



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20563

THIS IS THE BEGINNING OF MUR # 4607

DATE FILMED 4/23/73 CAMERA NO. 1

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United Seniors Association, Inc.

12500 Fair Lakes Circle • Suite 125 • Fairfax, Virginia 22033 • (703) 803-6747

BOARD OF DIRECTORS

SANDRA BUTLER
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ANTHONY FABRIZIO
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FORMER UNITED STATES SENATOR
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RICHARD A. VIGUERIE
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FLORIDA STATE UNIVERSITY

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CONTRIBUTING EDITOR,
THE FREEMAN

JOHN L. RYAN
FORMER CHAIRMAN,
U.S. POSTAL RATE COMMISSION AND
INDIANA PUBLIC SERVICE COMMISSION

OTTO SCOTT
AUTHOR

TERREE P. WASLEY
ECONOMIST/CONSULTANT

MUR 4607

December 18, 1996

JAN 7 10 43 AM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF SENIOR

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

Re: National Council of Senior
Citizens

Dear Sir:

Enclosed, in accordance with the provisions of 2 U.S.C. 437g(a)(1) and 11 C.F.R. § 111.4, is the executed Complaint of United Seniors Association, Inc. in which it is asserted that National Council of Senior Citizens, 1881 F Street, N.W., Washington, D. C., 20004, violated multiple provisions of the Federal Election Campaign Act of 1971, as amended.

Very truly yours,

Sandra L. Butler
President

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

NATIONAL COUNCIL OF SENIOR
CITIZENS,

1331 F Street, N.W.
Washington, D. C. 20004,

Respondent.

JAN 7 10 43 AM '97

COMPLAINT

THIS COMPLAINT is filed by UNITED SENIORS ASSOCIATION, INC., 12500 Fair Lakes Circle, Fairfax, Virginia, 22033, in the belief that NATIONAL COUNCIL OF SENIOR CITIZENS, 1331 F Street, N.W., Washington, D. C., 20004, violated provisions of the Federal Election Campaign Act of 1971, as amended. In support of its Complaint, United Seniors Association, Inc. alleges, as follows:

1. Upon information and belief, National Council of Senior Citizens is a corporation which has been determined by the Internal Revenue Service to be an organization described in Section 501(c)(4) of the Internal Revenue Code.

2. National Council of Senior Citizens maintains a Home Page, or World-Wide Web site, on the internet at [HTTP://VWWW.CLARK.NET/NCSCINC/HOMB.HTML](http://VWWW.CLARK.NET/NCSCINC/HOMB.HTML).

3. Attached to this Complaint is a copy of a press release National Council of Senior Citizens included in its Home Page. The press release, dated July 1, 1996, and accessed at

HTTP://VWWW.CLARK.NET/NCSCINC/PRESS3.HTM, includes the following statements:

"National Council of Senior Citizens Endorses President Clinton in the 1996 Election."

"We [National Council of Senior Citizens] agree with Clinton and are urging all seniors to vote Clinton/Gore in 1996."

4. All members of the general public may access the Home Page of National Council of Senior Citizens; and, it is submitted that, by "urging all seniors to vote Clinton/Gore in 1996," National Council of Senior Citizens intended its message to be read by the general public.

5. The statement by National Council of Senior Citizens "urging all seniors to vote Clinton/Gore in 1996" expressly advocates the election of clearly identified candidates for election to the offices of President and Vice President of the United States.

6. Complainant alleges that National Council of Senior Citizens violated the provisions of 2 U.S.C. 441d and 11 C.F.R. § 110.11 by failing to include a disclaimer in a clear and conspicuous manner which would give a reader or observer adequate notice of the identity of the persons who paid for and, if required, who authorized the statement "urging all seniors to vote Clinton/Gore in 1996."

7. Complainant alleges that National Council of Senior Citizens violated the provisions of 2 U.S.C. 441b and 11 C.F.R. § 114.2 by making expenditures for communications to the general

public that expressly advocate the election of clearly identified candidates for federal office.

8. News articles reported that National Council of Senior Citizens hosted and sponsored a campaign event for President Clinton on July 2, 1996. (See, for example, The Chicago Sun-Times, July 3, 1996: "The president began his visit [to Chicago on July 2, 1996] with a speech to the National Council of Senior Citizens, a group that has endorsed him . . . 'What I want you to do is not just stand with me, but go home and explain it to everyone else,' Clinton said. The 1,000 or so senior citizens in the Hyatt Regency Hall shouted 'four more years' before, during and after Clinton's 40-minute speech.")

9. Upon information and belief, National Council of Senior Citizens expended in excess of \$1,000.00 in hosting and sponsoring the campaign event for President Clinton at the Hyatt Regency in Chicago, Illinois, on July 2, 1996.

10. Complainant alleges that National Council of Senior Citizens made an "expenditure," as defined in 2 U.S.C. 431(9)(A), in hosting and sponsoring the campaign event for President Clinton at the Hyatt Regency in Chicago, Illinois, on July 2, 1996; and, that, because the expenditure apparently exceeded \$1,000.00, National Council of Senior Citizens is a "political committee," as defined in 2 U.S.C. 431(4)(A). As a result, Complainant alleges that National Council of Senior Citizens violated the provisions of 2 U.S.C. 433 by failing to register as a political committee; that it violated the provisions of 2 U.S.C. 434 by failing to file reports required of

a political committee; that it violated the provisions of 2 U.S.C. 441a by making expenditures in cooperation, consultation, or in concert with candidate Clinton in excess of the lawful limitation; and, that, as a corporate entity, it violated the provisions of 2 U.S.C. 441b by making an expenditure in connection with a federal election.

11. National Council of Senior Citizens endorsed numerous other candidates for federal office. Those endorsements included Senate candidate Robert Torricelli (see The New York Times, November 1, 1996); Senate candidate Tom Strickland (see The Rocky Mountain News, October 15, 1996); Congressional candidate David Bonior (see The Detroit News, October 29, 1996); Congressional candidate Sander Levin (see The Detroit News, October 29, 1996); Congressional candidate Lynn Rivers (see The Detroit News, October 29, 1996); Congressional candidate George Miller (see The San Francisco Chronicle, October 27, 1996); Congressional candidate Pete Stark (see The San Francisco Chronicle, October 27, 1996); Congressional candidate Robert A. Weygand (see The Providence Journal-Bulletin, September 27, 1996); Congressional candidate Patrick Kennedy (see The Providence Journal-Bulletin, October 10, 1996); Senate candidate Winston Bryant (see The Arkansas Democrat-Gazette, October 5, 1996); Congressional candidate Clem Balanoff (see The Chicago Tribune, October 22, 1996); Senate candidate Mark Warner (see The Richmond Times Dispatch, October 2, 1996); Senate candidate Dick Durbin (see The Chicago Sun-Times, October 15, 1996); Senate candidate John Kerry (see The Boston Globe, June 1, 1996); and,

Congressional candidate Jim Clyburn (see The Post and Courier, October 29, 1996).

12. Many of the endorsements of candidates made by National Council of Senior Citizens were coordinated with the candidates, the candidates' agents, or candidates' authorized committees. Examples of such coordination include the following:

(a) Referring to the appearance by President Clinton at the event sponsored by National Council of Senior Citizens in Chicago, Illinois, cited in paragraph 8 of this Complaint, The Channel 2 News at Six (WBBM-TV, Chicago) reported on July 2, 1996 that President Clinton "accepted the endorsement of the National Council of Senior Citizens." That endorsement had been voted on and announced on July 1, 1996.

(b) A representative of National Council of Senior Citizens made a joint appearance with Senate candidate Robert Torricelli on or about October 31, 1996 in Red Bank, New Jersey, at which the representative of National Council of Senior Citizens announced, and candidate Torricelli accepted, that organization's endorsement. (See The New York Times, November 1, 1996, "Politics: The Democrat; Torricelli Vows to Fight G.O.P. Cuts in Medicare.")

(c) The president of National Council of Senior Citizens, Harry Guenther, made a joint appearance with Senate candidate Mark Warner on October 1, 1996, to announce candidate Warner's endorsement by National Council of Senior Citizens. Guenther and Warner then together visited a number of senior centers in Norfolk, Alexandria, Petersburg, and Roanoke,

Virginia. (See The Richmond Times Dispatch, October 2, 1996, "Seniors Unit Backs M. Warner.")

113. Upon information and belief, the public announcements of the endorsements of candidates by National Council of Senior Citizens were widely distributed to representatives of the news media and to representatives of the new media that National Council of Senior Citizens does not customarily contact when issuing non-political press releases or holding press conferences.

114. Complainant alleges that National Council of Senior Citizens violated the provisions of 2 U.S.C. 441b and 11 C.F.R. § 114.4(c)(6) by making more than de minimis disbursements in distributing public announcements of its endorsements and by coordinating the public announcements of its endorsements with the candidates, the candidates' agents or the candidates' authorized committees.

115. Based on the fact that the endorsement by National Council of Senior Citizens of President Clinton included a statement expressly advocating the election of candidate Clinton, there is reason to believe that other endorsements (and accompanying public announcements) by National Council of Senior Citizens also included statements expressly advocating the election or defeat of clearly identified federal candidates. Complainant petitions the Federal Election Commission to subpoena and examine, in the course of its investigation in this matter, all printed, written, audio, and electronically transmitted materials produced and distributed by National Council of Senior

Citizens in the course of the 1996 election cycle to determine if those materials violated 2 U.S.C. 441b and/or 2 U.S.C. 4401d.

Respectfully submitted,

United Seniors Association, Inc.

By:

Sandra L. Butler
Sandra L. Butler, President

COMMONWEALTH OF VIRGINIA)

) ss:

COUNTY OF FAIRFAX)

Sworn to and subscribed before me
this 31st day of December,
19 96, by SANDRA L. BUTLER.

Anita Louise Benjamin
Notary Public

My Commission Expires: 11-30-99



Getting The Latest in News

**NATIONAL COUNCIL OF SENIOR
CITIZENS
ENDORSES PRESIDENT CLINTON IN 1996
ELECTION**

July 1, 1996



**"Clinton has proven himself
a true warrior for working
families, and won our
unconditional support"**



CHICAGO---It was clear from day one of the National Council of Senior Citizens' 21st Constitutional Convention that Bill Clinton had won the hearts and minds of this important and influential senior citizens' group. When the vote finally came, the endorsement was swift and unanimous -- and only the second time in 35 years that the organization had endorsed a presidential candidate. The first was in 1992, and Bill Clinton won that round, too.

"Seniors simply love Bill Clinton," notes Lois Wellington, President of the Congress of California Seniors, one of NCSC's largest state affiliates. "It's not just his support of Medicare and Social Security, but his broader support for working families."

"Bob Dole doesn't get it," agrees Eleanor Litwak, President of the New York State Council of Senior Citizens. "America doesn't need another lecture about family values, we need someone with real vision and a solid track record of being able to trim the fat out of government, without cutting the heart out of core family programs. Bill Clinton makes the grade," she said.

"After the battle last year, this vote was really a foregone conclusion," observed NCSC Executive Director Steve Promulis. "the battle lines over Medicare, Medicaid and Social Security have never been so clearly drawn. Bob Dole opposed Medicare in 1965, and still opposes it in 1996. Bill Clinton recognizes that changes are needed in the Medicare system, but that the fundamental structure is sound and needs to be preserved. We agree with Clinton and are urging all seniors to vote Clinton/Gore in 1996."

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[\[Back To Home Page\]](#)

Web site design and development by [Lasser & Associates](#)

comments@ncscinc.org

Last Updated: Wednesday, August 14, 1996

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

January 14, 1997

Sandra L. Butler, President
United Seniors Association, Inc.
12500 Fair Lakes Circle
Suite 125
Fairfax, VA 22033

RE: MUR 4607

Dear Ms. Butler:

This letter acknowledges receipt on January 7, 1997, of the complaint you filed alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4607. 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,

F. Andrew Turley (18)

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 14, 1997

Harry Guenther, President
National Council of Senior Citizens
1331 F Street, NW
Washington, DC 20004

RE: MUR 4607

Dear Mr. Guenther:

The Federal Election Commission received a complaint which indicates that the National Council of Senior Citizens and 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 4607. 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 National Council of Senior Citizens and 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 Erik Morrison at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

H. Andrew Turley (428)

H. Andrew Turley
Supervisory Attorney
General Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 14, 1997

Michael A. Ingrao, Treasurer
National Council of Senior Citizens PAC
8403 Colesville Road
Suite 1200
Silver Spring, MD 20910

RE: MUR 4607

Dear Mr. Ingrao:

The Federal Election Commission received a complaint which indicates that the National Council of Senior Citizens PAC 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 4607. 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 National Council of Senior Citizens PAC 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 Erik Morrison at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

F. Andrew Turley (428)

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

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LAW OFFICES

LICHTHMAN, TRISTER, SINGER & ROSS

1000 CONNECTICUT AVENUE, N.W.

SUITE 2000

WASHINGTON, D.C. 20005

(202) 229-0462

FAX (202) 229-0463

ELLIOTT G. LICHTMAN
MICHAEL B. TRISTER
LINDA R. SINGER
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ELEANOR NACE
CYNTHIA M. LEWIN
JAMES J. O'KEEFE
SUSAN CHERKOF MUNSAT

MICHAEL E. LEWIS
OF COUNSEL

*ALSO ADMITTED IN MD.
*ADMITTED IN PA. ONLY

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JAN 30 3 51 PM '97

January 31, 1997

By Fax to (202) 229-1923

Erik Morrison
Central Enforcement Section
Federal Election Commission
Washington, D.C. 20463

Re: NOR 4607

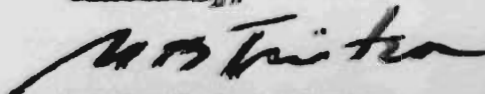
Dear Mr. Morrison:

Enclosed is a Statement of Designation of Counsel designating me as counsel for the National Council of Senior Citizens in connection with this matter.

The National Council received the notice of complaint on January 15, 1997. I would appreciate it if the period for filing a response to the complaint could be extended until February 28, 1997 in order to give me sufficient time to complete my investigation and prepare a complete response.

Thank you for your assistance.

Sincerely,



Michael B. Trister

cc: Mr. Michael Ingram

STATEMENT OF DESIGNATION OF COUNSEL

MUR: 4607

NAME OF COUNSEL: Michael Trister

FIRM: Lichtman, Trister, Singer and Ross

ADDRESS: 1666 Connecticut Avenue, N.W.

Washington, D.C. 20009

TELEPHONE: (202) 328-1666

FAX: (202) 328-9162

NAME OF COUNSEL: Robert J. Mozer

FIRM: Mozer & Swetnick

ADDRESS: 117 C Street, S.E.

Washington, D.C. 20003

TELEPHONE: (202) 546-9100

FAX: (202) 546-7978

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.

1/30/97
(DATE)Steve Protules
(SIGNATURE)RESPONDENT'S
NAME:

National Council of Senior Citizens

ADDRESS:

Silver Spring Metro Plaza II

8403 Colesville Road; Suite 1200

Silver Spring, MD 20910

TELEPHONE (HOME):

(BUSINESS): (301) 578-8800



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 5, 1997

Michael B. Trister
Lichtman, Trister, Singer & Ross
1666 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20009

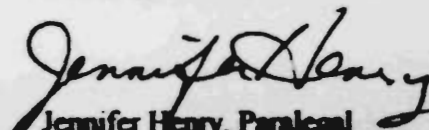
RE: MUR 4607

Dear Mr. Trister:

This is in response to your letter dated January 30, 1997, which we received on that day, requesting a 29 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 February 28, 1997.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

ATTORNEYS
LIGHTMAN, TRISTER, SINGER & ROSS

1800 CONNECTICUT AVENUE, N.W.

SUITE 800

WASHINGTON, D.C. 20006

(202) 326-6866

FAX: (202) 326-9162

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JAMES J. O'KEEFE
SUSAN CHERKOF MUNGAT

MICHAEL R. LEWIS
OF COUNSEL

ALSO ADMITTED IN MD.
ADMITTED IN PA. ONLY

February 28, 1997

By Hand Delivery

Erik Morrison
Central Enforcement Division
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4607

Dear Mr. Morrison:

Enclosed is the response of the National Council of Senior Citizens and Harry Guenther, its President, to the complaint in this matter.

Also enclosed are unexecuted copies of the Declarations of Steve Protulis and Patrick Burns. I expect to be able to submit executed copies of these Declarations early next week.

Sincerely,



Michael B. Trister

cc: Mr. Michael Ingram

Enclosures

FEB 28 12 29 PM '97

FEB 20 12:22 PM '97

FEDERAL ELECTION COMMISSION

In the Matter of)

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,)

MUR 4607

Respondent.)

Response to Complaint of the United Seniors Association

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The National Council of Senior Citizens, Inc. ("NCSC") and Harry Guenther, its President, submit this response, pursuant to 11 C.F.R. §111.6(a), to the complaint of the United Seniors Association dated January 7, 1997. For the reasons stated below, the Commission should find no-reason-to-believe that a violation has occurred or is about to occur and should take no further action with respect to the complaint.

1. NCSC Did Not Violate Section 441b Through The Announcement On Its Website.

Paragraphs 2 through 7 of the complaint allege that NCSC violated sections 441b and 441d by placing an announcement of its enforcement of President Clinton and Vice-President Gore on its Internet Website. Without conceding that this announcement would have violated FECA had it been made during the 1996 election campaign, the short answer to these allegations is that NCSC's Website was not available for access by the public until after the

election on November 5, 1996, and therefore, nothing put up on the Website could have constituted a communication with the general public.

As set forth in the Declaration of NCSC's Director of Communications, NCSC's Website was not available to the public until on or after November 26, 1996. See Declaration of Patrick Burns ¶s 3-4 (hereinafter "Burns Dec.") Prior to this time, no member of the public could access the Website unless he or she had independent knowledge of the address. The address, however, was not made known to anyone, because the Website was still in the process of construction and not been approved by NCSC's Executive Board. Burns Dec. ¶4.

2. President Clinton's Appearance At the NCSC Convention Was Conducted In Strict Accordance With FEC Regulations.

Paragraphs 8 through 10 of the Complaint allege that NCSC violated various provisions of FECA when President Clinton made an appearance at the NCSC convention in Chicago on July 2, 1996. This appearance was conducted in strict compliance with the Commission's regulation on candidate appearances, and there is no evidence in the complaint or the attachments to the contrary.

11 C.F.R. § 114.3(c)(2), as amended effective March 13, 1996, 1996, provides that "[a] corporation may allow a candidate, candidate's representative or party representative to address its restricted class at a meeting, convention or other function of the corporation...." In addition to members of the restricted class,

employees outside of the restricted class who are necessary to administer the meeting, other guests of the corporation who are participating in the event, and representatives of the news media may also attend the candidate appearance. Id.

As set forth in detail in the Declaration of NCSC's Executive Director, President Clinton's appearance at the Chicago convention was conducted in strict compliance with these rules. The appearance took place at the organization's regular Constitutional Convention. See Declaration of Steve Protulis ¶3 (hereinafter "Protulis Dec."). The persons attending the President's speech were limited to members of NCSC, their families, a small number of NCSC employees who were involved in administering the convention, a small number of guests, and representatives of the media. Protulis Dec. ¶4. No representative of NCSC suggested that members of the restricted class or anyone else contribute to the Clinton/Gore campaign, and no officer, director or representative of NCSC collected contributions before, during or after the President's appearance while at the meeting. Protulis Dec. ¶s 5-6. Communications between NCSC and the Clinton/Gore campaign and/or the White House related solely to the arrangements for the President's appearance. Protulis Dec. ¶7.

President Clinton's appearance at the NCSC convention therefore did not violate FECA in any respect.¹

¹ The complaint alleges that because NCSC expended in excess of \$10,000 in hosting and sponsoring the appearance of President Clinton, NCSC is a political committee as defined in 2 U.S.C. § 4311(a)(2) and it should have registered and filed reports as a political committee. Since NCSC's expenditures for the

3. NCSC's Endorsements of Federal Candidates
During the 1996 Election Did Not Violate FECA.

Paragraphs 11 and 13 through 15² of the complaint contain a number of allegations regarding NCSC's endorsements of federal candidates during the 1996 election. These allegations fail to satisfy the Commission's requirements for an adequate complaint and do not provide any evidence that a violation occurred.

(a) Paragraph 11.

Paragraph 11 of the complaint lists a number of candidates for federal office who received the endorsement of NCSC. Since corporations such as NCSC may endorse candidates under the Commission's regulations, the allegations in this paragraph do not show a violation of FECA in any respect. See 11 C.F.R. § 114.4(c)(6) ("A corporation ... may endorse a candidate....")

Clinton appearance did not constitute contributions or expenditures under FECA in any amount, NCSC was not a political committee under any definition of that term. Moreover, under the Commission's policy in effect during the period in question, an organization was not required to register as a political committee unless its principal purpose was to engage in political campaign activities, which was not the case with respect to NCSC. Although the Commission's position on this issue was recently rejected by the United States Court of Appeals for the District of Columbia in the Akins case, any new policy adopted by the Commission with respect to the definition of political committee, should not apply retroactively to an organization such as NCSC which clearly was not required to register and file reports under the prior policy.

² Paragraph 12, which also raises allegations concerning the NCSC endorsements, is addressed in point 4 of this Response.

(b) Paragraphs 13 and 14.

Paragraph 13 of the complaint alleges "upon information and belief" that the public announcements of NCSC's endorsements "were widely distributed to representatives of the news media and to representatives of the new [sic] media that [NCSC] does not customarily contact when issuing non-political press releases or holding press conferences." This allegation does not meet the requirement of the Commission's regulations for statements in a complaint which are not based upon personal knowledge, since it is not "accompanied by an identification of the source of information which gives rise to the complainants [sic] belief in the truth of such statements." 11 C.F.R. § 111.4(d)(2). Accordingly, the Commission may not open an investigation on the basis of this unsupported allegation. Furthermore, the allegation is not true. See Burns Dec. ¶s 6-7.

Paragraph 14 merely restates the allegations in paragraph 13; it offers no additional information to support a finding of reason-to-believe that NCSC made more than de minimis disbursements in distributing its endorsement announcements. This allegation also is inadequate for the same two reasons as paragraph 13.

(c) Paragraph 15.

Paragraph 15 alleges that NCSC's endorsement of President Clinton and other unidentified endorsements violated FECA because

the endorsements expressly advocated the election or defeat of clearly identified candidates. However, the Commission's regulations permitting corporate endorsements of federal candidates and limited public announcement of the endorsements, see 11 C.F.R. § 101.4(b)(6), do not prohibit the announcement from expressly advocating the election of the candidate who has been endorsed; indeed, it is the very essence of an endorsement to advocate the election of a clearly identified candidate.

4. NCSC's Endorsements Were Not Coordinated With the Candidates.

Paragraph 12 of the complaint alleges that "many" of the NCSC endorsements were coordinated with the candidates, candidates' agents, or candidates' authorized committees. None of the three examples of coordination alleged in the complaint involved prohibited coordination under the Commission's regulations.

(a) Paragraph 12(a).

The complaint alleges that a news story about President Clinton's appearance at the NCSC convention stated that the President "accepted" the endorsement and that the endorsement had been voted on the day before. These facts do not constitute evidence of actual coordination, nor do they give rise to any presumption or inference of coordination. Obviously, if the President may lawfully appear before an organization's restricted class, as he did here, he may accept the organization's endorsement at that event. The Commission has never indicated otherwise.

Moreover, any communications between NCSC and the Clinton/Gore campaign and/or the White House related solely to the arrangements for the President's appearance. See Protulis Dec. ¶7.

(b) Paragraph 12(b).

The individual who appeared with candidate Tommaselli on October 31, 1996 was not a representative of NCSC, as alleged in the complaint. That individual, David Keiserman, is the volunteer President of the New Jersey Council of Senior Citizens, a wholly separate and autonomous organization. NCSC had no role in planning or organizing the event in question and did not learn about Mr. Keiserman's participation in it until after it took place. See Protulis Dec. ¶9. A national organization such as NCSC should not be held responsible under FECA whenever one of its members attends a candidate event on his or her own and announces that the organization has endorsed the candidate.

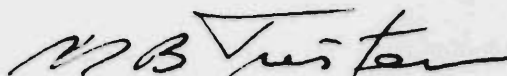
(c) Paragraph 12(c).

No funds were expended by NCSC in connection with the appearances by Mr. Guenther with candidate Mark Warner on October 1, 1996. Although Mr. Guenther is the President of NCSC, he receives no compensation from NCSC. See Protulis Dec. ¶ 10. Moreover, Mr. Guenther was not reimbursed by NCSC, or by NCSC PAC, for his expenses, if any, in connection with these appearances. Id.

Conclusion

For the foregoing reasons, the Commission should find no reason-to-believe that a violation of FECA has occurred or is about to occur and should take no further action with respect to the complaint in this matter.

Respectfully submitted,



Michael B. Trister
Lichtman, Trister, Singer and Ross
Suite 500
1666 Connecticut Avenue, N.W.
Washington, D.C. 20009
(202) 328-1666

Attorney for the National Council of
Senior Citizens and Harry Guenther

February 28, 1997

FEDERAL ELECTION COMMISSION

In the Matter of)

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,)

MUR 4607

Respondent.)

FEB 28 12:29 PM '97

Declaration of Steve Protulis

1. I am the Executive Director of the National Council of Senior Citizens, Inc. ("NCSC") I have served in this capacity since August 1, 1995.

2. Under the NCSC Constitution, the highest governing body of the organization is the Constitutional Convention, which is held every four years. Delegates to the Constitutional Convention consist of accredited representatives of duly certified senior citizen clubs, Area and State Councils, and other representatives. No person may be recognized as a delegate who is not a Gold Card member in good standing of NCSC.

3. The 1996 Constitutional Convention of NCSC was held in Chicago, Illinois from June 30 to July 2, 1996. These dates were determined more than a year earlier because of the necessity of contracting with hotels and other facilities. The original contract with the hotel is dated August 10, 1995.

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4. President Clinton addressed the delegates at the Constitutional Convention on July 2, 1996. The speech took place in the Regency Ballroom of the Hyatt Regency Hotel, which served as headquarters for the Convention. All persons attending the President's speech had to pass through a single entrance which was under the control of the United States Secret Service. The only persons permitted to enter were accredited delegates to the Convention, their spouses, and members of the media who had press credentials issued by the Clinton/Gore campaign. Approximately 25 NCSC employees who were assigned to work at the Convention attended the speech. A number of dignitaries who were part of the President's party and who were not invited by NCSC also attended, as did several of the other speakers and family members of the Executive Director.

5. Mr. Clinton was introduced to the delegates by two members of NCSC who are also members of its Executive Board. These individuals stated that NCSC had endorsed Mr. Clinton and Vice-President Gore, and they urged the audience to support their re-election in November. Neither of these NCSC speakers solicited contributions on behalf of the Clinton campaign or any Democratic Party committee, and no contributions were collected in connection with the President's appearance.

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6. President Clinton addressed the Constitutional Convention for approximately 15-20 minutes. After expressing his gratitude for NCSC's endorsement, the President spoke about the accomplishments of his Administration in areas of concern to senior citizens, including his efforts to protect Social Security and Medicare. Mr. Clinton did not request that the members of the audience contribute to his campaign or to any Democratic Party committee. When his speech was over, the President shook hands with some members of the audience and then left the ballroom. After having his photograph taken with some NCSC representatives, he left the building for another engagement having no relationship to NCSC.

7. Arrangements for the President's appearance at the NCSC Constitutional Convention were handled by Cynthia Fithian. She has informed me that apart from discussions about the time and place of the appearance, there were no communications between NCSC and the Clinton/Gore campaign relating to the campaign.

8. The basic units of NCSC's field structure are autonomous local organizations known as Senior Citizens Clubs, which are sponsored by religious, labor, business, civil or social entities, and chartered by NCSC. Area Councils are delegate bodies of representatives from Senior Citizens Clubs in a specific geographic area. State Councils are delegate bodies of representatives of

Clubs and/or Area Councils. Area and State Councils are also autonomous bodies which elect their own officers.

9. David Keiserman is the volunteer President of the New Jersey Council of Senior Citizens. Apart from serving as an ex officio member of the NCSC General Policy Board, Mr. Keiserman holds no office or other official position with NCSC. According to a news story referenced in the complaint in this matter, on or about October 31, 1996, Mr. Keiserman attended a campaign event on behalf of Robert Torricelli, the Democratic candidate for U.S. Senator from New Jersey, at which he stated that NCSC had endorsed Mr. Torricelli. I cannot verify what Mr. Keiserman said at this event. However, Mr. Keiserman was not acting as a representative of NCSC when he attended this event. He was not asked to participate by NCSC, which did not learn about the event until after it occurred. No funds were spent by NCSC or NCSC PAC in connection with this event.

10. Harry Guenther is the elected President of NCSC. He receives no compensation in this position. I understand that Mr. Guenther was invited by the Mark Warner for Senate campaign to appear with the candidate at a number of senior citizens events in the State of Virginia on October 1, 1996. Mr. Guenther was not reimbursed by NCSC or NCSC-PAC for his expenses, if any, in connection with these appearances. The events were organized by the Mark Warner campaign without any assistance or participation of

NCSC or NCSC-PAC.

I declare under penalty of perjury that the foregoing is true
and correct to the best of my knowledge and belief.

Steve Protalus

Steve Protalus

3/3/97

Date

98043060084

FEDERAL ELECTION COMMISSION

In the Matter of)
NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,) MUR 4607
Respondent.)

Declaration of Patrick Burns

1. I am the Director of Communications for the National Council of Senior Citizens, Inc. ("NCSC"). I have served in this position since August, 1993.

2. In May, 1996, I began developing an Internet Website for NCSC. After exploring various options, I entered into an agreement with Losser and Associates to design the graphics for the Website's homepage and to convert certain documents into hypertext so that they would be available on the Website. One of these documents was a copy of the July 1, 1996 press release announcing NCSC's endorsement of President Clinton in the 1996 election, which I believe I provided to Losser and Associates during August, 1996.

3. On September 6, 1996, I demonstrated the Website to the members of the NCSC Executive Board during their meeting in Washington, D.C. and received approval for the Website.

4. On or about September 13, 1996, I opened an account with Clark Interactive to act as the server for the NCSC Website. Although the Website had a URL address at this time, this address was known only to me.

5. Between September 13 and the end of November, 1996, the NCSC Website was not accessible to the public because only I knew the URL address. During this period, I was occupied with other business and the only use made of the Website was internal to NCSC, such as when I demonstrated it to other NCSC employees who made inquiries about what I was doing.

6. On or about November 26, 1996, I listed the NCSC Website with our first search engine, Yahoo!, by sending them a description of the site and its URL address by E-mail. A search engine is a computerized index through which users of the Internet around the world can search for Websites containing information about particular topics. Websites are organized on the search engine according to both the name of the Website sponsor and certain key words. An Internet user who wants to reach the NCSC Website but who does not know its URL address, may connect with our Website by entering the organization's name into Yahoo! or any other search engine with which Yahoo! has a cooperative relationship. Alternatively, a user might be interested in finding Websites that provide information for senior citizens; Yahoo! would lead this user to the NCSC Website as one such location.

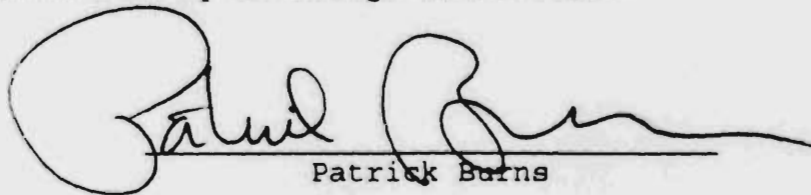
According to a memorandum that I received from Yahoo!, a copy of which is attached as Exhibit A to this Declaration, the NCSC Website was added to the Yahoo! search engine database within 24-48 hours after November 26, 1996.

7. In my capacity as Director of Communications for NCSC, I am responsible for preparing press releases about the organization's activities. I am also responsible for distributing these press releases to representatives of the media, and for arranging press conferences when this is deemed appropriate. For these purposes, I have developed two computerized lists of media contacts: one contains the names, addresses and telephone or fax numbers for persons associated with national media outlets who are interested in issues pertaining to senior citizens; the other contains the names, addresses and telephone or fax numbers for persons associated with local media outlets who are interested in seniors issues.

8. In announcing NCSC candidate endorsements during the 1996 election cycle, my practice was to broadcast fax a copy of a press release to selected persons on the national list and to the persons on the local list who have an area code in the jurisdiction(s) where the election is taking place. This is the same procedure I follow with respect to releases on non-political topics. This practice was followed with respect to each of the endorsements made by NCSC during the 1996 election cycle.

9. I prepared the press release dated July 1, 1996 announcing NCSC's endorsement of President Clinton and Vice President Gore in the 1996 election. The release was faxed to the national media list and to persons on the local list with a Chicago area code. In addition, I distributed copies of the press release by hand to the media representatives who attended President Clinton's appearance at the NCSC convention on July 2, 1996. No press conference was held by NCSC on July 1 or July 2, or at any other time, to announce the Clinton/Gore endorsement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.


Patrick Burns

3-3-97

Date

Subject: Yahoo! Addition

Date: Tue, 26 Nov 1996 12:49:10 -0800

From: jon@yahoo.com

To: Patrick Burns<ncscinc@clark.net (Patrick Burns)>

Hi,

The URL you submitted <url:<http://www.ncscinc.org>> has been added to Yahoo! It will appear after our next update which will probably occur within the next 24-48 hours. You can find your listing at that time by looking through the "What's New" listing or by doing a keyword search.

Please note: you may see your site listed in our directory before it appears in our search engine database.

Thank you for taking the time to add your site. We rely on users like yourself to make Yahoo! complete and comprehensive. In order to keep Yahoo! accurate as well, please let us know of changes to your listing in the future.

If you haven't already done so, and you'd like to return the favor and put Yahoo! on your own site, please see <http://www.yahoo.com/bin/link> for detailed instructions.

Thanks again,

The Yahoo! Team

Exhibit A.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

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

RE: MUR 4607

Dear Mr. Daly:

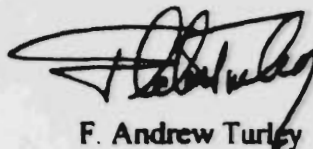
The Federal Election Commission received a complaint which indicates that Friends of Dick Durbin Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable Richard J. Durbin

9304336091



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

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

RE: MUR 4607

Dear Mr. Elsbree:

The Federal Election Commission received a complaint which indicates that Kerry 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 4607. Please refer to this number in all future correspondence.

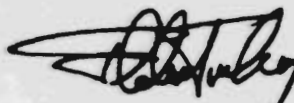
The complaint was not sent to you earlier due to administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable John F. Kerry

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

Tom E. Felder, Treasurer
Committee to Re-Elect James E. Clyburn
P.O. Box 12567
Columbia, SC 29211

RE: MUR 4607

Dear Mr. Felder:

The Federal Election Commission received a complaint which indicates that Committee to Re-Elect James E. Clyburn 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 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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)(1)(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.

98045860093

[Handwritten signature]

Enclosures

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

cc: The Honorable James E. Clyburn



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

Gerald S. McGowan, Treasurer
Friends of Mark Warner
1227 25th Street NW, Suite 700
Washington, DC 20037

RE: MUR 4607

Dear Mr. McGowan:

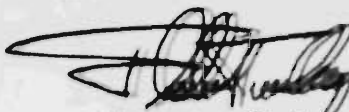
The Federal Election Commission received a complaint which indicates that Friends of Mark Warner and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry, our complaint officer number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turtletau
Supervisory Attorney
Central Enforcement District

Enclosures

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

cc: Mark Warner

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 5 1997

Evelyn M. Garcia, Treasurer
Balanoff for Congress
P.O. Box 3769
Joliet, IL 60434

RE: MUR 4607

Dear Ms. Garcia:

The Federal Election Commission received a complaint which indicates that Balanoff for Congress 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 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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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100

[Signature]
F. A. Jones, Turkey

Enclosures

- 1 Complaint
2 Procedures
3 Designation of Counsel Statement

cc Clem Balanoff



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 3 1977

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

RE: MUR 4607

Dear Mr. Block:

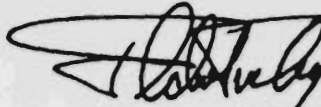
The Federal Election Commission received a complaint which indicates that Committee to Elect Winston Bryant U.S. Senate and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc Winston Bryant

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

William San Bento, Jr., Treasurer
Friends of Patrick J. Kennedy '96
P.O. Box 1356
Providence, RI 02901

RE: MUR 4607

Dear Mr. Bento:

The Federal Election Commission received a complaint which indicates that Friends of Patrick J. Kennedy '96 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 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3698. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



E. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable Patrick J. Kennedy

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

Peter Fogarty, CPA CFE, Treasurer
Weygand Committee
P.O. Box 28405
Providence, RI 02908

RE: MUR 4607

Dear Mr. Fogarty:

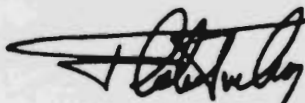
The Federal Election Commission received a complaint which indicates that Weygand Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc The Honorable Robert A. Weygand

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

Jeffrey P. Stark, Treasurer
Pete Stark Re-Election Committee
39300 Civic Center Drive, Suite 230
Fremont, CA 94538

RE MUR 4607

Dear Mr. Stark:

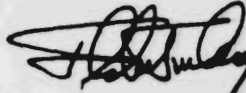
The Federal Election Commission received a complaint which indicates Pete Stark Re-Election Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Farley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable Fortney Pete Stark

93043360107



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 5 1997

Howard Jameson, Treasurer
Friends of Congressman George Miller
P.O. Box 5864
Concord, CA 94524

RE: MUR 4607

Dear Mr. Jameson:


The Federal Election Commission received a complaint which indicates that Friends of Congressman George Miller 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 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable George Miller

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 5 1997

Joseph J. O'Brien, Treasurer
Levin for Congress Committee
30636 Dequindre
Warren, MI 48092

RE: MUR 4607

Dear Mr. O'Brien:

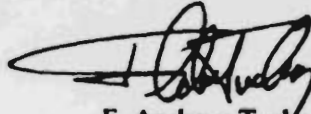
The Federal Election Commission received a complaint which indicates that Levin for Congress Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable Sander M. Levin

980430011



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

Thomas A. Wetth, Treasurer
Lynn Rivers for Congress Committee 98
P.O. Box 8298
Ann Arbor, MI 48107

RE MUR 4607

Dear Mr. Wetth:

The Federal Election Commission received a complaint which indicates that Lynn Rivers for Congress Committee 98 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 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, ~~((800))~~ 424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Division

Enclosures

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

cc: The Honorable Lynn Rivers

9 8 0 4 3 0 6 0 1 1 3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 5 1997

Adam Crain, Treasurer
Toricelli for U.S. Senate, Inc.
P.O. Box 1865
S Hackensack, NJ 07606

RE: MUR 4607

Dear Mr. Crain:

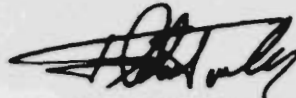
The Federal Election Commission received a complaint which indicates that Toricelli for U.S. Senate, Inc., and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, (800)-424-9953. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc: The Honorable Robert G. Tornocelli

2004030611



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 5 1997

David M. Diegel, Treasurer
Bonior for Congress
3270 Grandview Ct
Shelby TWB, MI 48316

RE: MUR 4607

Dear Mr. Diegel:

The Federal Election Commission received a complaint which indicates that Bonior for Congress 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 4607. Please refer to this number in all future correspondence.

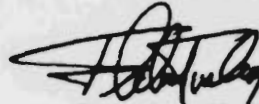
The complaint was not sent to you earlier due to administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis 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)(1)(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.

9804360116

If you have any questions, please contact Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

cc. The Honorable David E. Bonior

98043080117



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 5 1997

Christopher W. Romer, Treasurer
Friends of Tom Strickland, Inc.
P.O. Box 3000279
1770 Wynkoop Suite
Denver, CO 80203

RE: MUR 4607

Dear Mr. Romer:

The Federal Election Commission received a complaint which indicates that Friends of Tom Strickland, 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 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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)(2)(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 Jennifer Henry, contact number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Division

Enclosures

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

cc: The Honorable Thomas L. Strickland

98043060119



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

MAY 5 1997

Lyn Utrecht, Esq.
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Avenue, NW
11th Floor
Washington, DC 20006

Eric F. Kleinfeld
Chief Counsel
Clinton Gore '96
818 Connecticut Avenue, NW
10th Floor
Washington, DC 20006

RE: MUR 4607

Dear Ms. Utrecht:

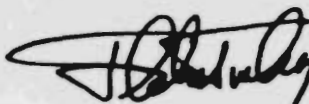
The Federal Election Commission received a complaint which indicates that Clinton Gore '96 General Committee, Inc., and Joan Pollitt, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4607. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Jennifer Henry on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

20040304121

CLINTON GORE 96

May 12, 1997

MAY 14 12 24 PM '97

Lawrence M. Noble, Esquire
General Counsel
Office of the General Counsel
Federal Election Commission
999 E Street, NW
6th Floor
Washington, DC 20463

Re: MUR 4607, Clinton/Gore '96 General Committee, Inc.,
and Joan Pollitt, as Treasurer

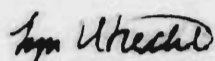
Dear Mr. Noble:


This is in response to the complaint which you forwarded to the Clinton/Gore '96 General Committee (the "Committee") in the above-captioned matter. Although the complaint was filed with the Commission in January, 1997, according to your office's letter, it was not forwarded to the Committee until now, "due to administrative oversight."

The Committee is hereby requesting a twenty day extension of time to respond in this matter. Due to the upcoming Memorial Day holiday, and the travel and other professional commitments of those persons necessary to assist in preparing the Committee's response, this request is necessary. Accordingly, the Committee requests an extension until June 12, 1997 to respond in this matter.

If you have any questions, please do not hesitate to contact us.

Sincerely,


Lyn Utrecht


Eric Kleinfeld



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

May 18, 1997

Lyn Utrecht, Esq.
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Avenue, NW
11th Floor
Washington, DC 20006

Eric F. Kleinfeld
Chief Counsel
Clinton Gore '96
818 Connecticut Avenue, NW
10th Floor
Washington, DC 20006

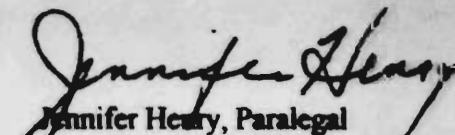
RE: MUR 4607

Dear Ms. Utrecht and Mr. Kleinfeld:

This is in response to your letter dated May 12, 1997, which we received on May 15, 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 June 12, 1997.

If you have any questions, please contact me on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

May 13, 1997

Mr F Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MAY 16 12 43 PM '97
FEDERAL ELECTION
COMMISSION
WASHINGTON, DC

Re MUR 4607

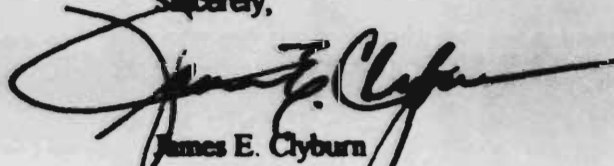
Dear Mr Turley:

I am writing in response to your letter dated May 5, 1997, in which you stated that the Committee to Re-Elect James E. Clyburn may have violated the Federal Election Campaign Act of 1971.

Enclosed please find my statement regarding this matter. If you have any questions or required any further information, please do not hesitate to contact me.

With kindest regards, I am


Sincerely,


James E. Clyburn
Member of Congress

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
APR 11 1997


In response to the complaint alleging that "many of the endorsements of candidates made by the National Council of Senior Citizens were coordinated with the candidates, the candidates' agents, or candidates' authorized committees" (see complaint paragraph 12), I do not believe that any action should be taken against me, Tom Fletcher of the Committee to Re-Elect James E. Clyburn.

While it is true that the National Council of Senior Citizens did endorse me in a brief article in The Post and Courier on October 29, 1996, that article was the first knowledge that I had of the endorsement. Prior to that article, I did not have any sort of relationship with the National Council of Senior Citizens. Neither I nor any of my campaign staff solicited or coordinated the endorsement by the National Council of Senior Citizens.


James E. Clyburn, Member of Congress

May 14, 1997
Date

DISTRICT OF COLUMBIA


Notary Public

May 14, 1997
Date

DAVID J. ROBINSON
Notary Public
District of Columbia
My Commission Expires September 14, 1997

9804300125



P. O. Box 34083
Little Rock, Arkansas 72203

Telephone: (501) 376-8883
Fax: (501) 376-0591

May 13, 1997

Office of the General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, DC 20463

RE MUR 4607

TO THE OFFICE OF GENERAL COUNSEL

Please find enclosed a response from the Committee to Elect Winston Bryant--U.S. Senate. Clifford P. Block, Treasurer, to the Complaint filed in the above-referenced matter. The Committee respectfully requests that this matter be dismissed as to the Committee and its Treasurer. Please do not hesitate to contact me if additional response or information is needed. I may be reached at (501) 663-2376.

Sincerely,

A handwritten signature in black ink, appearing to be "Clifford P. Block".

Clifford P. Block
Treasurer

Enclosure

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NATIONAL COUNCIL OF SENIOR CITIZENS

MATTER UNDER REVIEW NO. 4607

Comes now the respondent, Committee to Elect Winston Bryant--U.S. Senate, Clifford P. Block, Treasurer, and submits the following response:

- 1 The United Seniors Association, Inc. has brought this complaint to the Federal
Election Commission alleging that the National Council of Senior Citizens has
violated provisions of the Federal Election Campaign Act of 1971, as amended.
- 2 The Complainant alleges, *inter alia*, that the National Council of Senior Citizens
endorsed Senate candidate Winston Bryant and other candidates for federal office.
- 3 The Complainant alleges that many of the endorsements of candidates made by the
National Council of Senior Citizens were coordinated with the candidates, the
candidates' agents, or the candidates' authorized committees.
- 4 The Complainant alleges, because an endorsement by the National Council of
Senior Citizens in favor of President Bill Clinton included a statement expressly
advocating the election of candidate Clinton, that other endorsements of federal
candidates included statements expressly advocating the election or defeat of

clearly identified Federal candidates


- 5 The Committee to Elect Winston Bryant--U S Senate, its Treasurer, Clifford P Block, and the candidate Winston Bryant expressly deny any coordination or involvement in any endorsement made by the National Council of Senior Citizens
- 6 The Committee to Elect Winston Bryant--U S Senate, its Treasurer, Clifford P Block, and the candidate Winston Bryant point out that there are no specific allegations of fact regarding coordination as to them, that only a guilt by association from being endorsed by the National Council of Senior Citizens exists, and that any possible violation of the Federal Election Campaign Act by the Committee to Elect Winston Bryant--U S Senate, its Treasurer, the candidate or any of its agents is purely conjecture, expressly denied, and without any foundation in fact or allegation.

WHEREFORE, the Committee to Elect Winston Bryant--U S Senate, Clifford P Block, Treasurer, respectfully requests that this matter be dismissed as against the Committee and its Treasurer upon a basis for no reason to believe a violation of the Federal Election Campaign Act has occurred.

Respectfully submitted this 13th day of May, 1997

COMMITTEE TO ELECT WINSTON BRYANT--
U.S. SENATE

by



CLIFFORD P. BLOCK
Treasurer



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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

20 11 11 AM '97

May 19, 1997

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

Regarding: **MUR 461077**

Dear Mr Turley:

I am the Political Director of the Friends of Congressman George Miller and have held this position since August 1996. As such, I directed the Congressman's re-election campaign in 1996.

During this time, Congressman Miller and his campaign had NO prior knowledge or contact with the National Council of Senior Citizens regarding their endorsement. We did not coordinate with them on the endorsement in any way.

We were notified by them that Congressman Miller was endorsed by their organization.

If you have any further questions, please feel free to contact me.

Sincerely,

Melody Howe Weintraub
Political Director

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

May 20, 1997

Jennifer Henry, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MAY 23 10 02 AM '97

RE: MUR 4607
Friends of Patrick J. Kennedy
William San Bento, Jr., Treasurer

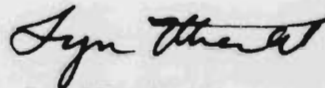
Dear Ms. Henry:

On behalf of the Friends of Patrick J. Kennedy and William San Bento, Jr., as treasurer, we are requesting an extension of twenty days to respond to the complaint filed in the above-referenced matter.

We received the Commission's notification of the complaint on May 13, 1997, making a response due on May 28, 1997. However, due to additional time needed to file a sufficient response, as well as other deadlines facing counsel, we are requesting a 20-day extension to respond to this matter. This would make a response due by close of business on June 17, 1997.

I would greatly appreciate your assistance in granting this request.

Sincerely,



Lyn Utrecht

STATEMENT OF DESIGNATION OF COUNSEL

NLR 4607

NAME OF COUNSEL: Lyn Utrecht

FIRM: Oldaker, Ryan, Phillips & Utrecht

ADDRESS: 818 Connecticut Ave., NW

Suite 1100

Washington, DC 20006

TELEPHONE: (202) 728-1010

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.

Date

Signature

RESPONDENT'S NAME: William SanPento, Jr.

ADDRESS: 401 Smithfield Ave.

Providence, RI 02908

TELEPHONE: HOME _____

BUSINESS: (401) 722-2210



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

May 22, 1997

Lyn Utrecht, Esq.
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Avenue, NW
11th Floor
Washington, DC 20006


RE: MUR 4607
Friends of Patrick J. Kennedy, William San Benito, Jr., Treasurer

Dear Ms. Utrecht:

This is in response to your letter dated May 20, 1997, which we received on that day, 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 June 17, 1997.

If you have any questions, please contact me on our toll-free number, (800) 424-9530. Our local number is (202) 219-3690.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

9804000131

SACHS, WALDMAN, O'HARE, HELVESTON, BOGAS & MCINTOSH, P.C.

ATTORNEYS AND COUNSELORS AT LAW

1000 FARMER

DETROIT, MICHIGAN 48226-2899

ROLLAND R. OHARE
RONALD R. HELVESTON
BARRY P. WALDMAN
ROBERT G. HODGES
EILEEN NOWIKOWSKI
KATHLEEN L. BOGAS
ANN E. NEYDON
MARK STECKLOFF
JAMES MICHAEL MONDRO
GREGORY M. JANKS
GRANNER S. RIES
MARY ELLEN GUREWITZ
GEORGE H. KRUSZEWSKI
GEORGE T. FISHBACK
JOHN R. RUNYAN, JR.
JOHN C. MCINTOSH
ANDREW A. NICKELHOFF

JOY A. TURNER
JOYCE M. OPPENHEIM
MARY KATHERINE NORTON
JOHN S. MISCH
JIM D. EDGAR
REGINALD M. TURNER, JR.
ROBERTA H. PULLUM
PATRICIA J. FABRIZIO
BRYAN J. WALDMAN
EILEEN E. MAGOULICK
JULIE ANN PETRIK
BRIAN A. MCKENNA
CHRISTOPHER P. AMBROSE
HELENE M. LEVEY
ELIZABETH A. CABOT
DANIEL S. VARNER

THEODORE SACHS
RONALD S. WEINER
ANTOINETTE R. RAHEEM
OF COUNSEL

(313) 965-3464

FAX NO. (313) 965-4602

Direct Dial No.
(313) 496-9441

May 13, 1997

PONTIAC OFFICE
28 N. SAGINAW SUITE 1200
PONTIAC STATE BANK BLDG. (NBD)
PONTIAC, MICHIGAN 48142-2145
(810) 334-0587
FAX NO. (810) 334-9436

FLINT OFFICE
61300 W. BRISTOL ROAD
BRISTOL WEST CENTER
FLINT, MICHIGAN 48507-5500
(810) 233-4202
FAX NO. (810) 235-7239

LANSING OFFICE
419 S. WASHINGTON
LANSING, MICHIGAN 48933-2124
(517) 482-4163

MT. CLEMENS OFFICE
76 S. MAIN STREET
SUITE 100
MT. CLEMENS, MICHIGAN 48043-2325
(810) 383-5100

Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Attn: F. Andrew Turley, Supervisory Attorney

Re: **MUR 4607**

Dear Mr. Turley:

The Bonior for Congress Committee received your letter forwarding the above-numbered complaint on or about May 5, 1997, together with a document titled "Description of Preliminary Procedures for Processing Complaints filed with the Federal Election Commission." This document states that the Commission notifies all "respondents" referenced in a complaint and allows them fifteen days to respond.

Congressman David Bonior is referenced in the complaint, at paragraph 11, where his name is included with those of other congressional and senatorial candidates who, the complaint asserts, were endorsed by the National Council of Senior Citizens.

However, the complaint alleges no conduct on the part of Congressman Bonior or the Bonior for Congress Committee which even arguably violates the FECA. Nor does the complaint name the Bonior for Congress Committee as a respondent. Rather, the complaint is directed at the conduct of the National Council of Senior Citizens, and it is this entity which is identified as respondent by the complainant.

The complaint does allege that there was coordination between some candidates' agents or committees and the National Council of Senior Citizens, giving examples of such purported coordination. However, there was no cited example of coordination between the National Council of Senior Citizens and the Bonior for Congress Committee, and, in fact, there was no coordination. Therefore, without regard to the legal question of whether such coordination

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FEDERAL ELECTION
COMMISSION
MAY 22 9 22 AM '97

Page Two

Since the complaint does not allege a violation on the part of the Bonior for Congress Committee, and does not identify the Committee as respondent, it would not appear to be necessary to request that the complaint be dismissed as to Bonior for Congress. However, if you have identified Bonior for Congress as a respondent in this matter, we request that you dismiss the complaint against Bonior for Congress in its entirety.

Mary Ellen Gurewitz

with Honor for Congress

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4607

NAME OF COUNSEL: MARY ELLEN GUREWITZ

FIRM: SACHS, LINDEN, O'HARA, HARRISON, Boggs & McIntosh

ADDRESS: 1000 S. 7th St

DETROIT, MI 48226-2834

TELEPHONE: (313) 965-2464

FAX: (313) 965-6003

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.

5-16-97
Date

[Signature]
Signature

RESPONDENT'S NAME: JOHN A. DIESEL

ADDRESS: 4000 E. 7th Ave

3300 Grandview St

SHARON, MI 48156

TELEPHONE: HOME: _____

BUSINESS: (313) 407-5350

93043360135

FILED IN 97-111

To Mr. Andrew Turley c/o Ms. Jennifer Henry fax to 202-219-3923 (ph202-219-3690)

Fr: Adam Crain, Treasurer, Torricelli for United States Senate

Dt: May 21, 1997

Re: MUR 4607

We would like to respectfully request a 30 day extension from today, May 21st, 1997, in order to properly file an adequate response to MUR 4607. I just received the MUR 4607 complaint in the mail today, May 21st, 1997.

A 30 day extension would allow our attorney to conduct a thorough investigation and to file an appropriate response. If granted a 30 day extension from today, we will file our response no later than June 21st, 1997.

Please call me at my phone at 202-485-3155 with any questions and fax your reply back to me, Adam Crain c/o Susan Torricelli to Fax# 202-223-0358. The phone number at this fax location is 202-862-8551.

Thank you for your consideration of this matter.

MAY 22 8 29 AM '97

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

9804000136



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 23, 1997

Adam Cram, Treasurer
Toricelli for United States Senate
1300 Connecticut Ave., NW, Suite 600
Washington, DC 20036

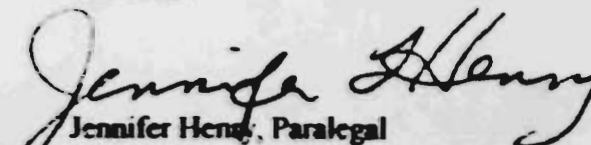
RE: MUR 4607

Dear Mr. Cram:

This is in response to your letter dated May 21, 1997, which we received on May 22, 1997, requesting a 30 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 June 20, 1997.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

MAY 27 2 39 PM '97

Lynn Rivers Congresswoman

May 20, 1997

Mr. F. Andrew Turley
Supervisory Attorney
General Counsel's Office
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 4607

Dear Mr. Turley:

This is to respond to the complaint filed by the United Seniors Association, Inc. against the National Council of Senior Citizens, alleging the Lynn Rivers for Congress Committee may have violated 2 U.S.C. 441b and 11 C.F.R. sec. 111.44(c)(6).

The information we have regarding paragraph III of the complaint is limited to the attached material, which includes the *Detroit News* survey and the campaign's response that prompted the October 29, 1996 article.

Please contact Michelle Engel or Barbara Fuller at 313-484-3063 if you have questions regarding the response to United Seniors Association, Inc.'s complaint.

Sincerely,

Thomas A. Webb
Treasurer

Enclosures

c:response.fec

Received 10/16

The Detroit News

WASHINGTON BUREAU
1108 NATIONAL PRESS BUILDING
WASHINGTON, D.C. 20045
202-662-7370

October 16, 1996

The Detroit News is preparing a voters' guide

Tell us in two sentences or less how the candidate stands on these issues. Please be concise because responses might be edited for space.

Abortion
Gun control
Term limits
Trade
Taxes
Environmental regulation
Health care

Please fax responses to Lisa Zagoroli at The Detroit News' Washington Bureau by
Friday, October 18.
FAX 202-662-7385

Any questions call Lisa at 202-662-7382

Thanks for your cooperation.



Sent 10/18

Detroit News Voter Guide

Responses from Congresswoman Lynn Rivers
13th District, Michigan

Abortion:

I am unequivocally pro-choice and believe that a woman's decisions about reproduction are hers to make. I support the provisions of *Roe V. Wade*.

Gun Control:

I support existing law and would add a further prohibition on purchase of handguns by those convicted of spousal or child abuse.

Term Limits:

I do not support term limits.

Trade:

There is great value in international trade but our trading relationships must be fair. Our trading partners must allow us the same access to their markets as we give to them.

Taxes:

We must balance the budget and address our debt, we should retain a progressive system of taxation and close loopholes that benefit only some Americans, and we should expand the Earned Income Tax Credit for low-income working people.

Environmental Regulation:

I firmly believe the federal government should continue to set regulations to protect the environment and public health.

Health Care:

The next Congress must address comprehensive health care reform. Our goals must be improved health outcomes, consumer protection, universal access and affordability, increased focus on prevention, elimination of fraud and abuse, greater efficiency, and lowered costs.

ROBERTS, CARROLL, FELDSTEIN & PEIRCE

(INCORPORATED)

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 27 2 33 PM '97

May 22, 1997

F. Andrew Turley, Esq.
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4607

Dear Mr. Turley:

I represent Peter Fogarty, CPA, CFE, Treasurer of the Weygand Committee ("Committee"), with respect to the above-referenced matter. Enclosed is a copy of a Statement of Designation of Counsel executed by Mr. Fogarty.

You have asked for information concerning the Committee's involvement with the National Council of Senior Citizens ("Council"). Let me first state that all of the Committee's contact was with the Council's Political Action Committee. It is not clear to me from the materials you sent whether the Council exists as a separate entity from its PAC.

We are unable to determine whether the Committee or the Council's PAC made the first contact. In any event, the Council's PAC sent to the Committee a Candidate Questionnaire, which was completed by Robert A. Weygand and returned to the Council's PAC on May 16, 1996. I have enclosed correspondence to the Council's PAC and Mr. Weygand's response to the questionnaire. The Council's PAC thereafter authorized Mr. Weygand.

On November 4, 1996, the Council's PAC gave the candidate \$500.00. On March 6, 1997, another \$250.00 was received from the Council's PAC.

ATTORNEYS AT LAW

Ten Weybosset Street
Providence, Rhode Island
02903-2808
Telephone 401-521-7000
Telecopier 401-521-1328

DENNIS J. ROBERTS
(1997-1998)

DAVID W. CARROLL
EDWARD D. FELDSTEIN
RICHARD M. PEIRCE
BERNIE W. ANDERSON
R. KELLY SHERIDAN
ROBERT F. LANDAU
DENNIS E. CARLEY
R. JEFFREY KNISLEY
TIMOTHY P. GALLAGHER
EDWARD G. AVILA
BRUCE J. BALON
ADAM C. BOBITALLE
SHARON E. COLLINS
CHRISTINE K. AHERN

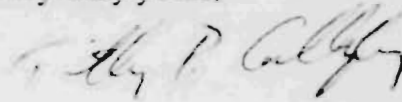
Of Counsel
HAROLD H. WINSTEN
WILLIAM J. DELANEY

*
ALSO ADMITTED IN
MASSACHUSETTS

F. Andrew Turley, Esq.
May 22, 1997
Page 2

I trust the above will be deemed a sufficient response to your inquiry. If you have any further questions, please feel free to contact me.

Very truly yours,



Timothy P. Gallogly

TPG:ssk

98043300142

CRAWFORD WEST

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4607

NAME OF COUNSEL: TIMOTHY GALLAGHY, ESA

FIRM: ROBERTS, CARROLL, FELDSTEIN & PEIRCE

ADDRESS: 10 WEYBOSSET STREET

PROVIDENCE, RI 02903

TELEPHONE: (401) 521-7000

FAX: (401) 521-1328

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. RELATED TO MUR 4607

5/14/97
Date

Peter Fogarty, CPA, CFE
Signature

RESPONDENT'S NAME: PETER FOGARTY, CPA, CFE

ADDRESS: SPARROW, JOHNSON & URSILLO, INC

199 NORTH MAIN STREET

PROVIDENCE, RI 02903

TELEPHONE: HOME()

BUSINESS (401) 521-4000

RECEIVED
COMMERCIAL
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MAY 21 2 33 PM '97

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Weygand Committee

P.O. Box 28405 • Providence, RI 02908 • (401) 272-1996 • Fax (401) 454-0160 • E-mail: Weygand@att.net

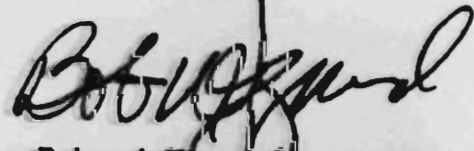
Thursday, May 16, 1996

Ms. Cindy Fithian
PAC Director
National Council of Senior Citizens
1331 F Street, N.W.
Washington, DC 20004-4107

Dear Cindy,

Please find enclosed my responses to the questionnaire of the National Council of Senior Citizens which you recently forwarded to me. If you have any questions or concerns, please call me at (401) 272-1996.

Respectfully yours,


Robert A. Weygand
Lieutenant Governor

Enclosure



National Council of Senior Citizens

Political Action Committee

1331 F Street, N.W. • Washington, D.C. 20004-1171 • (202) 624-9541 • (202) 624-9595 FAX

1996 CANDIDATE QUESTIONNAIRE FOR FEDERAL OFFICES

Name of Candidate: Robert A. Weygand State/District: RI/1
Signature: *Robert A. Weygand* Date: 5/16/96
Party Affiliation: ☒ Democrat ☐ Independent ☐ Republican ☐ Other _____
Questionnaire Completed by: Robert A. Weygand Candidate _____
(Name) (Title)
Contact Numbers: (202) _____ (401) 272-1996
Washington Office State/Local Office

The *Rhode Island State Council of Senior Citizens*, a state affiliate of the National Council of Senior Citizens (NCSC), is dedicated to ensuring a decent standard of living and meaningful retirement for all older Americans. NCSC has taken clear positions on the issues covered in this questionnaire. We would appreciate your cooperation in answering these questions. In order to be eligible for endorsement, please complete the following steps:

- Return your completed questionnaire to the National Council of Senior Citizens Political Action Committee, ATTN: Cindy Fithian, Director, 1331 F Street, N.W., Washington, D.C. 20004-1171, or fax to (202) 624-9595. Include a letter requesting endorsement. You may attach any material that details your work on behalf of seniors.
- Send copies of questionnaire, letter requesting endorsement and any additional materials to: Dr. Mary C. Mulvey, President, Rhode Island State Council of Senior Citizens, 95 Plymouth Road, East Providence, Rhode Island 02914; Telephone: (401) 438-1385.



NCSC Federal Candidates 1996 Questionnaire

1. Would you have voted for the Republican "Medicare Preservation Act," passed by the House 231-201 on October 19, 1995?

Yes ☐

No ☒

Comment:

SEE ATTACHMENT FOR ALL 24 QUESTIONS.

2. Would you vote to "block grant" the Medicaid program?

Yes ☐

No ☒

Comment:

3. Would you vote for a Medicare bill which contained an authorization for a "medical savings account" program?

Yes ☐

No ☒

Comment:

4. Do you believe that the choice of your own physician under the current Medicare fee-for-service program is a more important "choice" than choosing among many managed-care programs as is being proposed under the "Medicare Preservation Act?"

Yes ☒

No ☐

Comment:

5. Do you support a retention of national and uniform standards regarding the quality of care and protection of rights for nursing home residents who are Medicare or Medicaid beneficiaries?

Yes ☒

No ☐

Comment:

6. Do you believe that Medicare-funded doctors should be able to refer their patients to laboratories or clinics in which they have a financial interest?

Yes ☐ No ☒ Comment:

7. Do you believe that health care should be an "entitlement" for older citizens and person with serious and permanent disabilities?

Yes ☒ No ☐ Comment:

8. Should Medicare benefits be "means tested?"

Yes ☐ No ☒ Comment:

9. Should Social Security benefits be means tested?

Yes ☐ No ☒ Comment:

10. Should the age to qualify for Social Security benefits be raised?

Yes ☐ No ☒ Comment:

11. Should the age of eligibility for Medicare be raised to age 67?

Yes ☐ No ☒ Comment:

12. Do you support continued reliance on the Bureau of Labor Statistics (BLS) to determine the annual Consumer Price Index (CPI) computation on which cost-of-living adjustment (COLA) are based instead of "legislating" the COLA percentage as is being proposed by some Members of the Congress?

Yes ☒ No ☐ Comment:

13. Do you believe that companies which have pension plans having "excess capacity" (125% of expected obligations) should be permitted to use such "excess" funds for other purposes without paying a high excise tax as provided under current law?

Yes ☐ No ☒ Comment:

14. Do you support restoration of the staffing levels of the Social Security Administration which were cut over the past ten years?

Yes ☐ No ☒ Comment:

15. Do you support the funding of the Low Income Home Energy Assistance Program (LIHEAP), at least at the 1995-1996 level?

Yes ☒ No ☐ Comment:

16. Should services under the Older Americans Act (senior centers, home care for the frail, legal services) be "means tested" or paid for through a sliding fee system?

Yes ☒ No ☐ Comment:

17. Should SSI benefits be provided to older persons who are not citizens but are legal residents and meet economic qualifications?

Yes ☒ No ☐ Comment:

18. Do you support a voucher system for senior and family low-income housing as a substitute for financing new construction of such housing?

Yes ☐ No ☒ Comment:

19. Do you support efforts, under the "Istook" Amendment, to restrict lobbying and "political advocacy" by nonprofit organizations using their own private, non-Federal funds when such organizations also receive Federal grants?

Yes ☐ No ☒ Comment:

20. Does the U.S. economy need a reduction of capital gains taxes this year?

Yes ☐ No ☒ Comment:

21. Would you support an increase in the Federal minimum wage, at least to a level that accounts for inflation over the past decade?

Yes ☒ No ☐ Comment:

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222. Do you support the concept of a "flat tax"?

Yes ☐ No ☒ Comment:

223. Do you support a cut in taxes while efforts are being made to balance the budget?

Yes ☐ No ☒ Comment:

224. Do you support a change in the current Medicaid program which would permit states to require the adult children of elderly Medicaid nursing care users to contribute to the cost of such care, including the authority to garnishee the wages of such children?

Yes ☐ No ☒ Comment:



NCSC FEDERAL CANDIDATES 1996 QUESTIONNAIRE

ATTACHMENT

COMMENTS:

1. I advocated against the passage of this act and led a petition drive urging the President to veto this and the proposed "Medigrant" legislation. We collected 14,000 signatures in 14 days.
2. See comment above. Last year, I led a rally for the National Long Term Care Campaign in Rhode Island, in opposition to Medicaid block granting.
3. I would only consider voting for a Medical Savings Account program if there were guarantees that it would not harm the existing Medicare program by "skimming" the healthy enrollees.
4. I do, however, believe that many managed care programs offer enhanced benefits and should be available for Medicare beneficiaries who choose them.
5. I have opposed the effort to eliminate these much-needed protections. I have also filed legislation on the state level to maintain these standards in Rhode Island if the national standards are erased or diluted.
6. I view this as a conflict.
7. I view health care as a right for all of our citizens.
8. I would oppose the use of a sliding scale for first-of-the-month.
9. I would oppose the use of a sliding fee for benefits.
10. If it becomes necessary to make such an adjustment in the future, "gap" beneficiaries would need to be addressed.
11. I will resist efforts to reduce the numbers of persons currently insured.
12. No comment.
13. Pension funds must be preserved for workers' pension benefits.
14. Before I conclude that more federal employees are needed in the Social Security Administration, I would work to reduce unnecessary application and benefit-related paperwork and other time-consuming barriers to efficiency.

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15. Particularly in New England, this program is a necessity for many low income families.
16. Many of these services are already available to more people due to the use of sliding fee scales.
17. I support the current qualifications for the SSI program.
18. I believe that both approaches are necessary, not one as a substitute for the other.
19. We rely heavily on our nonprofit organizations to advocate for the populations that they serve, many of whom are unable to advocate for themselves.
20. I oppose expanding the tax break for capital gains for investment income (securities), but support a limited reduction which is directly related to reinvestment, job creation, and/or construction.
21. I remain supportive of a federal minimum wage increase.
22. I do, however, support a simpler system of taxation which is progressive. I believe that a "flat tax" addresses simplicity only, while being very regressive.
23. No comment.
24. I recognize the need for more vigilance over individuals or families who hide assets and become legally, yet inappropriately eligible for Medicaid. Such schemes and games must become illegal to preserve the limited Medicaid funds for truly eligible and needy individuals and families.

Lieutenant Governor

Robert A. Weygand

HEALTH CARE

- o Chairman of the 35 member Rhode Island Long Term Care Coordinating Council. The council's mission is to increase access to long term care services; ensure quality of services; provide alternatives to institutional care and expand public and private sector financing of such services, 1993 to present.
- o Development and acceptance of the state's first Long Term Care Plan. The LTCC drafted and received extensive input on a five year plan to guide policy and financing decisions.

o Legislative Initiatives Enacted into Law

Fraud Protection - criminal penalties for a primary care giver who misappropriates the funds of a long term care patient, 1993.

Insurance - regulation of long term care insurance and production of a consumers shoppers guide, 1993.

Criminal checks - criminal background checks on potential employees of home health agencies such as nursing homes. Law protects patients as well as employers who make hiring decisions based on criminal background checks, 1993.

Alzheimer's Special Care Facilities - requires facilities to clearly define the special services offered to Alzheimer's patients, and how these services differ from other regular long term care, 1993.

In-Home Services - prevents persons currently eligible for the state's In Home Service Program for the elderly from being denied care due to a social security cost of living increase, 1993.

Lead Poisoning - authorizes a \$1,000 tax credit to renters or owners for residential lead abatement projects. This legislation is intended to curb the incidence of lead poisoning among Rhode Island's youth, 1993.

Lead Paints - prohibits the use of lead based paint among government agencies and municipalities, 1993.

Elder Care - offers tax incentives for businesses that subsidize adult day care for their employees' family members, 1994.

Long Term Care Providers - requires nursing home administrators to enroll in health department approved continuing education, 1994.

Lieutenant Governor

Robert A. Weygand

HEALTH CARE CONTINUED

Nursing Home Facilities - requires nursing home facilities with special care units to disclose what special or added care is provided and how it differs from standard care. 1994.

Long Term Care Ombudsperson - Creates and puts into state statute, the powers and duties of the ombudsperson who advocates for the elderly on behalf of the Department of Elderly Affairs. 1995

AGING ISSUES

- o Chairman of a 13 member delegation from Rhode Island to the May 1995 White House Conference on Aging. Advocates for Medicare, Medicaid and Social Security

EDUCATION

- o Co-chair of the Rhode Island Partnership for Early Childhood Education, which seeks to forge a broad-based advocacy agenda, focussing on children ages 0 through 8. 1995
- o Authored a bill which would eliminate costly duplication in the administrative decision-making process in Rhode Island's schools of higher education. 1995

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The Kerry Committee

MAY 28 12 42 PM '97

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

May 19, 1997

F. Andrew Turley, Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street NW
Washington, DC 20463

RE: MUR 4607

Dear Mr. Turley:

I am in receipt of the above referenced MUR and hereby request additional time in drafting a response to the complaint.

Since the campaign has ended, persons who may have knowledge regarding the allegations contained in the complaint are not readily accessible and it will be necessary to contact and interview these individuals. Such interviews should require no more than 30 days.

In advance, thank you for your assistance in this matter.

Very truly yours,

William L. Elsbree

William L. Elsbree
Treasurer

WLE

WLE:dm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

May 29, 1997


RE: MUR 4607

Dear Mr. Elsbree:

This is in response to your letter dated May 19, 1997, which we received on May 28, requesting a 30 day extension to respond to the complaint filed in the above-noted matter. Although your request is made after 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 June 23, 1997.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

congressman

PETE STARK

Democrat

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUN 2 2 13 PM '97

May 21, 1997

F. Andrew Turley
Office of the General Counsel
Federal Election Commission
6th floor-999 E Street NW
Washington, DC 20463

BY FAX

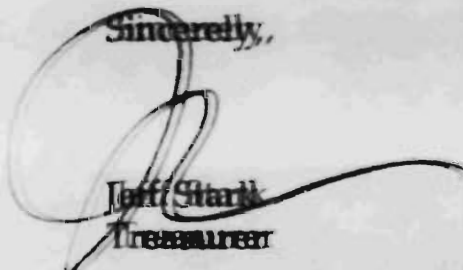
Re: MUR 4607 [Pete Stark Re-Election Committee]

Dear Mr. Turley:

I received notification of the complaint filed by United Seniors Association on May 8, 1997. Response by my committee to the FEC was requested within 15 days (May 23).

I hereby request an extension of time to respond by June 6, 1997 in order to fully comply with the Commission's request. I appreciate your consideration of this request.

Sincerely,



Jeff Stark
Treasurer

cc: Jennifer Henry



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 23, 1997

Jeff Stark, Treasurer
Pete Stark Re-Election Committee
39300 Civic Center Drive, Suite 230
Fremont, CA 94538

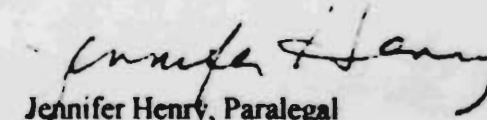
RE: MUR 4607

Dear Mr. Stark

This is in response to your letter dated May 21, 1997, which we received on May 22, requesting a 14 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 June 6, 1997.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,


Jennifer Henry, Paralegal
Central Enforcement Docket

98043860150

JUN 5 2 55 PM '97

May 20, 1997

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

RE MUR 4607

Dear Sir:

I am writing in response to the May 5, 1997 letter from Federal Election Commission Supervisory Attorney Mr. F. Andrew Tunley regarding a complaint filed by the United Seniors Association ("USA") against the National Council of Senior Citizens ("NCSC") that included false allegations against the Levin for Congress Committee.

USA makes an unsubstantiated, inaccurate, and untrue allegation in its frivolous complaint that the NCSC and the Levin for Congress Committee violated the provisions of 2 U.S.C. 441b and 11 C.F.R. §114.4(c)(6) by "making more than *de minimis* disbursements in distributing public announcements of its endorsements and by coordinating the public announcements of its endorsements with the candidates, the candidates' agents or the candidates' authorized committee."

Upon information, knowledge and belief, there was no public announcement made by the NCSC of its endorsement of Congressman Sander Levin and accordingly, there was no coordination between the NCSC and Congressman Levin, his agents or the Levin for Congress Committee.

1. There was no more than a *de minimis* announcement made by the NCSC of its endorsement of Congressman Sander Levin

The NCSC is permitted to endorse candidates pursuant to 11 C.F.R. §114.4(c)(6) and on May 24, 1996, an agent of the Levin for Congress Committee wrote a letter (attached as Exhibit A) to the director of the NCSC Political Action Committee requesting such an endorsement of Congressman Levin in the 1996 general election.

The director of the NCSC Political Action Committee announced its endorsement of Congressman Levin in a letter to the congressman dated August 5, 1996 (attached as Exhibit B). A copy of the August 5, 1996 NCSC endorsement announcement letter was sent to Mr. Harry T. Gensler, Chairman, NCSC-PAC.

The Levin for Congress Committee has no knowledge, information or belief that there were any other announcement made by the NCSC or its endorsement of Congressman Levin beyond the August 5, 1996 letter sent to Congressman Levin and Mr. Guenther.

Without such knowledge, information or belief of any other NCSC announcements, there obviously could be no coordination between the NCSC and the Levin for Congress Committee, its agents or Congressman Levin in violation of 11 C.F.R. §114.4(c)(6).

II. USA fails to demonstrate that there was any public announcement made by the NCSC or coordination between the NCSC and Congressman Levin, his agents or the Levin for Congress Committee in violation of 11 C.F.R. §114.4(c)(6).

In paragraph 11 of its complaint, USA cites an October 29, 1996 Detroit News article (attached as Exhibit C) as proof that the NCSC endorsed Congressman Levin. There is no dispute regarding this point.

USA, however, clumsily attempts to make the untrue allegation that the information included in the October 29, 1996 Detroit News Voter Guide was the product of a public announcement made by the NCSC in coordination with Congressman Levin, his agents or the Levin for Congress Committee.

In fact, the information used by the Detroit News in its October 29, 1996 Voter Guide was provided by Levin for Congress - not the NCSC.

The Detroit News, in an October 16, 1996 letter (attached as Exhibit D), requested information from the Levin for Congress Committee to be included in its October 29, 1996 Voter Guide Special Section. The Levin for Congress Committee provided answers to the various position questions posed in the Detroit News letter and a partial list of organizations that endorsed Congressman Levin in 1996. On this partial endorsement list provided by the Levin for Congress Committee, were the National Association of Police Organizations, the Sierra Club, the Polish American Congress and the National Council of Senior Citizens. Levin for Congress, not the NCSC, provided this information to the Detroit News. Accordingly, there was no violation of 11 C.F.R. §114.4(c)(6) by Congressman Levin, his agents, or the Levin for Congress Committee.

The Levin for Congress Committee did not violate any provisions of the Federal Election Campaign Act of 1971, as amended in its dealings with the NCSC and there is no basis for including the Levin for Congress Committee in the frivolous complaint filed by USA. Therefore, no action should be taken against the Levin for Congress Committee in this matter.

Sincerely,

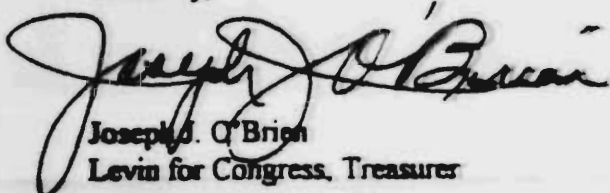

Joseph D. O'Brien
Levin for Congress, Treasurer

EXHIBIT A

CONGRESSMAN

★ ★ ★ ★

Sander Levin

★ ★ ★ ★

12TH DISTRICT • MICHIGAN

John D'Agostino
Michigan State Council of Senior Citizens
5350 Winlane Dr.
Bloomfield Hills, MI 48302

May 24, 1996

Dear Mr. D'Agostino,

Earlier this month, the Levin for Congress Committee filed the necessary paperwork for Congressman Sandy Levin to again be a candidate for Congress in the 12th District.

In 1994, we were honored to receive the endorsement of the Michigan Council of Senior Citizens. This endorsement was an important recognition of the legislative work Congressman Levin has done on issues of concern to your members.

I am writing to express our interest in receiving this endorsement again this year in the General Election (Congressman Levin does not have a primary opponent), and to request information on the endorsement process of your organization. If there are questionnaires to complete, further information to provide, or screening meetings to attend, please contact us as the details are finalized.

The campaign can be reached at (810) 558-9696, or in writing at the Post Office Box 1092, Warren, MI 48090-1092.

Thanks in advance for your attention to this request.

Sincerely,

Hilarie Chambers
Campaign Manager

★ ★ ★ ★

Post Office Box 1092 • 30636 Dequindre Road, Warren, MI 48090 • (810) 558-9696

Paid for by Levin for Congress Committee, Joseph J. O'Brien, Treasurer

EXHIBIT B

National Council of Senior Citizens
Political Action Committee

1331 F Street, N.W. • Washington, D.C. 20004-1171 • (202) 347-8800



August 5, 1996

The Honorable Sander M. Levin
U.S. House of Representatives
2230 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Levin:

The National Council of Senior Citizens Political Action Committee (NCSC-PAC), representing older Americans across the country, is pleased to announce its endorsement of your candidacy for re-election to the U.S. House of Representatives.

We applaud your solid positions on issues of vital concern to the nation's elderly and their families. Your record speaks for itself. Your *National Council of Senior Citizens' Congressional Voting Record* score was 100 percent for 1995. Your cumulative score during your tenure in the United States House of Representatives is 95 percent.

You are an effective, dedicated public servant who will continue to fight to protect Medicare, Medicaid and Social Security; work for affordable housing for all; and do everything possible to ensure that our nation's seniors have the right to a life with dignity. Your leadership on behalf of the people of Michigan and seniors all across the country is greatly needed in the United States Congress.

We want to continue to work with you toward a nation rededicated to economic and social justice, and to compassion.

You are a friend seniors and their families can count on.

Working toward victory,

Steve Protulis

Steve Protulis
Executive Director, NCSC

Elmer Blankenship

Elmer Blankenship, Regional Director
NCSC Region V(a)

Cindy Fithian

Cindy Fithian
Director, NCSC-PAC

cc: Harry T. Guenther, Chairman, NCSC-PAC

Tuesday, Oct. 28, 1996

Exhibit C

The Detroit News

Voter Guide

◀ ▶

12th District



Democrat: Rep. Shantler Levin

Age: 65

Family: Wife, Victoria; four children

Education: University of Chicago, bachelor's degree; Columbia University, master's; Harvard University, law degree

Career: Congress, 1983-present; administrator of Agency for International Development, 1977-81; teacher, 1971-74; nominee for governor, 1970, 1974; Michigan Senate, 1965-70

Backed by: National Association of Police Organizations, Sierra Club, National Council of Senior Citizens, Polish American Congress

In his own words

Abortion: "The decision whether or not to have an abortion is best left to each individual."

Gun control: "I voted for a five-day waiting period for the purchase of a handgun."

Term limits: "I trust the voters to make an informed decision."

Taxes: "I support tax cuts targeted at the middle class to help with college education. I do not support tax proposals which would massively increase the deficit or require drastic cuts to Social Security."



Republican: John Pappageorge

Age: 65

Family: Widow; two children

Education: U.S. Military Academy

Career: Nominee to Congress, 1992 and 1994; Oakland County Board of Commissioners, 1989-92; General Dynamics Land Systems Division, U.S. Army, 1954-84, reaching colonel

Backed by: National Federation of Independent Businesses, U.S. Chamber of Commerce, Law Enforcement Alliance of America, 60-Plus Association.

In his own words

Abortion: "I am pro-life, however, I believe in exceptions for cases of reportable, prosecutable rape and incest."

Gun control: "Regulatory control should be at the state level. Thus, I would repeal the Brady Law."

Term limits: "I favor a constitutional amendment to limit the service of members of the U.S. House to three two-year terms for a total of six years, as well as limiting the service in the U.S. Senate to two six-year terms."

Taxes: "I support the Dole-Kemp tax cut."

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The Detroit News

Comments?

◀ ▶

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EXHIBIT D

The Detroit News

WASHINGTON BUREAU
1146 NATIONAL PRESS BUILDING
WASHINGTON D C 20045
202-662-7370

October 16, 1996

The Detroit News is preparing a voters' guide.

Tell us in two sentences or less how the candidate stands on these issues. Please be concise because responses might be edited for space.

Abortion
Gun control
Term limits
Trade
Taxes
Environmental regulation
Health care

Please fax responses to Lisa Zagoroli at The Detroit News' Washington Bureau by
Friday, October 18.
FAX 202-662-7385

Any questions call Lisa at 202-662-7382

Thanks for your cooperation.

ROBERT BALANOFF & ASSOCIATES

ATTORNEYS AT LAW

10110 Ewing Avenue
Chicago, Illinois 60617
312.721.0111

Robert Balanoff
Peter F. Arden
Karyn Zervos*
of Counsel
Miriam J. Balanoff

*Licensed in Indiana

LOOP OFFICE
28 East Jackson
Chicago, IL 60604
312.431.1089

June 6, 1997


F. Andrew Turley
Federal Election Commission
Washington, DC 20463

RE: MUR 4607

Dear Mr. Turley:

In response to MUR 4607, Clem Balanoff has no control over any group endorsing or supporting his candidacy. Additionally, to the best of his recollection, he never received any monetary support or in kind donations from the group named in the complaint.

Sincerely,


Robert Balanoff

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN 6 3 16 PM '97

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4607

NAME OF COUNSEL: Robert Balanoff

FIRM: Robert Balanoff & Associates

ADDRESS: 10100 S. Ewing

Chicago, IL 60617

TELEPHONE: (773) 721-0111

FAX: (773) 978-7140

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.

5-20-97
Date

Clem Balanoff
Signature

RESPONDENT'S NAME: Clem Balanoff

ADDRESS: 10100 S. Ewing

Chicago, IL 60617

TELEPHONE: HOME: _____

BUSINESS: (773) 978-¹⁶⁰⁰~~7140~~

9804300167

congressman

PETE STARK

Democrat

June 3, 1997

Jun 9 3 07 PM '97

NICHOLAS
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

F. Andrew Turley, Esq.
Office of the General Council
Federal Election Commission
6th Floor - 999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4607 [Pete Stark Re-Election Committee]

Dear Mr. Turley:

This is the response of the Pete Stark Re-Election Committee, and Jeffrey Stark, as Treasurer, to a complaint filed by the United Seniors Association, Inc. against the National Council of Senior Citizens ("NCSC"). The complaint alleges that NCSC violated various provisions of the federal campaign laws by endorsing federal candidates, including the Pete Stark Re-Election Committee, and by taking certain other activities in connection with these endorsements. The complaint, which purports to be only against NCSC, is focused almost entirely on the activities of NCSC and federal candidate campaigns other than the Pete Stark Re-Election Committee. Indeed, the only mention of the Pete Stark Re-Election Committee in the complaint is in a list of several candidates NCSC endorsed during the 1996 election cycle.

It is well established that corporations such as NCSC may endorse candidates for federal office and may communicate that endorsement to the general public via the news media. 11 C.F.R. d 114.4(c)(6). Thus, the mere fact that NCSC endorsed the Pete Stark Re-Election Committee cannot alone support a finding that the Pete Stark Re-Election Committee violated the law. In fact, it is worth emphasizing that the complainant does not even allege in the complaint that the Pete Stark Re-Election Committee violated the law, but only that NCSC's overall conduct (which is largely unrelated to the Pete Stark Re-Election Committee) constitutes a violation.

The Commission has recognized that organizations need to discuss various issues with candidates and their staff when deciding who to endorse, and its regulations clearly allow discussions between the candidate and an organization before an endorsement. The regulations prohibit only the coordination of any public announcement of an endorsement with a candidate. Complainant has not presented any evidence that the endorsement by NCSC of the Pete Stark Re-Election Committee was in any way improperly coordinated.

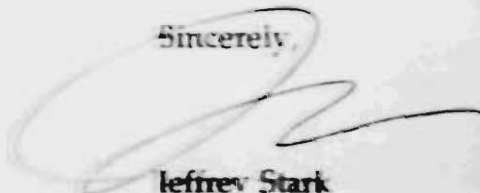
While there are certain restrictions on the publicity effort by corporations making an endorsement (including the requirement that any costs incurred by the corporate entity be minimal), no similar restrictions apply to the candidate committees publicizing the receipt of such an endorsement. In fact, such endorsements are valuable to candidates precisely because the candidate may publicize the fact that they have received such an endorsement.

The Pete Stark Re-Election Committee was notified in a letter dated August 5, 1996 that NCSC endorsed the re-election of Rep. Stark. NCSC's endorsement was not coordinated with the campaign. There were no joint appearances announcing the endorsement. There was no notice to the Pete Stark Re-Election Committee about what, if anything, NCSC planned to do to publicize its endorsement. In fact, the Pete Stark Re-Election Committee was unaware of any notice of the endorsement in the press until this complaint was forwarded to the Pete Stark Re-Election Committee by the FEC.

The Pete Stark Re-Election Committee listed the endorsement by NCSC along with numerous other endorsements on one campaign brochure that was distributed during the campaign. This brochure was paid for with Pete Stark Re-Election Committee funds.

In sum, the Pete Stark Re-Election Committee received an endorsement from NCSC, just as it had from other groups familiar with Rep. Stark's strong position on issues of concern to them. Such endorsements are specifically permitted by the Commission's regulations and are neither improper or illegal. Because there is no "reason to believe" that the Pete Stark Re-Election Committee did anything improper in connection with NCSC's endorsement, MUR 4607 should be dismissed.

Sincerely,



Jeffrey Stark
Treasurer

CLINTON GORE '96

June 12, 1997

Lawrence M. Noble, Esquire
General Counsel
Office of the General Counsel
Federal Election Commission
999 E Street, NW
6th Floor
Washington, DC 20463

JUN 14 1997

Re: MUR 4607, Clinton/Gore '96 General Committee, Inc.
Joan Pollitt, treasurer

Dear Mr. Noble:

This is the response of the Clinton/Gore '96 General Committee, Inc. (the "Committee") and Joan Pollitt, as treasurer, to the complaint filed by the United Seniors Association, Inc. (the "complainant") in the above-captioned matter. For the reasons stated herein, the Committee respectfully requests that the Commission find no reason to believe that any violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431 et seq. (the "Act") or the Commission's regulations has occurred and close the file.

In connection with the complaint filed in this matter, it should be noted at the outset that the Commission received the filing on January 7, 1997, yet due to an inexplicable "administrative oversight" the Committee was not served until some four months later in May 1997. See Commission Notification Letter dated May 5, 1997. While the Committee appreciates the opportunity to respond, albeit at this late date, the above-described late service is clearly contrary to the express provisions of 2 U.S.C. § 437g(a)(i) requiring all respondents to be served within five days of the Commission's receipt of the complaint.¹ Because of this unequivocal fatal deficiency in the administrative handling of this matter this complaint should be immediately dismissed and the matter closed.

¹ Section 437g(a)(i) provides, in pertinent part, "Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation."

STATEMENT OF THE CASE

The complaint alleges that the National Council of Senior Citizens (the "NCSC"), by endorsing President Clinton's re-election in July 1996, somehow made an improper contribution to the Committee. In addition, complainant contends that a speech made by the President at the NCSC convention subsequent to their endorsement was a "campaign event" and somehow resulted in an "expenditure" on behalf of the Committee.

In short, and as fully demonstrated below, both of the allegations made with respect to the Committee are baseless and without merit. In point of fact, the Committee received the NCSC endorsement in a manner entirely consistent with the Act and Commission regulations, and the Committee participated in the NCSC event in a manner entirely consistent with the Act and Commission regulations. As a result, no violations occurred.

DISCUSSION

A. The NCSC endorsement received by the Committee fully complied with the Commission's new endorsement rules.

1. The Commission's regulations permit the public announcement of corporate endorsements.

According to the complaint, the NCSC issued a press release and posted it to its internet web site endorsing the re-election of President Clinton. Despite the fact that the Commission's regulations expressly permit corporate endorsements, complainant disregards those provisions and without explanation or support, claims that this endorsement violates 2 U.S.C. § 441b.²

Under the Commission's recently revised rules pertaining to endorsements by corporations which, in pertinent part, are contained at 11 CFR § 114.4(c)(6), a corporation may publicly announce a candidate endorsement through a press release, as long as it meets the requirements set forth in subparagraphs (i) and (ii).³ Those provisions require disbursements for any such press release to be de minimis (§114.4(c)(6)(i)) and preclude coordination of the

² In fact, the plain language of this complaint would, on its face, preclude any endorsements by a corporation, notwithstanding the provisions of the Commission's regulations, the Act and the free speech rights guaranteed by the U.S. Constitution.

³The complaint alleges that NCSC is a non-profit corporation. While the Committee has no independent knowledge of that allegation, for purposes of this response, NCSC is considered a corporation.

public announcement of the endorsement with the candidate being endorsed or that candidate's authorized committees (§ 114 4(c)(6)(ii).)⁴

Thus, the Commission's regulations clearly permit the public announcement of a corporate endorsement through a press release. Nothing in the regulations requires such a press release to be distributed in a particular manner or through a specific mode of communication, as long as any disbursements made for such distribution are de minimis. While the provisions do describe one circumstance where disbursements from the distribution of a press release will be considered de minimis, the regulations do not state that the described circumstance is the only such manner of distribution. Clearly, other methods and modes of distribution of a press release can be de minimis and permissible.

2. No costs were incurred in the public announcement of this corporate endorsement.

According to the complaint, the NCSC endorsed President Clinton on July 11, 1996. The NCSC press release was made available to the general public by being posted on NCSC's web site, also on July 1, 1996.⁵ Accordingly, then, the Commission's analysis should be whether the costs of that posting were de minimis and whether there was any coordination of the posting of the announcement with the Committee.

Although the Committee does not have access to the specifics of the NCSC web site development and maintenance costs, it is clear from even a cursory review of industry standards related to web site technology, that the posting of a document, such as a press release, does not result in any incremental or additional costs to the person or organization which has the web site. See Affidavit of Lynn Reed, Exhibit 1. In other words, it did not cost NCSC anything to post the press release to its web site.

(In addition, under the now and rapid developments occurring with web site technology, the posting of a press release thereto is appropriately analogized to making it available in the organization's offices. In other words, just as a visitor to the organization's offices is free to pick up its press releases, a browser at the

⁴Clearly, the Commission is trying to prevent coordination of the announcement of the endorsement, but not to prevent either the endorsement itself or the announcement in the absence of coordination.

⁵For example, an organization could presumably place its press release in the lobby area of its offices -- as the Commission has done with its releases -- without incurring any costs.

⁶For purposes of this response, the Committee agrees that the general public had access to the press release -- even though the clearly intended audience were members of NCSC.

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organization's web site is free to read the press release while visiting the web site by computer. Neither circumstance results in a disbursement by the organization, which has simply chosen to make this information available. Such a situation is distinguishable from mailing or faxing a press release which clearly involves the cost of postage or of telephone lines associated directly with the specific communication.

Complainant alleges that the press release at issue was widely distributed to the news media, but the only evidence of distribution is the allegation pertaining to the NCSC web site. Something more than complainant's mere assertion that the release was widely distributed is required for the Commission to proceed on this allegation - - otherwise, the Committee has no ability to respond. The Committee has responded to the web site allegation, because that is the only one specific enough to warrant Commission consideration, and the Committee has explained that no costs would have been incurred in this activity.

3. The Committee did not coordinate the public announcement of this endorsement with NCSC.

Accordingly, then, because no disbursements were made in connection with the posting of the press release, the only remaining question is whether there was any coordination between the Committee and NCSC as to the announcement of the endorsement. There was not. The Committee staff had no discussion or communication with NCSC concerning the impending endorsement, and, in fact, the Committee was not even aware of the endorsement prior to its public announcement of July 1, 1998. See Affidavit of Mike Haga, Exhibit 2. Not only did the Committee not issue any of its own press releases at the time of the endorsement, it also did not share any press lists or names with NCSC for the latter to use. Id.

Paragraph 12(a) of the complaint, which includes the sole statement of coordination provided by the complainant, merely discloses that President Clinton "accepted" the endorsement subsequent to its announcement. Nothing

⁷ While it is true that the Committee was aware of and in fact had scheduled the President's later appearance at the NCSC convention, the scheduling discussion and other communications concerning the convention did not include the possibility of endorsement and therefore did not preclude the public announcement of that endorsement. Only after the event was scheduled and the endorsement was announced did the Committee become aware of it. Nothing in the Commission's regulations or in the Commission's Explanation and Justification ("E&J") then gives the slightest indication that scheduling an event will be used by the Committee as evidence of candidate coordination. The E & J even recognizes, albeit in connection with another provision of 114, that "certain contacts with the candidate's campaign may be necessary to arrange the appearance." Federal Election Campaign Finance Guide CCH ¶ 923 (explaining 114 CFR § 114.44 at p.1601-7).

in the regulations supports such an absurd assertion - - simply because a candidate accepts an endorsement after its public announcement, there are no reasonable grounds to conclude that the announcement was coordinated with the candidate. If the Commission were to intend that a candidate not accept an endorsement, such activity should have been prohibited in the regulations.

Moreover, the Commission recognizes that simply because a candidate appears at an event - - or because the candidate's staff engaged in scheduling - related discussions for that event - - it cannot be concluded that the public announcement of an endorsement was coordinated. See, e.g., 11 CFR § 114.4. The event in question was not sponsored by the Committee, but rather, was an internal meeting of NCSC, controlled entirely by the latter group. Something more is required for coordination, even where, as here, a candidate accepts an endorsement after its public announcement.

In light of the facts described above, the endorsement complained of unquestionably complied with the Commission's endorsement requirements and did not result in a contribution to the Committee. Thus, the Commission should find no reason to believe that the Committee violated any provision of the Act or Commission regulations in connection with the NCSC endorsement.

B. The NCSC event fully complied with the Commission's rules pertaining to candidate appearances.

According to the complaint, on July 2, 1996, after the NCSC announced its endorsement of the President's re-election, the NCSC hosted an event at which the President appeared. Complainant fails to allege that anything about this event was improper and simply concludes, erroneously, that because the NCSC must have paid for the costs of this event, a contribution to the Committee occurred. In coming to this incorrect conclusion, complainant wholly disregards the provisions of 11 CFR § 114 pertaining to candidate appearances. This appearance fully complied with those provisions.

Under § 114.3 a corporation is permitted to invite and have a candidate address its restricted class at a meeting, convention or other function of the corporation. Membership organizations are subject to the provisions of 11 CFR § 114.3 by virtue of CFR § 114.7 (h).

For the purpose of this matter, NCSC's event on July 2, 1996 was a convention for its restricted class, i.e., its members. Committee staff was assured at the time of the event that (1) the event was a "members only" event, (2) a ticket was required to enter the event in order to keep out the general public, and (3) the invitations and guest list were handled solely by the NCSC

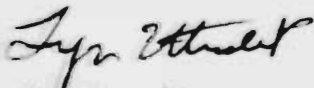
without any involvement by the Committee.⁶ See Affidavit of Mike Haga, Exhibit 2 NCSC, and not the Committee, controlled this event. NCSC determined when and where to hold this event, whom to invite and the entirety of the program. It simply cannot be reasonably concluded this convention - - which lasted more than one day - - was a Clinton/Gore event, when the Committee's sole involvement was the attendance of the President for a short period of time.

President Clinton's appearance there was clearly permitted by 11 CFR § 114.3 and did not result in any contribution to the committee from NCSC. Because the Committee, in fact, paid for all travel costs related to this appearance, consistent with general policy for the President's campaign events, no contribution could have resulted for those amounts. The event itself was clearly an NCSC event and not a Committee event. The Committee had no role in planning this convention - - and it is absurd for the complainant to allege that this event was nothing more than a Clinton/Gore sponsored event without any facts to support such an allegation.

CONCLUSION

This matter should be dismissed due to the Commission's defective service of the compliant. However, should the Commission disregard the service provisions of the Act and choose to consider the merits of the matter, it is clear that the NCSC endorsement of President Clinton on July 1, 1996, and the President's campaign appearance at the NCSC convention on July 2, 1996 fully complied with the requirements of the Act and the Commission's regulations, without resulting in a contribution to the Committee. Therefore, for the reasons stated herein, the Committee respectfully requests that the Commission determine that there is no reason to believe that the Committee and Joan Pollitt, as treasurer, violated any provision of the Act or Commission's regulations and close this matter as it pertains to the Committee.

Respectfully submitted,



Lyn Utrecht
General Counsel



Eric Kleinfeld
Chief Counsel

⁶ Due to specific measures instituted by the NCSC and described above, it is not likely that any "outsiders" were in attendance, but, if so, they would be considered incidental attendance as permitted by 11 CFR § 114.3 (c) (2).

BEFORE THE FEDERAL ELECTION COMMISSION
AFFIDAVIT OF LYNN REED

I, Lynn Reed, hereby declare the following:

1. I was the Web Manager and Site Producer for the Clinton/Gore '96 General Committee, Inc. (the "Committee") web site from August 1 through November 5, 1996. Presently I am president of NetPolitics Group, an organization that provides web site services to include building web sites, updating or redesigning sites, and providing regular maintenance to existing sites. I have also taught the first ever course on the internet and politics at American University's Campaign Management Institute and the Yale Women's Campaign School.

2. A web site is a collection of electronic pages of images, text, sounds, or video that exist on a computer called a server. The electronic pages are published on the Internet by an individual or an organization. Each site has a unique name and number so that when someone types that name or number into a web browser the server transfers the files to the browser of the person who requested the files. Typically web sites are public and anyone with a browser can view pages on the web site without incurring any cost.

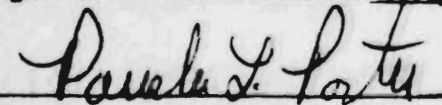
3. Any person who manages the web site can post materials to it. Posting means modifying a file that is on the server or putting a new file on the server. To post something, an administrator using file transfer software would enter a user identification and password and then transfer the new file to the server. Typically such a transfer takes about two seconds. There is no cost incurred by the host of the web site for posting materials to a web site.

I submit, under penalty of perjury, that the foregoing information is true and accurate to the best of my knowledge.



Lynn Reed

Signed and sworn before me this 14th day of June, 1997.

 Paula J. Lott, Notary Public, District of Columbia

My Commission expires on: 1-14-98

**BEFORE THE FEDERAL ELECTION COMMISSION
AFFIDAVIT OF MIKE HAGA**

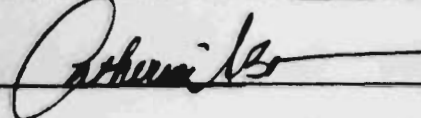
1. Mike Haga, hereby declare the following:

1. I was the Assistant Director of Public Liaison and Director of the Senior's Outreach for the Clinton/Gore '96 General Committee, Inc. (the "Committee").
2. As the Director of Senior's Outreach, I was responsible for all of the Committee's outreach activities relating to Senior Citizens. Such activities involved voter registration drives, disseminating information with regard to the President and Vice President's accomplishments and their position on various issues, planning and implementing Committee events for Senior Citizens, managing outreach to likely voters, responding to sensitive issues in the Senior's community, writing press releases relating to Senior Citizens, and tracking and announcing endorsements of organizations that have previously publicly endorsed the President and Vice President.
3. On July 2, 1996, I first learned of the National Council of Senior Citizens had endorsed the President the previous day--July 1, 1996. I learned that the National Council of Senior Citizens had publicly announced their endorsement by posting it on their internet web site.
4. Prior to the National Council of Senior Citizens event at which the President appeared on July 2, I had no prior contact with them concerning the endorsement. Prior to the National Council of Senior Citizens posting their endorsement on their web site, I had no advance knowledge of their intent or desire to post same. I had no advance knowledge or contact with the National Council of Senior Citizens regarding the dissemination of their endorsement.
5. As the Director of Senior's Outreach, I would also have had knowledge of any and all press releases issued by the Committee concerning endorsements related to Senior Citizens. The Committee did not issue any press releases announcing the endorsement of the National Council of Senior Citizens at any time prior to or subsequent from the July 2 event at which the President appeared.
6. I was the Committee liaison to the National Council of Senior Citizens event held on July 2, 1996 at which the President appeared. It was a ticketed event for members only. The event was not open to the general public. The invitations and guest list were handled solely by the National Council of Senior Citizens without any involvement by me or other Committee members.

I submit, under penalty of perjury, that the foregoing information is true and accurate to the best of my knowledge.


Mike Haga

Signed and sworn before me this 12th day of June, 1997.



My Commission expires on: 7.14.2000

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

1227 25TH STREET N.W.

WASHINGTON, D.C. 20037-11561

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FAX (202) 296-2882

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JUN 16 11 35 AM '97

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(617) 342-4000

510 KING STREET, SUITE 301
ALEXANDRIA, VIRGINIA 22314-3132
(703) 684-1204

June 16, 1997

HAND-DELIVERED

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Room 657
Washington, D.C. 20463

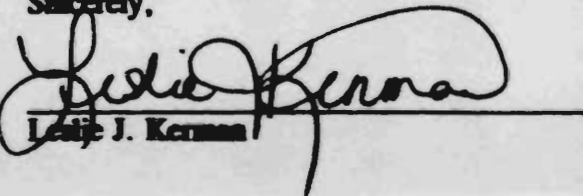
**RE: M.U.R. 4607: RESPONDENTS FRIENDS OF MARK WARNER AND GERALD
McGOWAN, AS TREASURER**

Dear Mr. Turley:

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 on June 11, 1997 by Mr. McGowan, the Committee's Treasurer.

If you have any questions regarding the enclosed document, please do not hesitate to contact me at (202) 861-1877.

Sincerely,


Leslie J. Kerman

Enclosure (1)

STATEMENT OF DESIGNATION OF COUNSEL

MUR: 4607

NAME OF COUNSEL: Leslie J. Korman

FIRM: Epstein Becker & Green, P.C.

ADDRESS: 1227 25th Street, N.W.

Suite 700

Washington, D.C. 20037

TELEPHONE: (202) 861-1877

FAX: (202) 723-0560

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.

Date

Signature

RESPONDENT'S NAME: Friends of Mark Warner and Conrad McGowan, as trustees

ADDRESS: c/o 1227 25th Street, N.W.

Suite 700

Washington, D.C. 20037

HOME PHONE: N/A

BUSINESS PHONE: (202) 861-1877

OLDAKER, RYAN, PHILLIPS & U+RECHT

ATTORNEYS AT LAW

818 CONNECTICUT AVENUE, N.W.

SUITE 1100

WASHINGTON, D.C. 20006

(202) 728-1010

FACSIMILE (202) 728-4044

RECEIVED
ELECTION
COMMISSION MAIL ROOM

JUN 11 4 59 PM '97

June 17, 1997

Lawrence M. Noble
General Counsel
Federal Election Commission
Office of General Counsel
999 E Street, NW
Washington, DC 20463

JUN 18 3 59 AM '97

RE MUR 4607
Friends of Patrick J. Kennedy '96,
Inc. and William San Bento, Jr., as
treasurer

Dear Mr. Noble

Friends of Patrick J. Kennedy '96 ("the Committee"), and William San Bento, Jr., as Treasurer, hereby submit this response to the complaint in the afore-mentioned matter served on the Committee on May 13, 1997. We request that the Federal Election Commission ("FEC" or "the Commission") take no further action in this matter.

I. The respondent was not notified of the complaint within five (5) days after the Commission received notification from the complainant, and thus, the complaint is defective under 2 U.S.C. § 437(g)(a)(1).

The United States Code specifically provides that within five days of receiving a complaint, the Commission shall notify any person named in the complaint of the alleged violation. Even though the Commission received the complaint on January 7, 1997, the respondent was not notified until May 13, 1997. Since the Commission failed to comply with the law, this complaint is defective and thus, the complaint should be dismissed.

II. The Commission's regulations permit corporations to publicly endorse a candidate, and thus, there is no basis in the complaint for finding that the Committee received an improper contribution through the endorsement of the National Council of Senior Citizens.

The complaint alleges that the National Council of Senior Citizens ("the NCSC") made an improper contribution to the Committee by endorsing Patrick Kennedy in his

1996 re-election. However, there is no evidence whatsoever submitted in the complaint to suggest any reason why this corporate endorsement is improper.

On October 10, 1996, the Providence Journal-Bulletin announced the endorsement of Patrick Kennedy by the NCSC in a newspaper article. The article, in pertinent part, states "Kennedy also picked up the endorsement of the National Council of Senior Citizens, which earlier backed Weygand." Campaign Journal Rep. Kennedy agrees to debate on cable TV, PROVIDENCE J-BULL., Oct. 10, 1996, at 8B. The article makes no further commentary of the endorsement, but merely publishes the fact that the NCSC endorsed Patrick Kennedy.

The complaint alleges that this endorsement by the NCSC violated the Federal Election Campaign Act ("the Act") by communicating the express advocacy of a clearly identified candidate to the general public. Announcement of endorsement of a particular candidate is specifically allowed under the FEC regulations. Based on the evidence presented in the complaint, there is no reason to believe that the endorsement by the NCSC was anything more than a permissible public endorsement, in compliance with the regulations.

The Commission's regulations permit a corporation to publicly endorse a candidate. 11 C.F.R. § 114.4(c)(6) (1997). Public endorsements by a corporation must meet two requirements: (1) the expenses related to the press release must be de minimis and (2) the endorsement must not be coordinated with the candidate's committee. 11 C.F.R. §§ 114.4(c)(6)(i) and (ii). Thus, the Commission's regulations specifically allow corporations to publicly endorse a candidate through a press release.

There are no allegations in the complaint that a press release, if in fact there was one, issued by the NCSC and endorsing Patrick Kennedy, violated either of these requirements. The complaint offers no evidence that the expenses related to such a press release were not de minimis or that there was any coordination. In fact, the complaint provides no evidence of an actual press release or any other documents to show how the NCSC endorsement was communicated. The allegations are based entirely on a newspaper article which does nothing more than report the fact that the NCSC endorsed Patrick Kennedy. Additionally, an endorsement announced in the newspaper is entirely consistent with the regulations, which provide for notice of an endorsement to be distributed to representatives of the news media. 11 C.F.R. § 114.4(c)(6)(i). Finally, there is no evidence offered in the complaint that anyone from the Committee was involved in the NCSC endorsement.

The NCSC endorsement of Representative Patrick Kennedy on October 10, 1996, was in full compliance with the Act and the Commission's regulations and there was no contribution made to the Committee. The complaint makes numerous allegations, without offering any factual basis to support its claims. No evidence whatsoever was offered to support the allegation that any part of the Act was violated. Thus, there is no reason for the Commission to believe that the Committee and William San Bento, Jr., as treasurer,

MUR 4607

Page 3

violated any provision of the Act. As such, the Commission should close this matter as it
pertains to the Committee.

Sincerely,



Lynn Whitfield

9 0 0 4 3 6 8 0 1 0 2

The Kerry Committee

June 17, 1997

F. Andrew Turley, Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E St. NW
Washington, DC 20463

RE: MUR 4607

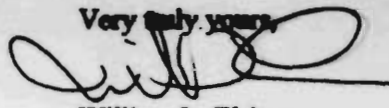
Dear Mr. Turley:

This letter is in response to the above referenced complaint. I have conducted interviews with senior campaign officials regarding this matter and believe that the complaint is groundless.

The complainant is correct in stating that the National Council of Senior Citizens endorsed John Kerry in his bid for reelection. To the best of our knowledge, this endorsement was provided in accordance with applicable Federal Election law. We are not aware of any non-customary distribution of this endorsement or of any material disbursements in conjunction with such distribution.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,



William L. Elsbree
Treasurer

SILLS CUMMIS ZUCKERMAN RADIN TISCHMAN EPSTEIN & GROSS

A PROFESSIONAL CORPORATION

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NEWARK, NEW JERSEY 07102-5400

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WRITER'S DIRECT DIAL NUMBER

(201) 643-5271

WRITER'S E-MAIL

June 24, 1997

ARTHUR J. SILLS (973) 6880

CLIVE S. CUMMIS
STEVEN S. RADIN
HERBERT A. ZUCKERMAN
MICHAEL B. TISCHMAN
MORTON S. BURNS
BARRY M. EPSTEIN
STEVEN E. GROSS
THOMAS J. DENBRO
JEFFREY H. NEWMAN
LAWRENCE S. MORIN
CHARLES J. WALSH
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STEFANEN J. MOSES
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STANLEY U. NORTH, II
JAMES D. TOLL
JAMES M. HIRSCHHORN
ALLAN C. BELL
RONALD C. RAK
MARK S. OLINSKY
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VICTOR H. BOYANAN
PHILIP R. WHITE
ALAN J. COHEN
MARK J. BLUNDA
LORI G. SINGER
ROBERT W. BURKE
MARK E. DUCKSTEIN
BETH S. ROSE

OF COUNSEL

DAVID BECK
DENA L. WOLF
MITCHELL E. OSTHER
KENNETH R. WEINER

ADMITTED: IN NY ONLY
ADMITTED: IN JURISDICTION OF OTHER THAN NJ

PHILIP D. HUMPHREYS
PATRICIA M. KERINS
FRANK M. LAVENDA
MICHAEL R. DIVITA
RALPH SALTZ
BOHDAN S. KOBOVICH
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PAUL F. DODD
VIRAL FONG
JOSHUA D. GOODMAN
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RHONDA SOBRAL O'TOOLE

ALVIN A. JONES
LEONIS R. FRANZISE
ANDREW H. SHERMAN
MICHELLE E. MANPRO
ADAM J. KASER
KEITH J. WEINGOLD
WILLIAM J. TINKLEY, JR.
WILLIAM R. STUART
ELIZABETH GLENNER GALLAY
GARRY ROGERS
JENNIFER L. BOROWSKY
VAUGHN L. MOROSY
GWYN L. ROSENER
SUSANNE K. ROSENZWEIG
MICHAEL LEE BERRO
LENN M. WALDRON
KIMBA A. RAMSAY WILCOX
ANTHONY F. VITELLO
DANIEL A. SCHLEIN
LAURA M. KALK
ROSS L. YUSTEN
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PETER M. SCHULTZ
LAURA M. KOHARBOY
BEN TZOON H. ZUR
MICHAEL G. ALBANO
DAVID JAY
LAURA E. KORPMANN
JACQUELINE M. ROSS
ERIC J. ABRAHAM
VINCENT M. GIBLIN
KRISTEN SNOG BUDRSTETTA
FRANK ECKSTEIN
JENNIFER L. GILMAN
PETER J. KOZLOWSKI
KIMATHAN N. MARCUS
MONICA D. PALESTIS
ANTHONY J. TUTTIS
SERENA VISWANATHAN
ELNARDO J. WEBSTER

PLEASE REPLY TO NEWARK

VIA FEDERAL EXPRESS

Jennifer Henry, Esq.
Office of General Counsel
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 4607 -- Torricelli for U.S. Senate

Dear Ms. Henry:

We submit this response on behalf of Senator Robert Torricelli, Torricelli for U.S. Senate, Inc., and Adam Crain as Treasurer for Torricelli for U.S. Senate, Inc. (collectively, the "Torricelli Committee") in connection with the above-referenced matter, in which United Seniors Association ("USA") filed a complaint against the National Council of Senior Citizens ("NCSC").

USA alleges that NCSC violated various provisions of the federal campaign laws by endorsing federal candidates, including Senator Robert Torricelli, and by engaging in certain other activities in connection with these endorsements. The complaint, which names only NCSC, is focused almost exclusively on activities of NCSC and campaigns other than Senator Torricelli's. Indeed, the only reference to Senator Torricelli is in a list of several candidates endorsed by NCSC. Consequently, this reply is limited to allegations involving the Torricelli Committee and Senator Torricelli's campaign.

Jennifer Henry, Esq.

June 24, 1997

Page 2

Corporations such as NCSC may endorse candidates for federal office and may communicate that endorsement to the general public via the news media. 11 C.F.R. 114.4(c)(6). Moreover, it is our understanding that the endorsement was by NCSC's PAC, and not the corporate entity itself. In any event, the mere fact that NCSC endorsed Senator Torricelli cannot alone support a finding that the Torricelli Committee violated the law. Indeed, the complaint does not even allege that Senator Torricelli's campaign violated the law, but only that NCSC's conduct, taken as a whole, constitutes a violation.

The Commission has in the past recognized that organizations like NCSC need to discuss issues with candidates and their staff when deciding whom to endorse, and its regulations clearly contemplate such discussions. The regulations prohibit only the coordination of the public announcement of a corporation's endorsement with a candidate. USA has not presented any evidence that NCSC's endorsement of Senator Torricelli was in any way coordinated by or with the Torricelli Committee.

The event described in Paragraph 12(b) of USA's complaint was a small gathering of approximately 30 senior citizens held at and organized by the Red Bank Senior Citizens Center. The president of NCSC's New Jersey affiliate and the legislative representative of the Monmouth County Senior Citizens Council, David Keiserman, lives within 15 minutes of Red Bank, and was independently invited to attend the informal gathering by the president of the Red Bank Senior Citizens Center, and not by any representative of the Torricelli Committee. As a resident active for many years in local political affairs affecting seniors, and who frequently attended all manner of events at the Red Bank Seniors Center, Mr. Keiserman's presence and his invitation to the gathering were in no way unusual or out of the ordinary.

It is our understanding that the NCSC, through its political action committee, endorsed Senator Torricelli well before the October 31, 1996 event in Red Bank.

Mr. Keiserman was asked to speak on the spur of the moment, and he briefly communicated the fact of NCSC's prior endorsement to the assembled group. The event was not a press conference by any stretch of the imagination or even a "press event." It was a social gathering to which the Center had invited Mr. Keiserman, as a local activist and friend, and Senator Torricelli, as a supporter of issues of concern to seniors. Indeed, the Red Bank gathering should not be deemed a "public announcement" of the endorsement, since that information had already been communicated through other channels.

Jennifer Henry, Esq.
June 24, 1997
Page 3

Because members of the press were travelling with Senator Torricelli in the closing days of the campaign, some were present at the gathering and did hear Mr. Keiserman's remarks. However, to describe this as an organized press event would mischaracterize the nature of the gathering. To the Torricelli Committee's knowledge, no press release announcing the Red Bank gathering or NCSC's intent to announce its prior endorsement of Senator Torricelli at the gathering was distributed in advance by NCSC or NCSC PAC. To describe the fact that both Senator Torricelli and a local senior active in NCSC and NCSC PAC were asked by a third party to speak at the same gathering of seniors as "coordination" between the Torricelli Committee and the NCSC grossly overstates the events in question.

Moreover, the Torricelli Committee has been advised that many, if not all, the citizens in attendance were members of local affiliates of NCSC or NCSC's state affiliate, the New Jersey Council of Senior Citizens. Thus, Mr. Keiserman's remarks at the gathering would appear to be a wholly proper communication to the restricted class of NCSC or its affiliates pursuant to 11 C.F.R. 114.4(b)(6)(i).

While there are certain restrictions on the publicity efforts of corporations making an endorsement, including the requirement that any costs incurred by the corporation be minimal, the Torricelli Committee is not aware of any expenditure for Mr. Keiserman's attendance at the event other than the plainly de minimus cost of his 15-minute drive to the event.

Any finding that this gathering and Mr. Keiserman's brief, uncoordinated comments to his fellow seniors violated the campaign laws simply because the press was in attendance and reported on his comments would represent an unprecedented squelching of free speech by an ordinary citizen interested and active in the political process. The activities of individuals like Mr. Keiserman, regardless of their partisan affiliation, should be encouraged, not chilled. They should not be the subject of further Commission inquiries into otherwise ordinary and routine political activities.

Further, candidate committees are not restricted from publicizing the receipt of such endorsements. Indeed, a contrary rule would eviscerate the value of such endorsements, because candidates would not be able to communicate the fact of the endorsement to the public. Thus, there would be nothing illegal or even surprising even if Torricelli Committee staff subsequently publicized this endorsement through its own media contacts, apart from NCSC, NCSC PAC or their affiliates.

SILLS CUMMIS ZUCKERMAN RADIN TISCHMAN EPSTEIN & GROSS

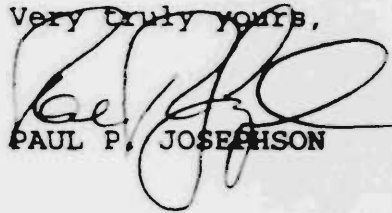
Jennifer Henry, Esq.

June 24, 1997

Page 4

In short, the Torricelli Committee received an endorsement from NCSC, just as it received endorsements from other organizations familiar with Senator Torricelli's strong stands on issues of concern to them. Such endorsements are specifically permitted by FECA and the Commission's regulations, and are neither improper nor illegal. Because there is no reason to believe that the Torricelli Committee violated any provision of FECA, it is respectfully submitted that MUR 4607 should be dismissed as to Senator Torricelli, Torricelli for U.S. Senate, and Adam Crain.

Very truly yours,



PAUL P. JOSEPHSON

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

August 27, 1997

Christopher W. Romer, Treasurer
Friends of Tom Strockland, Inc.
410 17th Street, 22nd Floor
Denver, CO 80202

RE: MUR

4607

Dear Mr. Romer:

You requested on your Termination Report, that the Federal Election Commission permit Friends of Tom Strockland, Inc. ("Committee") to terminate pursuant to 2 U.S.C. § 455(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matters involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

If you have any questions, please contact Alva F. Smith or Jennifer Henry on our toll-free telephone: (800) 424-9530. Our local telephone number is (202) 219-5400.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

cc: Reports Analysis Division



National Council of Senior Citizens

8403 Colesville Road, Suite 1200 • Silver Spring, Maryland 20910-3314 • (301) 578-8800 • Fax (301) 579-0000

President
Harry Gauthier
Executive Director
Steve Protulis

December 3, 1997

Larry Noble, Esq.
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: FEC MUR 4607

Dear Mr. Noble:

Please be advised that the National Council of Senior Citizens and NCSC PAC has designated a new counsel in the above-referenced matter. The designation of counsel filed on January 30, 1997, listed Michael B. Trister and Robert J. Mozer, Esq. as counsel of record. Mr. Trister is no longer representing NCSC or its PAC in this matter. We have now designated Margaret E. McCormick, Esq. to represent us in this matter as well as Mr. Mozer. Ms. McCormick's telephone number is (202) 682-4718 or (301) 229-6718. Her office address is 1225 I Street, N.W., Suite 500, Washington, D.C. 20005. Please send all future notices in connection with this matter to Ms. McCormick as well as to Mr. Mozer.

Thank you for your cooperation in this matter.

Sincerely,

Steve Protulis
Executive Director

SP:mik

cc: Margaret E. McCormick, Esq.
Robert J. Mozer, Esq.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 30, 1997

Michael A. Ingrao, Treasurer
National Council of Senior Citizens PAC
8403 Colesville Road
Suite 1200
Silver Spring, MD 20910-3314

RE: MUR 4607
National Council of Senior Citizens PAC
and Michael A. Ingrao, as treasurer

Dear Mr. Ingrao:

On November 20, 1997, you requested that the Federal Election Commission permit National Council of Senior Citizens PAC ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

cc: Margaret E. McCormick, Esq.
Reports Analysis Division

FEDERAL ELECTION COMMISSION

999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

MUR 4607

DATE COMPLAINT FILED: January 7, 1997
DATE OF NOTIFICATION January 14, 1997
TO RESPONDENTS: and May 5, 1997
DATE ACTIVATED: September 12, 1997
STAFF MEMBER: Thomas J. Andersen

COMPLAINANT:

United Seniors Association
and Sandra L. Butler, President

RESPONDENTS:

National Council of Senior Citizens
National Council of Senior Citizens PAC
and Michael A. Ingrao, as treasurer
Clinton/Gore '96 General Committee, Inc.
and Joan Pollitt, as treasurer
Balanoff for Congress and Evelyn M. Garcia,
as treasurer
Bonior for Congress and David M. Diegel, as treasurer
Committee to Elect Winston Bryant -- U.S. Senate
and Clifford P. Block, as treasurer
Committee to Re-Elect James E. Clyburn
and Tom E. Felder, as treasurer
Friends of Dick Durbin Committee
and Michael E. Daly, as treasurer
Friends of Patrick J. Kennedy '96
and William San Bento, Jr., as treasurer
Kerry Committee and William L. Elsbree,
as treasurer
Levin for Congress Committee
and Joseph J. O'Brien, as treasurer
Friends of Congressman George Miller
and Howard Jameson, as treasurer
Lynn Rivers for Congress Committee 98
and Thomas A. Webb, as treasurer
Pete Stark Re-Election Committee:
and Deborah R. Stark, as treasurer
Friends of Tom Strickland, Inc.
and Christopher W. Romer, as treasurer

RESPONDENTS (cont.)

Toricelli for United States Senate, Inc.
and Adam Crain, as treasurer
Friends of Mark Warner and Nicholas Perrins,
as treasurer
Weygand Committee and Peter Fogarty, as treasurer

RELEVANT STATUTES:

2 U.S.C. § 431(4)(A)
2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 437g(a)(1)
2 U.S.C. § 441a
2 U.S.C. § 441b
2 U.S.C. § 441d
11 C.F.R. § 109.1
11 C.F.R. § 110.11
11 C.F.R. § 114.1
11 C.F.R. § 114.2
11 C.F.R. § 114.3
11 C.F.R. § 114.4

INTERNAL REPORTS CHECKED:

FEC Indices/Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

I. GENERATION OF MATTER

This matter arises from a complaint filed with the Federal Election Commission (the "Commission") alleging that the National Council of Senior Citizens ("NCSC") violated 2 U.S.C. §§ 433, 434, 441a, 441b and 441d, through prohibited corporate contributions or expenditures made (1) by posting an endorsement of President Clinton on its web site, (2) by hosting and sponsoring a "campaign event" for President Clinton in Chicago, and (3) by improperly coordinating or distributing its endorsements of other federal candidates. Those other candidates include: Clem Balanoff (CD 11 IL), David Bonior (CD 10 MI), Winston Bryant (Senate/AR), James E. Clyburn (CD 6 SC), Richard Durbin (Senate/IL), Patrick J. Kennedy (CD 1 RI), John Kerry (Senate/MA), Sander Levin (CD 12 MI), George Miller (CD 7 CA),

Lynn Rivers (CD 13/MI), Pete Stark (CD 13/CA), Tom Strickland (Senate/CO), Robert Torricelli (Senate/NJ), Mark Warner (Senate/VA), and Robert A. Weygand (CD 2/RI). The alleged activity in this matter appears to have occurred between June and November 1996. Written responses have been received from all Respondents except for Friends of Dick Durbin Committee and Michael E. Daly, as treasurer, Friends of Tom Strickland, Inc. and Christopher W. Romer, as treasurer, and Friends of Mark Warner and Nicholas Perrins, as treasurer ("Warner Committee").¹

II. FACTUAL AND LEGAL ANALYSIS

A. Applicable Law

The Federal Election Campaign Act of 1971, as amended (the "Act"), defines a "political committee" to include "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. § 431(4)(A).² All political committees shall register with the Commission as required under section 433, and thereafter shall file disclosure reports as required by section 434. Such committees shall abide by the limitations on contributions and expenditures set forth at section 441a.

¹ These notification letters were not returned to this Office, accordingly, it is our policy to assume that all of the letters were received. In telephone conversations with this Office, counsel for the Warner Committee indicated that it had decided not to submit a response.

² In *Buckley v. Valeo*, 424 U.S. 1 (1976), the Supreme Court included a purpose test to determine political committee status, *id.* at 79, which it reaffirmed in *FEC v. Massachusetts Citizens for Life*, 479 U.S. 238, 252 n.6 (1986). The Court is currently revisiting the issue, see *Alton v. FEC*, 74 F.3d 287, *reh'g en banc*, 101 F.3d 731 (D.C. Cir. 1996), *cert. granted*, ___ U.S. ___, 117 S. Ct. 2451, 138 L. Ed. 2d 210 (U.S. Jan. 16, 1997) (No. 96-1590).

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Expenditures made in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his or her authorized political committee(s), or their agents, shall be considered to be contributions to the candidate or committee(s). 2 U.S.C. § 441a(a)(7)(B)(i). See also 11 C.F.R. § 109.1(c). This includes "any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast" of a communication. 11 C.F.R. § 109.1(b)(4)(i). There is a presumption that expenditures are coordinated if they are based on information about the candidate's "plans, projects, or needs" provided to the expending person by the candidate or his or her agent, with a view toward having the expenditures made. 11 C.F.R. § 109.1(b)(4)(i)(A).

The Act provides that whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, direct mailing, or other type of general political advertising, such communication shall contain a disclaimer in accordance with 2 U.S.C. § 441d(a). See also 11 C.F.R. § 110.11(a)(1).

The Act prohibits corporations from making a contribution or expenditure from their general treasury funds in connection with any election of any candidate for federal office. 2 U.S.C. § 441b(a). See also 11 C.F.R. § 114.2(b)(c). Section 441b(a) also makes it unlawful for any candidate, political committee, or other person knowingly to accept or receive a contribution prohibited by section 441b(a). In addition, section 441b(a) prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation. For purposes of this provision, the term "contribution or expenditure" includes any direct or indirect payment, gift of money, services, or anything of value, to any candidate or

campaign committee in connection with any federal election. 2 U.S.C. § 441b(b)(2); 11 C.F.R. § 114.1(a)(1).

The general prohibition against corporate contributions and expenditures contains an exception that permits a corporation, including an incorporated membership organization, to communicate with its "restricted class" (its stockholders, executive and administrative personnel, and their families), but not the general public, on "any subject," including messages containing express advocacy of the election or defeat of federal candidates. 2 U.S.C. § 441b(b)(2)(A) and 11 C.F.R. §§ 114.1(j) and 114.3(a). For purposes of these communications, the restricted class of an incorporated membership organization also includes its membership.³³ *Id.*

Corporate communications containing express advocacy which may be made to the restricted class include, but are not limited to, publications and candidate appearances at corporate conventions. For example, printed material expressly advocating the election or defeat of one or more clearly identified candidate(s) or candidates of a clearly identified political party may be distributed by a corporation to its restricted class provided that: (i) the material is produced at the expense of the corporation; and (ii) the material constitutes a communication of the views of the corporation, and is not the republication or reproduction, in whole or in part, of any broadcast, transcript or tape or any written, graphic, or other form of campaign materials.

³³ In defining what constitutes membership for purposes of the Act, the Supreme Court has suggested that members of non-stock corporations are to be defined, at least in part, by analogy to the stockholders of business corporations and members of labor unions. See *FEC v. Nat'l Right to Work Committee*, 459 U.S. 197, 202 (1982). See also *Chamber of Commerce v. FEC*, 69 F.3d 600 (D.C. Cir. 1995), *reh'g denied*, 76 F.3d 1234 (1996). The Court in *Chamber* determined that portions of the Commission's membership regulations at 11 C.F.R. §§ 114.1(e) were invalid, concluding that they defined the term "member" in an unduly restrictive fashion. See also 604 (the Commission did not seek further judicial review of this decision).

prepared by the candidate, his or her campaign committee, or their authorized agents. 11 C.F.R. § 114.3(c)(1). A corporation may, under section 114.3, use brief quotations from the speeches or other materials of a candidate that demonstrate the candidate's position as part of the corporation's expression of its own views. *Id.* A corporation also may allow a candidate to address its restricted class at a meeting, convention or other function. Employees outside the restricted class who are necessary to administer the event may be present, as well as representatives of the news media. 11 C.F.R. § 114.3(c)(2)(i).

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A corporation may endorse a candidate and may communicate the endorsement to its restricted class through the publications described above or during permissible candidate appearances, provided that no more than a *de minimis* number of copies of the publication that includes the endorsement are circulated beyond the restricted class. 11 C.F.R. § 114.4(c)(6). In Advisory Opinion ("AO") 1984-23, the Commission permitted an incorporated trade association to include information about its presidential endorsement in its biweekly newsletter when less than 1% of the copies were distributed to non-members, but the same information could not be published in its monthly magazine because a much larger percentage (13.7%) of the copies went to non-members. In AO 1997-16, the Commission determined that, because of the general availability of access to the Internet, the posting of an endorsement on an incorporated environmental group's web site would be considered a form of communication to the general public and thus a prohibited expenditure, unless access to such information was somehow restricted to the group's members.

A corporation may publicly announce an endorsement, and state the reason or reasons for it, through a press release or press conference, or both. Disbursements for the press release or

press conference must be *de minimis*. 11 C.F.R. § 114.4(c)(6)(i). The disbursements will be considered *de minimis* if the press release and notice of the press conference are distributed only to the representatives of the news media that the corporation customarily contacts when issuing non-political press releases or holding press conferences for other purposes. *Id.* In addition, the public announcement of the endorsement may not be coordinated with the candidate or the candidate's authorized committee(s). 11 C.F.R. § 114.4(c)(6)(ii).⁴ The Commission has found that section 441b prohibits a corporation from arranging with candidates the timing and distribution of press releases related to such candidates taking a pledge advocated by the corporation. See MUR 2269. However, the Commission permitted a corporation to invite candidates to discuss issues at a press conference sponsored by the corporation, as long as the corporation did not endorse those candidates or expressly advocate the election or defeat of any clearly identified candidate during the press conference, and assuming that any disbursements made by the corporation for the press conference were *de minimis*. AO 1996-11.

B. SUMMARY OF COMPLAINT AND RESPONSES

I. Complaint

The complaint first alleges that NCSC improperly posted a press release containing a presidential endorsement, dated July 1, 1996, on a web site accessible on the Internet at <http://www.clark.net/nscinc/home.html>.⁵ The press release included the statement "National Council of Senior Citizens Endorses President Clinton in the 1996 election," followed

⁴ The effective date of the most recent amendments to 11 C.F.R. §§ 114.3 and 114.4 was March 13, 1996 (60 Fed. Reg. 10269), at least two months before the activity at issue occurred (published at 60 Fed. Reg. 64260 on Dec. 14, 1995).

⁵ The actual web page containing the endorsement, which presumably could be accessed from NCSC's home page, was located at <http://www.clark.net/nscinc/press3.htm>, according to the complaint. At the present time, NCSC's web site does not appear to contain the endorsement.

by a brief description of the endorsement and comments in support of Bill Clinton by three persons associated with NCSC or its affiliates. See Attachment 1. One of these persons, NCSC's Executive Director, was quoted as follows: "We [NCSC] agree with Clinton and are urging all seniors to vote Clinton/Gore in 1996." *Id.* at 2.

Complainants assert that members of the general public could access the above information on NCSC's web site and that this was intended by NCSC. Complainants contend that, since the endorsement expressly advocated the election of clearly identified candidates for the offices of President and Vice-President without including a proper disclaimer, NCSC violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11. Complainants also contend that, as a corporation, NCSC violated 2 U.S.C. § 441b and 11 C.F.R. § 114.2 by making expenditures for such communications to the general public.

The complaint next alleges that NCSC expended in excess of \$1,000 "in hosting and sponsoring [a] campaign event for President Clinton at the Hyatt Regency in Chicago, Illinois, on July 2, 1996," and thus NCSC is a "political committee" as defined at 2 U.S.C. § 431(4)(A). The complaint cites an article appearing in the Chicago Sun-Times on July 3, 1996, which describes the event:

The president began his visit [to Chicago on July 2, 1996] with a speech to the National Council of Senior Citizens, a group that has endorsed him . . . "What I want you to do is not just stand with me, but go home and explain it to everyone else," Clinton said. The 1,000 or so senior citizens in the Hyatt Regency hall shouted "four more years" before, during and after Clinton's 40-minute speech.

See Attachment 2 at 2.⁶

⁶ Complainants refer to several newspaper articles but did not provide copies of any of these articles. This Office has retrieved most of the articles from electronic news databases and compiled them in Attachment 2.

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The complaint contends that NCSC, in hosting and sponsoring the event, "violated the provisions of 2 U.S.C. § 433 by failing to register as a political committee; that it violated the provisions of 2 U.S.C. § 434 by failing to file reports required of a political committee; that it violated the provisions of 2 U.S.C. § 441a by making expenditures in cooperation, consultation, or in concert with candidate Clinton in excess of the lawful limitation; and that, as a corporate entity, it violated the provisions of 2 U.S.C. § 441b by making an expenditure in connection with a federal election."

Finally, the complaint alleges that many endorsements of federal candidates made by NCSC "were coordinated with the candidates, the candidates' agents, or the candidates' authorized committees." The complaint cites a news broadcast on a Chicago TV station reporting that President Clinton "accepted the endorsement of the [NCSC]" at the aforementioned event. The complaint also refers to a New York Times article dated November 1, 1996, describing an appearance by Senate candidate Robert Torricelli the previous day at a New Jersey senior center at which, according to Complainants, "the representative of [NCSC] announced, and candidate Torricelli accepted, that organization's endorsement." See Attachment 2 at 4-5. The complaint further cites a "joint appearance" made by Harry Guenther, President of NCSC, with Senate candidate Mark Warner on October 1, 1996, "to announce candidate Warner's endorsement by NCSC." Complainants state that Messrs. Guenther and Warner "together visited a number of senior centers in Norfolk, Alexandria, Petersburg, and Roanoke, Virginia." The source of this information apparently was an article in The Richmond Times Dispatch, dated October 2, 1996. Attachment 2 at 6-7.

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The complaint asserts that NCSC's endorsements of these candidates, along with its endorsements of candidates Balamoff, Bonior, Bryant, Chyburn, Durbin, Kennedy, Kerry, Levin, Miller, Rivers, Stark, Strickland and Weygand, "were widely distributed to representatives of the news media and to representatives of the new [sic] media that [NCSC] does not customarily contact when issuing non-political press releases or holding press conferences." The complaint includes the names and dates of newspapers containing articles that mention the endorsements. These articles are included in Attachment 2 at 8-31.⁷ Complainants conclude that NCSC violated 2 U.S.C. § 441b and 11 C.F.R. § 114.4(c)(6) "by making more than *de minimis* disbursements in distributing public announcements of its endorsements and by coordinating the public announcements of its endorsements with the candidates, the candidates' agents or the candidates' authorized committees."

2 Responses

In response to the first allegation, NCSC asserts that its web site was not available for access by the public until after the election on November 5, 1996, and that before this time, no one could access the web site unless he or she had independent knowledge of its URL.⁸ NCSC's response includes a sworn declaration from Patrick Burns, the organization's Director of Communications, who developed the web site. Mr. Burns states that he opened an account with (Clark) Interactive to act as the server for the web site on September 13, 1996, but that between that time and the end of November 1996, the web site was not available to the general public

⁷ This Office was unable to locate the October 22, 1996 Chicago Tribune news article that Complainants claim reported NCSC's endorsement of Chm Balamoff.

⁸ A "URL," or Uniform Resource Locator, is the standard way of specifying the location of resources on the Internet that are part of the World Wide Web. See MAX BURNETT PRESS COMPUTER DICTIONARY at 487 (3d ed. 1997) (hereinafter MP DICTIONARY).

because only he knew its URL.⁹ The only use of the web site during that time was supposedly "internal to NCSC," such as when he demonstrated it to others at NCSC who made inquiries about what he was doing. Mr. Burns adds that, on November 26, 1996, he listed the NCSC web site on the search engine "Yahoo!," which enabled Internet users to access the web site by entering the organization's name or other related information into Yahoo! or any other search engine with which Yahoo! has a cooperative relationship.¹⁰ Attachment 3 is a copy of a confirmation e-mail sent by Yahoo! to Mr. Burns, which lists a different web site URL (<http://www.ncscinc.org>) than the one provided by Complainants (<http://vwww.clark.net/ncscinc/home.html>). Currently, an Internet user may input either of these URLs into a web browser to access NCSC's web site.¹¹

The response of Clinton/Gore '96 General Committee, Inc. and Joan Pollitt, as treasurer ("Clinton/Gore Committee"), contends that the endorsement posted on NCSC's web site is consistent with the Commission's regulations permitting public announcements of corporate endorsements at 11 C.F.R. § 114.4(c)(6). First, the costs of the posting were arguably *de minimis* because, based on industry standards related to web site technology, the posting of a document, such as a press release, does not result in any incremental or additional costs to the entity

⁹ A web server, or HTTP server, is the computer system where the files of a web site reside. See MP DICTIONARY at 239, 306.

¹⁰ A search engine is a computerized database through which Internet users can search for web sites containing information on particular topics by inputting keywords pertaining to those topics. See MP DICTIONARY at 424.

¹¹ A web browser is a computer program that enables users to access and view electronic documents (known as "hypertext") on the World Wide Web. See MP DICTIONARY at 305. Examples of widely used web browser programs are Netscape Navigator and Microsoft Internet Explorer.

The naming system on the Internet allows for "aliases" or multiple names to be assigned to one computer. See MARTIN IRVINE, WEB WORKS 17 (1997). Accordingly, a web site may contain more than one URL, as apparently is the case with NCSC's web site.

maintaining the web site. Second, the response claims that there was no coordination between NCSC and the Clinton/Gore Committee as to the announcement of the endorsement because the Committee had no discussion or communication with NCSC concerning the endorsement.

As for the complaint's allegation concerning the "campaign event for President Clinton" in Chicago, NCSC responds that the President's appearance was conducted in strict compliance with the Commission's regulations. NCSC acknowledges that President Clinton addressed its delegates at the organization's regular constitutional convention on July 2, 1996. However, according to the response, the persons attending the President's presentation were covered by the regulations dealing with restricted class communications, including members of NCSC, their families, a small number of NCSC's employees who were involved in administering the convention, a small number of guests, and representatives of the news media.

The Clinton/Gore Committee similarly characterizes the event as a convention restricted to the membership of NCSC. The Committee claims that it was assured at the time of the event that it was "members only" and that an entrance ticket was required to keep out the general public. The Committee adds that the invitation and guest list were handled solely by NCSC, and the Committee's only involvement was the attendance of the President for a short period of time to give his speech. Because the Clinton/Gore Committee paid for all travel costs related to the President's appearance, consistent with its general policy for his campaign events, it concludes that no contribution could have resulted in relation to such activity.

With regard to Complainants' allegation that NCSC improperly coordinated or distributed its endorsements of other federal candidates, NCSC first argues that part of the allegation, concerning the distribution of NCSC press releases to non-customary news media, is

not based on personal knowledge "accompanied by an identification of the source of information" giving rise to the complainant's belief in the truth of such statements, as required by 11 C.F.R. § 111.4(d)(2). In addition, Patrick Burns states in his declaration that he is responsible for preparing and distributing NCSC's press releases, and that during the 1996 election cycle, he distributed press releases of candidate endorsements to his computerized list of media contacts using the same procedure that he followed with respect to releases on non-political topics.

As for the complaint's reference to a television news broadcast about President Clinton's acceptance of an NCSC endorsement that had been voted on the previous day during the organization's convention, NCSC contends that, if the President may lawfully appear before an organization's restricted class, as he did, it follows that he may accept the organization's endorsement at that event.

Regarding Complainants' assertion that a representative of NCSC appeared with candidate Robert Torricelli on October 31, 1996 at a senior center in Red Bank, New Jersey, NCSC responds that the individual in question, David Keiserman, is the volunteer president of the New Jersey Council of Senior Citizens. NCSC claims that it (NCSC) had no role in planning or organizing the event in question and that it did not learn about Mr. Keiserman's participation until after the event took place.

The response of Torricelli for United States Senate, Inc. and Adam Crain, as treasurer ("Torricelli Committee"), describes the event as a small gathering of about 30 senior citizens held at and organized by the Red Bank Senior Center ("Center"). The Torricelli Committee claims that Mr. Keiserman lives within 15 minutes of Red Bank and was independently invited

to attend the gathering by the president of the Center and not by the Committee. The Torricelli Committee adds that Mr. Keiser's presence and his invitation to the gathering were not unusual or out of the ordinary, given his active involvement in local political affairs and his frequent attendance at events at the Center.

The Torricelli Committee suggests that NCSC-PAC, the separate segregated fund of NCSC, endorsed its candidate well before the October 31, 1996 event and, although Mr. Keiser "briefly communicated the fact of NCSC's prior endorsement," the event was not a press conference but rather a social gathering to which the Center had invited Mr. Keiser and candidate Torricelli. The Torricelli Committee acknowledges that some members of the press were present, but only because they had been "travelling with Senator Torricelli in the closing days of the campaign." The Torricelli Committee further argues that since "many, if not all," of the citizens in attendance were members of NCSC's state or local affiliates, the gathering comports with the Commission's regulations dealing with communications to a corporation's restricted class.

NCSC avers that no funds were expended in connection with the appearances by Harry Guenther, NCSC's president, with Torricelli candidate Mark Warner on October 1, 1996. NCSC states that Mr. Guenther received no compensation from NCSC and was not reimbursed by NCSC or NCSC-PAC for his expenses, if any, in connection with these appearances.

The remaining committees that have responded generally have acknowledged that their candidates were endorsed by NCSC, but deny that such endorsements were coordinated with their campaigns or that they resulted in contributions from NCSC. As an additional defense, the

Clinton/Gore Committee and Friends of Patrick J. Kennedy '96 and William San Bento, Jr., as treasurer ("Kennedy Committee"), argue that, because they were not notified of the complaint until four months after it had been filed with the Commission, it does not meet the five-day notice requirement in 2 U.S.C. § 437g(a)(1) and is therefore defective and should be dismissed as against them.¹²

C. Analysis

As an initial matter, although the Clinton/Gore Committee and the Kennedy Committee received notice of the complaint beyond the five days mentioned in 2 U.S.C. § 437g(a)(1), they each were given an adequate opportunity to respond to the complaint prior to any determination by the Commission, and they have each submitted written responses.¹³ See *FEC v. Franklin*, 718 F. Supp 1272, 1276-77 (E.D. Va. 1989); *EEOC v. Shell Oil Co.*, 466 U.S. 54, 66 n.16 (1984).

1. Endorsement Posted on NCSC's Web Site

NCSC, a non-profit incorporated membership organization exempt from federal taxation under 26 U.S.C. § 501(c)(4), appears to be a "membership association" and its members appear

¹² All respondents, except for NCSC and NCSC-PAC, received late notice of the complaint. The notification letters sent to these respondents included an explanation that the letters were not sent earlier due to administrative oversight (The Kennedy Committee's 1996 Mid-Year Report was accepted as a valid termination report by the Reports Analysis Division on August 22, 1997, before this MLR was activated; however, this General Counsel's Report recommends that the Commission find no reason to believe the Kennedy Committee violated any provision of the Act or regulations in this matter)

¹³ Moreover, the respondents asserting this defense were each granted extensions of time to respond to the complaint. In addition, if this Office's recommendations of finding no reason to believe and closing the file as to these respondents are approved by the Commission, the Act does not require that they be given any opportunity to respond to the complaint: "Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate . . . that no action should be taken against such person . . ." 2 U.S.C. § 437g(a)(1) (emphasis added)

to constitute "members" for purposes of the Act and Commission regulations.¹⁴ See 11 C.F.R. § 114.1(e). As such, the members are considered part of NCSC's "restricted class" and may receive communications from the organization on "any subject," including messages containing express advocacy. See 2 U.S.C. § 441b(b)(2)(A); 11 C.F.R. §§ 114.1(j) and 114.3(a).

Accordingly, NCSC was permitted to communicate its endorsement of President Clinton in 1996 to its membership.

Currently, NCSC's web site is available for viewing by any member of the general public with a web browser installed on a computer with access to the Internet. The web site can be readily accessed through Yahoo! and other search engines by entering the organization's name or abbreviation into the search engine, or by performing searches with such keywords as "seniors," "seniors groups" or "senior citizens."¹⁵ The web site also may be accessed directly by entering one of its URLs (<<http://www.ncscinc.org>> or <<http://vwww.clark.net/ncscinc/home.html>>) into the "Location" or "Address" section of the web browser.

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¹⁴ In addition to the Yahoo! search engine, this Office was able to access NCSC's web site, using either the organization's name or subject keywords, through the search engines "infoseek," "Lycos" and "Excite." NCSC's only direct reference to its web site location is in an attachment to its response (included here as Attachment J), which lists the web site's URL as <<http://www.ncscinc.org>>. This Office assumes, for the purposes of this analysis, that this URL was functional prior to the general election, when NCSC opened its web site server account with Clark Interactive. As noted *supra* in footnote 11, the naming system on the Internet allows for "aliases" or multiple names to be assigned to one computer, such that a web site may contain more than one URL, as is presently the case with NCSC's web site.

NCSC asserts that its web site was in the developmental stage prior to the 1996 general election, having been installed on the web server less than two months prior to the election, and its only use was "internal to NCSC," according to Patrick Burns, the organization's Director of Communications. NCSC concludes that, because Mr. Burns was the only person who had knowledge of the web site address, the web pages containing the presidential endorsement were not accessible to the general public until Mr. Burns listed the web site with Yahoo! in late November 1996, after the general election.¹⁶

Although the available evidence does not indicate whether NCSC advertised its web site addresses in any publications, listed them in any web site directories, or otherwise disseminated such information to non-members prior to the general election, the web site endorsement nevertheless may have been publicly available before November 1996. First, even though search engines generally rely on Internet users to submit or register URLs, certain types of search engines operate by scanning the entire Internet and indexing the URLs and text of web pages that they visit.¹⁷ If this were to have occurred at or around the time that the NCSC's web pages were installed on the server in mid-September 1996, the pages could have been accessible to Internet

¹⁶ The endorsement was apparently removed from NCSC's web site sometime after the 1996 general election because, as noted above in footnote 55, the web site currently does not appear to contain the endorsement. Although Mr. Burns claims that he was the only person who knew the web site address before late November 1996, he offers no explanation as to how Complement apparently accessed the web pages containing the endorsement just after the election (see Attachment 1, showing apparent access date of 11/1/96 in lower right corner of endorsement). In response to telephone queries by this Office, Complement stated that they could not recall how they obtained such access.

¹⁷ These search engines use programs called "spiders" (also known as "worms" or "crawlers") to scan and catalog web pages. See JERRY HONEYCUTT, *SLASHING THE INTERNET* 198 (1st Ed. 1997). If pages of a web site are under construction and not ready for public viewing, the creator of the web site may use special files available on the Internet to tell the spider that the web site or specific parts of the site are off-limits. However, this does not guarantee that a spider will not traverse and index the site, as is merely a recommendation about how a spider should operate. See Excite Help, at <<http://www.excite.com/info/using.html#anchor-0059930>> (accessed January 7, 1998). In any case, there is no evidence that NCSC avoided use of this option.

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users prior to the general election by entering subject keywords into any search engines that had indexed them, in the same manner as is currently possible.

Second, even if the web site had not been accessed and indexed by a search engine, an Internet user conceivably could have discovered the URL <<http://www.ncscinc.org>> prior to the general election simply by plugging in common-sense abbreviated variations of the organization's name into a web browser. Once the Internet user accessed the home page of NCSC's web site, that user could view all of the documents linked to that page, which presumably included the presidential endorsement. In any event, NCSC does not appear to have taken any steps to prevent non-members from viewing the endorsement, such as the methods suggested by the Commission in AO 1997-16 (involving, *inter alia*, the posting of candidate endorsements on a non-profit corporation's web site).¹⁸

The Clinton/Gore Committee emphasizes the supposedly "*de minimis costs*" of posting the endorsement on NCSC's web site in arguing that the endorsement complied with the Commission's regulations dealing with public communications. However, as the Commission reminded the requestor in AO 1997-16, "*de minimis expense is only one element of an analysis under section 114.4(c)(6). The regulation also discusses *de minimis circulation outside the restricted class . . .*" (emphasis added). Although it is not clear how many non-members of*

¹⁸ "For example, each member could be provided with an individual, unique identification number or password to enter the portion of the web site containing the endorsements. This method is used by various web organizations and Internet services." AO 1997-16, fn. 12.

The above scenarios of public accessibility to NCSC's web site prior to the 1996 general election are by no means exhaustive. For example, a third party could have submitted the web site URL to various search engines simply by entering the URL into the blanks provided at the search engines' web sites (e.g., see: <<http://www.goto.com/WWWadd.html>> (accessed January 7, 1998)). Also, a third party maintaining a web site could have provided a hypertext link (a highlighted or color-coded word, phrase, or icon allowing for direct access to other web sites) so that an Internet user browsing that web site could simply click on the link in order to jump directly to NCSC's web site.

NCSC, if any, viewed the organization's web site prior to the 1996 general election, communication of the presidential endorsement in the site, without some meaningful limit on access, cannot be considered a *de minimis* corporate communication by electronic means outside the restricted class. See AO 1997-16.

The material in question, see Attachment 1, clearly contained express advocacy, using such phrases as "We . . . are urging all seniors to vote Clinton/Gore in 1996." See *Buckley v. Valeo*, 424 U.S. 1, 44 n.52 (1976); 11 C.F.R. § 100.22(a). Because the communication of the endorsement was not limited to NCSC's restricted class pursuant to the Commission's exemptions from the Act's broad prohibition against corporate contributions and expenditures, there is reason to believe that NCSC violated 2 U.S.C. § 441b(a).¹⁹ Further, since the endorsement did not clearly state who paid for it, there is reason to believe that NCSC also violated 2 U.S.C. § 441d(a). However, because NCSC appears to have refrained from registering the web site address with any search engines or otherwise actively promoting the web site until after the general election, this Office also recommends that the Commission take no further action against NCSC as to these violations.

2. President Clinton's Appearance at NCSC's Convention

As explained in the responses from NCSC and the Clinton/Gore Committee, and in the Chicago Sun-Times article at Attachment 2 at 1-3, the "campaign event" referred to in the complaint that occurred on July 2, 1996, was actually NCSC's 21st Constitutional Convention. NCSC's Executive Director, Steve Protulis, in a sworn declaration, acknowledges that

¹⁹ NCSC-PAC has disclosed no contributions to the Clinton/Gore Committee during the 1995-96 election cycle. It has reported independent expenditures of \$1,692 made on behalf of the Committee in October 1996, but has reported no expenditures in opposition to Clinton/Gore opponents.

President Clinton addressed the participants at the Convention for "15-20 minutes" on the third and final day of the event. However, such campaign related appearances are permissible before NCSC's restricted class which, as mentioned, includes the organization's membership. See 11 C.F.R. §§ 114.1(j) and 114.3(c)(2).

Mr. Protulis explains that the only persons allowed to enter the Convention were accredited delegates (all dues-paying members of NCSC), their spouses, members of the media with press credentials issued by the Clinton/Gore Committee, some other speakers, and approximately 25 NCSC employees (presumably non-members) who were assigned to work at the Convention. Section 114.1(j) of the Commission's regulations specifically includes families of organization members as part of the organization's restricted class, and section 114.3(c)(2)(i) allows certain other persons at such events, including representatives of the news media, other guest speakers, and employees necessary to administer the event. Accordingly, since the attendees at the Convention where the President appeared were either part of NCSC's restricted class (delegates and their families) or specifically exempted under section 114.3(c)(2)(i) (news media, guest speakers, working employees), any disbursements by NCSC in relation to the President's appearance should not be considered contributions or expenditures as defined in the Act or its regulations.

The complaint refers to a news broadcast by a Chicago television station on July 2, 1996 reporting that President Clinton "accepted the endorsement of [NCSC]," but the broadcast was likely referring to the President's appearance at NCSC's Convention. Because the Convention was not open to the general public, President Clinton had wide latitude in promoting his candidacy pursuant to section 304(b)(2)(A) of the Act and the regulation dealing with

communications to a corporation's restricted class. See Explanation and Justification ("E&J") for revised 11 C.F.R. § 114.3, 60 Fed. Reg. 64266 (1995). A candidate may solicit and even directly accept contributions to his or her campaign during such an appearance, see 11 C.F.R. § 114.3(c)(2)(ii), and section 114.4(c)(6) would allow a corporation to communicate its endorsement of the candidate in this setting. See also AO 1984-23. Accordingly, the acceptance of NCSC's endorsement by President Clinton would fall within the scope of campaign activities allowed during his appearance at the Convention. See also E&J for revised 11 C.F.R. § 114.4, 60 Fed. Reg. 64270 (1995).

In summary, with regard to the hosting and sponsoring of the Convention in Chicago on July 2, 1996, NCSC does not appear to have violated the registration and reporting requirements of 2 U.S.C. §§ 433 and 434 or the contribution and expenditure limits and prohibitions of sections 441a and 441b, as alleged in the complaint.²⁰

3. Improper Coordination or Distribution of Other Endorsements

Most of the endorsements mentioned in the complaint do not appear to have involved any contact between NCSC and the candidates, except, in some cases, in the form of candidate questionnaires sent by NCSC-PAC and the candidates' responses to them, or, in other cases, in the form of notifications to the candidates that NCSC had decided to endorse them. For example, the response of the Weyand Committee and Peter Fogarty, as treasurer, in that case

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copy of a "1996 Candidate Questionnaire For Federal Offices" that was sent to it by NCSC-PAC. Attachment 4.

The Commission's regulations contemplate that corporate communications beyond the corporation's restricted class may involve coordination with candidates and political committees to the extent permitted by section 114.4. See 11 C.F.R. § 114.4(a). While the provision in section 114.4 dealing with candidate endorsements prohibits coordination when it involves the public announcement of the endorsements, see 11 C.F.R. § 114.4(c)(6)(ii), the Commission recognizes that "organizations need to discuss various issues with candidates and their staff when deciding who to endorse." E&J for revised 11 C.F.R. § 114.4, 60 Fed. Reg. 64270 (1995). Such coordination presumably would include inquiries to candidates to determine the candidates' positions on pertinent issues prior to the endorsement, whether made directly by an incorporated organization or by its separate segregated fund. Accordingly, questionnaires or notifications sent by NCSC or NCSC-PAC to the candidates or their committees would constitute permissible contacts or coordination under section 114.4. See also AO 1996-1.

Most of the newspaper articles cited by Complainants, see Attachment 2, simply report the fact of NCSC's endorsement and do not provide any indication of contact or coordination between NCSC and the candidates referred to in the articles. Further, the complaint provides no facts suggesting that NCSC distributed press releases announcing the endorsements to representatives of the news media that it does not customarily contact when issuing non-political press releases, aside from a blanket assertion to that effect based upon "information and belief." NCSC's Director of Communications, who apparently was in charge of announcing NCSC candidate endorsements during the 1996 election cycle, provides in his sworn statement a

detailed account of his press release practices which, he asserts, are the same for both political and non-political topics. Accordingly, it appears that the costs of NCSC's press releases of its endorsements may be presumed to be *de minimis* under 11 C.F.R. § 114.4(c)(6)(i), and there appears to have been no coordination between NCSC and most of the Respondent committees with respect to the press releases, in compliance with section 114.4(c)(6)(ii).

In the cases of Senate candidates Robert Torricelli and Mark Warner, however, the complaint and the newspaper articles referred to therein suggest coordination because there appear to have been joint appearances involving these candidates and representatives of NCSC at which NCSC's endorsements of the candidates were discussed. A New York Times article describes an appearance by candidate Torricelli on October 31, 1996, at a senior citizens center in New Jersey at which he commented on NCSC's endorsement of his candidacy:

Mr. Torricelli appeared with Representative Frank Pallone, Jr., a four-term Democrat whose district includes Red Bank, and David Keiserman, president of the New Jersey Council of Senior Citizens. Mr. Keiserman said the [NCSC] had endorsed a number of Democratic candidates this year -- the second time it has publicly endorsed any candidates in 35 years -- because its members were extremely worried about Medicare.

Mr. Torricelli called the endorsement "most significant," and said the Republican proposal to cut Medicare spending by \$270 billion would have caused the average yearly premium to increase by \$1,000 by 2002.

Attachment 2 at 4-5.

Although the endorsement was evidently discussed during Mr. Torricelli's appearance, there is no indication to appear to have been a "press conference" arranged to publicly announce the endorsement as envisioned by the public announcement provisions of 11 C.F.R. § 114.4(c)(6). Mr. Torricelli addressed "about 35 men and women who were awaiting lunch at the Red Bank Senior Center," according to the news article Attachment 2 at 4. The responses indicate that

neither the Torricelli Committee nor NCSC organized or sponsored the event, that Messrs. Torricelli and Keiserman were independently invited by the Center, and that NCSC's endorsement of Mr. Torricelli was released to the press some time prior to the event. NCSC adds that it was not aware of Mr. Keiserman's attendance at the event until after it occurred, that he was not acting as a representative of NCSC when he made the 15 minute drive to attend the gathering, and that neither the organization nor NCSC-PAC expended any funds in connection with the event.

In the absence of impermissible coordination of an endorsement announcement between a corporation and a candidate, or that candidate's agents or authorized committee(s), as discussed in 11 C.F.R. § 114.4(c)(6)(ii), a candidate would be permitted to publicly discuss such endorsements. Indeed, the value of an endorsement to a candidate depends, in part, upon the ability of his or her campaign to make the endorsement known to the voting public. Accordingly, based on the lack of prior contact between NCSC and the Torricelli Committee and the informal context of the event, wherein the attendance of Mr. Keiserman does not appear to have been for the purpose of publicly announcing NCSC's endorsement, there appears to have been no contribution or expenditure by NCSC to, or on behalf of, the Torricelli Committee associated with Mr. Torricelli's appearance at the Red Bank Senior Center on October 31, 1996.²¹

The article cited by Complainants that appeared in the Richmond Times-Dispatch, reporting NCSC's endorsement of Mark Warner, suggests that the president of NCSC travelled

²¹ The disclosure reports of NCSC-PAC do not show any contributions to, or expenditures on behalf of, the Torricelli Committee during the 1995-96 election cycle. Further, NCSC-PAC did not report any independent expenditures in opposition to Robert Torricelli's opponents in the general election.

with Mr. Warner to senior centers throughout Virginia, where Mr. Warner was running in the Senate race:

Democratic Senate candidate Mark R. Warner was endorsed yesterday [10/01/96] by the National Council of Senior Citizens and its Virginia affiliate.

....

Harry Guenther, president of the national group, said the organization chose Mark Warner over U.S. Sen. John W. Warner because the Republican voted to cut Medicare and Medicaid funding.

The Democrat, accompanied by Guenther, trumpeted the endorsement at senior centers in Norfolk, Alexandria, Petersburg and Roanoke.

Attachment 2 at 6.

As previously noted, the regulations explicitly provide that the public announcements of such endorsements "may not be coordinated with the candidate, the candidate's agents or the candidate's authorized committee(s)." 11 C.F.R. § 114.4(c)(6)(ii). Based on the known facts, it appears that Mr. Guenther was invited by the Warner Committee and appeared in his official capacity as President of NCSC, and that the purpose of the visits to the senior centers was, at least in part, to publicly announce NCSC's endorsement of Mark Warner. NCSC states that the events in question were organized by the Warner Committee without the assistance or participation of NCSC or NCSC-PAC. However, the attendance of Mr. Guenther at the events necessarily involved some degree of prior contact between the Warner Committee and NCSC, either directly through Mr. Guenther or with NCSC staff. This type of coordination extends beyond the minimal pre-endorsement contacts contemplated by the Commission to assist a corporation in determining which candidates to endorse. See E&J for revised 11 C.F.R. § 114.4, 60 Fed. Reg. 64270 (1995).

Further, because the endorsement was publicly announced with the candidate

instead of (or in addition to) NCSC's usual manner, it is not covered by the presumption in section 114.4(c)(6)(i) that corporate disbursements for such events shall be considered *de minimis* if the endorsement (whether through a press release or notice of press conference) is distributed only to the corporation's customary media contacts. *See also* AO 1984-23. The available information, including sworn statements from NCSC officials, indicates that the organization did not incur any costs related to the events, either with regard to Mr. Guenther being reimbursed for his expenses, if any, or receiving compensation as NCSC's President.²²

However, even if NCSC did not incur measurable expenditures in connection with the senior center visits, the public announcement of its endorsement of Mark Warner in conjunction with the presence of a corporate official nevertheless constituted something "of value" to the Warner Committee as defined at 2 U.S.C. § 441b(b)(2).²³ Presumably, Mr. Guenther, in his capacity as an official representative of NCSC alongside Mark Warner, informed members of the general public that NCSC had determined that the election of Mr. Warner would be beneficial to the objectives of the organization.²⁴ These events did not comply with the Commission's

²² The senior center visits occurred in four different cities throughout the state of Virginia (the news article and the NCSC response imply that the events all took place on the same day, October 1, 1996) and may have resulted in travel and related expenses associated with Mr. Guenther's appearances. However, NCSC indicates that Mr. Guenther was invited by the Warner Committee, so it is likely that such expenses would have been covered by the Committee. The Warner Committee's disclosure reports do not show disbursements directly associated with any such expenses, although there are various itemized expenses in the week surrounding the date in question which are listed by the Committee as for "travel" or "airfare charter." The disclosure reports of NCSC-PAC show no disbursements that could be reasonably construed as related to Mr. Guenther's activities (e.g., travel expenses, salaries or expenses of Mr. Guenther or other staff, etc.). In addition, NCSC-PAC has disclosed no contributions to correspondence on behalf of Mark Warner or in opposition to his opponents during the 1995-96 election cycle. The Warner Committee, as mentioned, received notice of the complaint but has not submitted a written response.

²³ *See United States v. Schwartz*, 785 F.2d 673, 679-80 (9th Cir. 1986) (the phrase "thing of value" in statute includes the provision of any kind of benefit, and not just tangible things with ascertainable monetary value).

²⁴ The audiences at the senior centers do not appear to have been comprised of members of NCSC's restricted class, and NCSC makes no such claim in its response.

narrowly-circumscribed exemption from section 441b's broad prohibition against corporate contributions and expenditures; accordingly, they constituted impermissible corporate activities.²⁵ Because the activities were undertaken in coordination with the Warner Committee, the value of the endorsement announced at the senior centers is an in-kind corporate contribution from NCSC to the Warner Committee. Accordingly, there is reason to believe that NCSC made, and the Warner Committee knowingly accepted, an in-kind corporate contribution in violation of 2 U.S.C. § 441b(a). However, in light of the lack of expenditures related to NCSC's presence at the events,²⁶ this Office recommends that the Commission take no further action as to these violations.

III. CONCLUSION

For the foregoing reasons, this Office recommends that the Commission find reason to believe NCSC violated 2 U.S.C. §§ 441b(a) and 441d(a) and the Warner Committee violated 2 U.S.C. § 441b(a). However, based on the reasons previously cited, this Office recommends that the Commission exercise its prosecutorial discretion by taking no further action against these

²⁵ The Commission has allowed corporate officials to appear in campaign advertisements and to be identified as such without violating the Act's prohibition on corporate contributions and expenditures, so long as the costs of producing and broadcasting the advertisements were paid for by the campaign, and no costs were incurred by the corporation with regard to the time or expenses of the officials. See AOs 1984-43 and 1978-77. However, the Commission was careful to note, in AO 1984-43, that "where, as here, no corporate endorsement has been made, a statement that merely identifies [name of official] as a corporate official would not implicate the company in a prohibited expenditure or contribution" (emphasis added).

respondents. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Admonishment letters will be sent if the Commission approves these recommendations.

This Office further recommends that the Commission find no reason to believe that the other respondents in this matter violated any provision of the Act or the Commission's regulations based on the allegations in the complaint. Finally, this Office recommends that the Commission close the file as it pertains to all respondents.

IV. RECOMMENDATIONS

1. Find reason to believe that National Council of Senior Citizens violated 2 U.S.C. §§ 441b(a) and 441d(a), but take no further action.
2. Find reason to believe that Friends of Mark Warner and Nicholas Perrins, as treasurer, violated 2 U.S.C. § 441b(a), but take no further action.
3. Find no reason to believe that the following respondents violated any provision of the Act or Commission regulations in this matter:

National Council of Senior Citizens PAC and Michael A. Ingrao, as treasurer
 Clinton/Gore '96 General Committee, Inc. and Joan Pollitt, as treasurer
 Balanoff for Congress and Evelyn M. Garcia, as treasurer
 Bonior for Congress and David M. Diegel, as treasurer
 Committee to Elect Winston Bryant - U.S. Senate and Clifford P. Block, as treasurer
 Committee to Re-Elect James E. Clyburn and Tom E. Felder, as treasurer
 Friends of Dick Durbin Committee and Michael E. Daly, as treasurer
 Friends of Patrick J. Kennedy '96 and William San Bente, Jr., as treasurer
 Kerry Committee and William L. Elsbree, as treasurer
 Levin for Congress Committee and Joseph J. O'Brien, as treasurer
 Friends of Congressman George Miller and Howard Jameson, as treasurer
 Lynn Rivers for Congress Committee 98 and Thomas A. Webb, as treasurer
 Pete Stark Re-Election Committee and Deborah R. Stark, as treasurer
 Friends of Tom Strickland, Inc. and Christopher W. Romer, as treasurer
 Torricelli for United States Senate, Inc. and Adam Crain, as treasurer
 Weygand Committee and Peter Fogarty, as treasurer

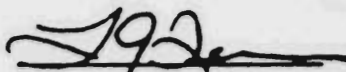
9804000210

4. Approve the appropriate letters.
5. Close the file.

Lawrence M. Noble
General Counsel

2/12/98
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments:

1. Copy of endorsement material as it appeared on NCSC's web site
2. Copies of newspaper articles referred to in complaint (from databases)
3. Copy of confirmation e-mail from Yahoo! to NCSC
4. Copy of NCSC-PAC candidate questionnaire




FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA R. DAVIS 
COMMISSION SECRETARY

DATE: MARCH 2, 1998

SUBJECT: MUR 4607 - First General Counsel's Report dated
dated February 12, 1998

The above-captioned document was circulated to the Commission
on Tuesday, February 17, 1998

Objection(s) have been received from the Commissioner(s) as
indicated by the name(s) checked below:

Commissioner Atkins	—
Commissioner Elliott	—
Commissioner McDonald	<input checked="" type="checkbox"/>
Commissioner McGarry	—
Commissioner Thomas	<input checked="" type="checkbox"/>

This matter will be placed on the meeting agenda for

Tuesday, March 03, 1998

Please notify us who will represent your Division before the Commission on this
matter.

9304000220

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4607
National Council of Senior)
Citizens, et al.)

CORRECTED CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 3, 1998, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 4607:

1. Find reason to believe that National Council of Senior Citizens violated 2 U.S.C. §§ 441b(a) and 441d(a), but take no further action.
2. Find reason to believe that Friends of Mark Warner and Nicholas Perrins, as treasurer, violated 2 U.S.C. § 441b(a), but take no further action.
3. Find no reason to believe that the following respondents violated any provision of the Act or Commission regulations in this matter:

National Council of Senior Citizens PAC
and Michael A. Ingrao, as treasurer;
Clinton/Gore '96 General Committee, Inc.
and Joan Pollitt, as treasurer;
Balanoff for Congress and Evelyn M. Garcia,
as treasurer;
Bonior for Congress and David M. Diegel,
as treasurer;
Committee to Elect Winston Bryant -- U.S.
Senate and Clifford P. Block, as treasurer;

(continued)

9804300221

Committee to Re-Elect James E. Clyburn
and Tom E. Felder, as treasurer;
Friends of Dick Durbin Committee and
Michael E. Daly, as treasurer;
Friends of Patrick J. Kennedy '96 and
William San Bento, Jr., as treasurer;
Kerry Committee and William L. Elsbree,
as treasurer;
Levin for Congress Committee and Joseph
J. O'Brien, as treasurer;
Friends of Congressman George Miller
and Howard Jameson, as treasurer;
Lynn Rivers for Congress Committee 98
and Thomas A. Webb, as treasurer;
Pete Stark Re-Election Committee and
Deborah R. Stark, as treasurer;
Friends of Tom Strickland, Inc., and
Christopher W. Romer, as treasurer;
Torricelli for United States Senate, Inc.
and Adam Crain, as treasurer;
Weygand Committee and Peter Fogarty, as
treasurer.

3. Approve the appropriate letters as
recommended in the General Counsel's
February 12, 1998 report.
4. Close the file.

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

Attest:

3-6-98
Date

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



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sandra L. Butler, President
United Seniors Association, Inc.
12500 Fair Lakes Circle
Suite 125
Fairfax, VA 22033

RE: MUR 4607
National Council of Senior Citizens, et al.

Dear Ms. Butler:

This is in reference to the complaint you filed with the Federal Election Commission on January 7, 1997, concerning certain activities of the National Council of Senior Citizens ("NCSC") that occurred between June and November 1996.

Based on that complaint, on March 3, 1998, the Commission found that there was reason to believe NCSC violated 2 U.S.C. §§ 441b(a) and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission also found reason to believe that Friends of Mark Warner and Nicholas Perrins, as treasurer ("Warner Committee"), violated 2 U.S.C. § 441b(a). However, after considering the circumstances of this matter, the Commission determined to take no further action against these respondents, and closed the file in this matter on March 3, 1998. At the same time, the Commission admonished NCSC that a corporation's communication or coordination of an endorsement of a federal candidate outside of the narrow provisions contained in the Commission's regulations, as well as the failure to state who paid for such a communication, are violations of 2 U.S.C. §§ 441b(a) and 441d(a), respectively. The Commission also admonished the Warner Committee that such coordination of a corporate endorsement is a violation of 2 U.S.C. § 441b(a).

With regard to all other respondents, the Commission found that, on the basis of the information provided in your complaint and information provided by these respondents, there is no reason to believe that they violated any provision of the Act or Commission's regulations in this matter.

Sandra L. Butler, Presid

MUR 4607

Page 2

This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosures

First General Counsel's Report (no attachments)
Certification of Commission action

98043300224



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Margaret E. McCormick, Esq.
5624 Bent Branch Road
Bethesda, MD 20816

Robert J. Mozer, Esq.
Mozer & Swetnick
117 "C" St., S.E.
Washington, DC 20003

RE: MUR 4607
National Council of Senior Citizens
National Council of Senior Citizens
and Generosa C. DeAussen, as treasurer

Dear Ms. McCormick and Mr. Mozer:

On March 3, 1998, the Federal Election Commission found reason to believe that the National Council of Senior Citizens ("NCSC"), your client, violated 2 U.S.C. §§ 441b(a) and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. In addition, the Commission found no reason to believe that NCSC-PAC and its treasurer violated any provision of the Act or the Commission's regulations in this matter. The First General Counsel's Report, which formed a basis for the Commission's findings, is attached for your information.

The Commission reminds you that a corporation's communication or coordination of its endorsement of a federal candidate outside of the narrow provisions contained in the Commission's regulations, as well as the failure to state who paid for such a communication, are violations of 2 U.S.C. §§ 441b(a) and 441d(a), respectively. See 11 C.F.R. § 114.4(c)(6). Your client should take steps to ensure that this activity does not occur in the future.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Margaret H. McCormick, Esq.
MUR 4607
Page 2

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas
Vice Chairman

Enclosure

First General Counsel's Report (no attachments)

9 8 0 4 3 0 0 2 2 0



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 18, 1998

Lyn Utrecht, Esquire
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Avenue, N.W.
11th Floor
Washington, DC 20006

Eric F. Kleinfeld
Chief Counsel
Clinton/Gore '96
818 Connecticut Avenue, N.W.
10th Floor
Washington, DC 20006

RE: MUR 4607
Clinton/Gore '96 General
Committee, Inc., and Joan
Pollitt, as treasurer

Dear Ms. Utrecht and Mr. Kleinfeld:

On May 5, 1997, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Clinton/Gore '96 General Committee, Inc., and Joan Pollitt, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the

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

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report (no attachments)

9 0 0 4 3 0 0 2 2 0



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Ledlie J. Korman, Esq.
Epstein Becker & Green, P.C.
12227 25th Street, N.W.
Suite 700
Washington, DC 20037

RE: MUR 4607
Friends of Mark Warner
and Nicholas Perrins, as treasurer

Dear Ms. Korman:

On March 3, 1998, the Federal Election Commission found reason to believe that Friends of Mark Warner and Nicholas Perrins, as treasurer, your clients, violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended. However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The First General Counsel's Report, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that a corporation's coordination of its endorsement of a federal candidate with the candidate, the candidate's agents or authorized committee(s), outside of the narrow provisions contained in the Commission's regulations, is a violation of 2 U.S.C. § 441b(a). See 11 C.F.R. § 114.4(c)(6). Your client should take steps to ensure that this activity does not occur in the future.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Leslie J. Kerman, Esq.
MUR 4607
Page 2

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas
Vice Chairman

Enclosure
First General Counsel's Report (no attachments)

cc: Mark Warner

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Adam Crain, Treasurer
Torricelli for US Senate Inc.
1300 Connecticut Avenue, N.W.
Suite 600
Washington, DC 20036

RE: MUR 4607

Dear Mr. Crain:

On May 5, 1997, the Federal Election Commission notified Torricelli for US Senate Inc. ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure

First General Counsel's Report (no attachments)

2004300100



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 18, 1998

Deborah R. Stark, Treasurer
Pete Stark Re-Election Committee
P.O. Box 8331
Fremont, CA 94537

RE: MUR 4607

Dear Ms. Stark:

On May 5, 1997, the Federal Election Commission notified Pete Stark Re-Election Committee ("Committee") and its treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437(g)(2)(D) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report (no attachments)

98043680234



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Thomas A. Webb, Treasurer
Lynn Rivers for Congress
Committee 98
P.O. Box 8293
Ann Arbor, MI 48107

RE: MUR 4607

Dear Mr. Webb:

On May 5, 1997, the Federal Election Commission notified Lynn Rivers for Congress Committee 98 ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Anderson, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
(General Counsel)

Law M. Noble by AAS

BME: L. G. Letter
Associate General Counsel

Enclosure

First General Counsel's Report (no attachments)

9 8 0 4 3 3 8 0 2 3 0



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Joseph J. O'Brien, Treasurer
Levin for Congress Committee
30636 Dequindre
Warren, MI 48092

RE: MUR 4607

Dear Mr. O'Brien:

On May 5, 1997, the Federal Election Commission notified the Levin for Congress Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure

First General Counsel's Report (no attachments)

20040608230



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

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

RE: MUR 4607

Dear Mr. Elsbree:

On May 5, 1997, the Federal Election Commission notified the Kerry Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

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

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report (no attachments)

9804380240



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 18, 1998

Howard Jameson, Treasurer
Friends of Congressman
George Miller
P.O. Box 5864
Concord, CA 94524

RE: MUR 4607

Dear Mr. Jameson:

On May 5, 1997, the Federal Election Commission notified the Friends of Congressman George Miller ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure

First General Counsel's Report (no attachments)

9804300242



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 18, 1998

Timothy P. Gallogly, Esquire
Roberts, Carroll, Feldstein & Peirce
10 Weybosset Street
Providence, RI 02903

RE: MUR 4607
Weygand Committee and
Peter Fogarty, as treasurer

Dear Mr. Gallogly:

On May 5, 1997, the Federal Election Commission notified your clients, the Weygand Committee and Peter Fogarty, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you that there is no reason to believe your clients violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report (no attachments)

98043381244



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Christopher W. Runer, Treasurer
Friends of Tom Strickland, Inc.
410 177th Street
Denver, CO 80203

RE: MUR 4607

Dear Mr. Runer:

On May 5, 1997, the Federal Election Commission notified Friends of Tom Strickland, Inc. ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report (no attachments)

98043300246



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Lyn Utrecht, Esquire
Oldaker, Ryan, Phillips & Utrecht
818 Connecticut Avenue, N.W.
11th Floor
Washington, D.C. 20006

RE: MUR 4607
Friends of Patrick J. Kennedy '96
and William San Bento, Jr., as
treasurer

Dear Ms. Utrecht:

On May 5, 1997, the Federal Election Commission notified your clients, Friends of Patrick J. Kennedy '96 and William San Bento, Jr., as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you that there is no reason to believe your clients violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAG

BY: Lois G. Lerner
Associate General Counsel

Enclosure

First General Counsel's Report (no attachments)

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

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

RE: MUR 4607

Dear Mr. Block:

On May 5, 1997, the Federal Election Commission notified the Committee to Elect Winston Bryant US Senate ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

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

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If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report (no attachments)

9804360250



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Tom E. Felder, Treasurer
Committee to Re-Elect James E.
Clyburn
P.O. Box 12567
Columbia, SC 29211

RE: MUR 4607

Dear Mr. Felder:

On May 5, 1997, the Federal Election Commission notified the Committee to Re-Elect James E. Clyburn ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lawrence M. Noble by AAS

BW: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report (no attachments)

98043300252



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

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

RE: MUR 4607

Dear Mr. Daly:

On May 5, 1997, the Federal Election Commission notified the Friends of Dick Durbin Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint that there is no reason to believe the Committee and you, as treasurer, violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure

First General Counsel's Report (no attachments)

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FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

March 16, 1998

Mary Ellen Gurewitz
Sachs, Waldman, O'Hare, Helveston,
Bogas & McInosh, P.C.
1000 Farmer
Detroit, MI 48226

RE: MUR 4607
Bonor for Congress and
David M. Diegel, as treasurer

Dear Ms. Gurewitz:

On May 5, 1997, the Federal Election Commission notified your clients, Bonor for Congress and David M. Diegel, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe your clients violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437(g)(4)(D) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report (no attachments)

9804380256



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 16, 1998

Robert Balanoff
Robert Balanoff & Associates
10100 S. Ewing Avenue
Chicago, IL 60617

RE: MUR 4607
Balanoff for Congress and
Evelyn M. Garcia, as treasurer

Dear Mr. Balanoff:

On May 5, 1997, the Federal Election Commission notified your clients, Balanoff for Congress and Evelyn M. Garcia, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On March 3, 1998, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe your clients violated any provisions of the Act or the Commission's regulations in this matter. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

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If you have any questions, please contact Thomas J. Andersen, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by
AAS

BY: Lois G. Lerner
Associate General Counsel

Enclosure

First General Counsel's Report (no attachments)

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

THIS IS THE END OF MUR # 4607

DATE FILMED 4/23/98 CAMERA NO. 1

CAMERAMAN E.S.

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