile,  
Aerospace & Agricultural Implement  
Workers of America  
8000 East Jefferson Avenue  
Detroit, MI 48214

RE: MUR 4490  
UAW Committee for Good Government and Larry Smith, Treasurer

Dear Mr. Whitman:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisor, Attorney  
Central Enforcement Docket

Enclosure

97043804778



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Robert F. Bauer, Esq.  
Mark E. Elias, Esq.  
Perkins Coie  
607 14th Street, NW  
Washington, DC 20005

Jon E. Hastings, Esq.  
Boult, Cummings, Conners & Berry  
Suite 1600, 414 Union Street  
Nashville, TN 37219

RE: MUR 4490  
Houston Gordon for Senate and Charles W. Bone, Treasurer

Dear Messrs. Bauer, Elias, and Hastings:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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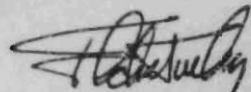


Robert F. Bauer, Esq.  
Mark E. Elias, Esq.  
Jon E. Hastings, Esq.

Page 2

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

9704380478C



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Robert F. Bauer, Esq.  
Mark E. Elias, Esq.  
Perkins Coie  
607 14th Street, NW  
Washington, DC 20005

Per A. Ramfjord, Esq.  
Stoel Rives LLP  
900 SW Fifth Ave.  
Suite 2300  
Portland, OR 97204-1268

RE: MUR 4490

Tom Bruggere for U.S. Senate and Robert D. Van Brocklin, Treasurer

Dear Messrs. Bauer, Elias, and Ramfjord:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

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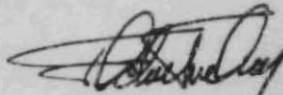
97043804781

Robert F. Bauer, Esquire  
Mark E. Elias, Esquire  
Per A. Ramfjord, Esquire

Page 2

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,



F. Andrew Tunley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804782





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Robert F. Bauer, Esq.  
Mark E. Elias, Esq.  
Perkins Coie  
607 14th Street, NW  
Washington, DC 20005

Clifford P. Block, Esq.  
P.O. Box 34083  
Little Rock, AR 72203

RE: MUR 4490

Committee to Elect Winston Bryant U.S. Senate and Clifford P. Block, Treasurer

Dear Messrs. Bauer, Elias, and Block:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

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97043804783

Robert F. Bauer, Esq.  
Mark E. Elias, Esq.  
Clifford P. Block, Esq.

Page 2

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,



F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804784



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

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

RE: MUR 4490  
American Federation of State, County and Municipal Employees PEOPLE  
and William Lucy, Treasurer

Dear Mr. Weinberg:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley", is positioned above the typed name.

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804785





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Clinton J. Miller, III, Esq.  
General Counsel  
Transportation Political Education League  
14600 Detroit Avenue  
Cleveland, OH 44107

RE: MUR 4490  
Transportation Political Education League and Roger D. Griffith, Treasurer

Dear Mr. Miller:

On October 8, 1996, the Federal Election Commission notified your clients of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. Accordingly, the Commission closed its file in this matter on March 25, 1997.

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If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Enclosure

97043804786



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Robert F. Bauer, Esq.  
Mark E. Elias, Esq.  
Perkins Coie  
607 14th Street, NW  
Washington, DC 20005

Jeffrey L. Bowling, Esq.  
Bedford & Rogers P.L.  
P.O. Box 669  
303 Jackson Ave. N.  
Russellville, AL 35653

RE: MUR 4490  
Roger Hugh Bedford

Dear Messrs. Bauer, Elias and Bowling:

On October 8, 1996, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your client. Accordingly, the Commission closed its file in this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

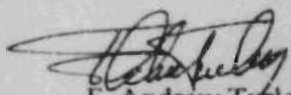
97043804787

Robert F. Bauer, Esq.  
Mark E. Elias, Esq.  
Jeffrey L. Bowling, Esq.

Page 2

If you have any questions, please contact the Alva E. Smith at (202) 219-3400.

Sincerely,



F. Andrew Turley  
Supervisor/Attorney  
Central Enforcement Docket

Enclosure

97043804788



97043804789

THERESA NANGLE OBERMEYER

3000 Dartmouth Drive  
Anchorage, Alaska 99508  
(907) 278-9455 Message Phone, FAX

May 7, 1997

REVISION

Mr. F. Andrew Turley, Supervisory Attorney  
Central Enforcement Docket  
Federal Election Commission  
Washington, D.C. 20463

RE:MUR 4490

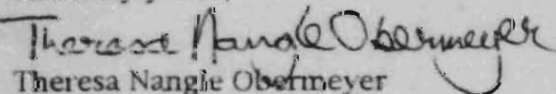
Dear Mr. Turley:

Two page fax. In response to our telephone conversation a couple of weeks ago and your correspondence of April 21, 1997, I am enclosing a letter signed by Mr. Victor Baird, Staff Director and Chief Counsel, United States Senate Select Committee on Ethics dated July 3, 1996 which clearly states "... only those candidates who raise or spend \$5,000, as determined by the Federal Election Commission, are required to file a public disclosure report. . ."

My campaign for U.S. Senate involved "extraordinary circumstances" in that I was jailed for 29 days June 11-July 9, 1996. I received no financial assistance from Democratic Senatorial Campaign Committee during the Primary or General Election. After the General Election I mailed to the then Chair, FEC, Ms. Lee Ann Elliott, the October 8, 1996 packet of materials I had been sent to alert Federal Election Commission of my belief that the inclusion of my campaign in MUR 4490 was politically motivated a few weeks prior to U.S. Senate General Election.

As I stated over the telephone, I request that my name be taken off the complaint completely. Please investigate why my name was on the complaint originally. I hope the involvement of my good name in MUR 4490 is concluded with this letter.

Sincerely yours,

  
Theresa Nangle Obermeyer  
cc:Ms. Elliott

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MAY 12 10 34 AM '97

MITCH MCCONNELL, KENTUCKY, CHAIRMAN  
BYRON DORGAN, NORTH CAROLINA, VICE CHAIRMAN  
ROBERT BARTT, NEW HAMPSHIRE HARRY REID, NEVADA  
LARRY CRACK, IOWA PATTY MURRAY, WASHINGTON  
VICTOR BAIRD, STAFF DIRECTOR AND CHIEF COUNSEL  
ANNETTE M. COLLIS, CHIEF CLERK

## United States Senate

SELECT COMMITTEE ON ETHICS

HART SENATE OFFICE BUILDING, ROOM 220  
SECOND AND CONSTITUTION AVENUE, NE.

WASHINGTON, DC 20510-6425

TELEPHONE (202) 224-2981

FAX (202) 224-7416

July 3, 1996

Dr. Theresa N. Obermeyer  
3000 Dartmouth Dr.  
Anchorage, AK 99508-4413

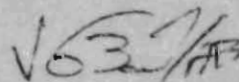
Dear Dr. Obermeyer:

We received notification that you became a candidate under the Federal Election Commission Act. Consequently, the Ethics in Government Act requires that you complete a public financial disclosure form within 30 days of becoming a candidate (or by May 15th of the calendar year in which you become or are a candidate), which our records indicate was June 27, 1996. As of the date of this letter, our records indicate that you have not filed your report. However, only those candidates who raise or spend \$5,000, as determined by the Federal Election Commission, are required to file a public financial disclosure report. If you do not meet this reporting threshold, or if you believe your filing deadline is in error, please notify the Committee in writing immediately.

Under the law, a \$200 penalty must be paid when a report is filed more than 30 days after the due date. The law does provide for a waiver of the fine by the Committee in extraordinary circumstances. Such a waiver must be requested in writing, setting forth the reasons for such a waiver. Please file your disclosure form, even if you have requested a waiver of any applicable late filing penalty. If your report is received after July 27, 1996, it must be accompanied by a certified check or money order, payable to the U.S. Treasury, unless you have requested a waiver.

If you have any questions about this letter or your public financial disclosure requirements, please contact the Committee at (202) 224-2981.

Sincerely,



Victor Baird  
Staff Director  
and Chief Counsel

9704380479C

Byron  
Dorgan

Victoria

THIS IS THE END OF MUR # 4490

97043804791





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4490

DATE FILMED 5-18-97 CAMERA NO. 4

CAMERAMAN JMN

9704 380 4791



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Date: 5/20/97

✓ Microfilm

       Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4490

97043805123



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Alan Webster, Treasurer  
Shawn O'Hara U.S. Senate  
PO Box 15275  
Hattiesburg, MS 39404

RE: MUR 4490

Dear Mr. Webster:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against Shawn O'Hara U.S. Senate and you, as treasurer. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

**COPY**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

97043805124





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Benjamin E. Nelson  
1425 H Street  
Lincoln, NE 68508

RE: MUR 4490

Dear Governor Nelson:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

**COPY**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

97043805125



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

Walter Clifford Minnick  
1094 Hearthstone  
Boise, ID 83702

RE: MUR 4490

Dear Mr. Minnick:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

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

Sincerely,

**COPY**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

97043805126



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Kathy Karpan  
P.O. Box 522  
Cheyenne, WY 82003

RE: MUR 4490

Dear Ms. Karpan:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

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

Sincerely,

**COPY**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

97043805127





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Tim Johnson  
528 Senate Hart Office Building  
Washington, D.C. 20510-4104

RE: MUR 4490

Dear Senator Johnson:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

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

Sincerely,

**COPY**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043805128



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Tim Johnson  
102 N. Plum  
Vermillion, SD 57069

RE: MUR 4490

Dear Senator Johnson:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

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

Sincerely,

**COPY**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043805129



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 19, 1997

Houston Gordon  
PO Box 766  
Covington, TN 38019

RE: MUR 4490

Dear Mr. Gordon:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

**COPY**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043805130





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Richard J. Durbin  
267 Senate Russell Office Building  
Washington, D.C. 2051-1304

RE: MUR 4490

Dear Senator Durbin:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

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Supervisory Attorney  
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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

The Honorable Richard J. Durbin  
1525 S. Bates  
Springfield, IL 62704

RE: MUR 4490

Dear Senator Durbin:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 1997

Elliott Springs Close  
2700 River Ridge Place  
Fort Mill, SC 29715

RE: MUR 4490

Dear Mr. Close:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercised its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

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Sincerely,

**COPY**

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

97043805133





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 20, 1997

The Honorable Mary L. Landrieu  
United States Senate  
825 Senate Hart Office Building  
Washington, D.C. 20510-1804

RE: MUR 4490

Dear Senator Landrieu:

This letter was not mailed to you earlier because of an administrative oversight. We apologize for any inconvenience we may have caused.

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. Accordingly, the Commission closed its file on this matter on March 25, 1997.

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If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9430. Our local telephone number is (202) 219-3400.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

*Celebrating the Commission's 20th Anniversary*

YESTERDAY, TODAY AND TOMORROW  
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043805134



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 20, 1997

The Honorable Mary L. Landrieu  
58156 Court Street  
Plaquemine, LA 70764

RE: MUR 4490

Dear Senator Landrieu:

This letter was not mailed to you earlier because of an administrative oversight. We apologize for any inconvenience we may have caused.

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

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