

FEDERAL ELECTION COMMISSION
REPORTING AND DISCLOSING REQUIREMENTS

"The Federal Election Campaign Act of 1971, as amended, requires detailed campaign finance reports on contributions and expenditures from candidates for Federal office and their supporting political committees, as well as from individuals and committees making expenditures on behalf of, or in opposition to a candidate."

Per the Commission's own definition of it's function, the active, expensive, and YEARS long effort to oppose the candidacy of an individual for the office of President of the United States would seem to clearly dictate compliance with the above quoted Rule And Requirement.

1) MALFEASANCE

DESCRIPTION OF PRELIMINARY PROCEDURES FOR
PROCESSING COMPLAINTS FILED WITH THE
FEDERAL ELECTION COMMISSION

"the commission shall notify all respondents referenced in the complaint, in writing, that the complaint has been filed, and shall include with such notification a copy of the complaint. Simultaneously, the complainant shall be notified that the complaint has been received. The respondents shall have 15 days to demonstrate in writing that no action should be taken against them in response to the complaint. If additional time is needed in which to respond to the complaint, the respondents may request an extension of time. The request must be in writing and demonstrate good cause as to why an extension should be granted. Please be advised that not all requests are granted."

In the case of MUR 4787, the Commission notified the respondents by letter dated August 14, 1998. The respondents answered the complaint by letter dated September 2, 1998. This is 19 days from the Commission's letter informing them of the complaint. The sheaf of documents purporting to be the complete record of the case contains no written request for an extension of time to respond to the complaint.

2) MISFEASANCE

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The Commission sat on the complaint for a total of 525 days without performing any act to investigate the complaint even though the Respondent's letter of September 2, 1998 gave indications that it was disingenuous at best and additionally false in its claims. On more than one occasion a telephone inquiry to Mr. F. Andrew Turley was met with the explanation that the matter was "sensitive" and it had to be handled with caution. The file of the case evidences no trace of sensitivity or caution. On the contrary, the total absence of any activity of any sort is clear evidence of an insensitive and brazen cover-up on behalf of the Respondents.

LETTER OF SEPTEMBER 2, 1998 (Response to complaint)

The first paragraph of the letter states that notification of the complaint was received on August 18, 1998 at the office of Citizens United. Since the Complainant received notification of service to the respondents in an envelope that was post marked August 14, 1998, it must be assumed that the letter of notification to the Respondents was also mailed to them on August 14th. The Respondent's attorney claims that it took four days for the letters to travel exactly 15 miles to Fairfax Virginia across town. It is unfortunate that the date received stamp on the public records copy is too faded or has been erased to the extent that the date of receipt cannot be determined. However, unless the reply was hand delivered on September 2nd, it would have been late.

While the Rules and Regulations don't specifically allow time to toll from the date of receipt, the Commission's letter does so allow for this. Unfortunately there is apparently no documentation to support a claim of timely response. There is sufficient evidence to the effect that the reply was not delivered in time.

Paragraph five of the response claims that the complaint identified as MUR 4787 was not in fact a complaint. This disingenuous statement is worded: "he is merely asking the Commission to explain why GU and the American Conservative Union are not required to file periodic reports with the Commission." Such a statement is not to be found in Complaint MUR-4787. The Complaint states: "I believe I am entitled to ask for and receive the information regarding where the financial support for all of this comes from." The paragraph further ignores the specific request for reporting by the GU-PVF. To further obfuscate the matter this group has in the past used the name PRESIDENTIAL VICTORY COMMITTEE which should raise significant questions regarding what legitimate reasons underlie the evasions inherent in frequent changes of name by the same organization.

In paragraph seven of the response it is claimed that GU is permitted to establish a Separate Segregated Fund (SSF). The response goes on to explain that only the SSF is required to file periodic reports of contributions and expenditures. While forthrightly claiming that GU was not an SSF the response made no mention that their GU-PVF was an SSF. The statement made in this paragraph does nothing to diminish the Complaint MUR-4787.

66-4787-100-11

In paragraph eight the Respondent artfully explains what the Complaint means for the Federal Election Commission. Allegedly the explanation was so good that the FEC accepted it as the findings of fact in it's decision. This sort of arrangement is a hallmark of ex parte corruption. This story was so clumsy that F. Andrew Turley would not allow the Complainant to see a copy of it, claiming that it was confidential. At the time he made this declaration Mr. Turley knew that the Response, sight unseen, would be the Commission's findings of fact.

In paragraph eight of the Response it is claimed that MUR-4787 had charged that "Mr. Hale, Ms. Jones, Whitewater or Troopergate" had been candidates for federal elective office. The Respondent steadfastly maintained that GU had not violated FECA "with respect to any of these individuals or events". Therefore, according to the Respondent, the Complaint "fails to allege a violation of FECA with respect to Citizens United. There is no mention in this windy paragraph of Citizens United Political Victory Fund. The CU-PVF is cited in the Complaint MUR-4787.

Paragraph nine of the response seeks to capitalize on the confusion resulting from their use of multiple and always evolving names that they operate under. Here they state that CU-PVF has "registered with the FEC as required by law." The Response goes on to maintain that FECA "does not require GU-PVF to file" information on Citizens United. The Respondent then goes on to maintain that the Complaint that Respondent explained in the prior paragraph fails to make an allegation that Citizens United-Political Victory Fund has violated the FECA. This is why the Complainant named

every name that this organization is known to have used. Admittedly an organization with an AKA method of operation could very well be using other "official names" that are unknown to the Complainant as a new name has surfaced since the first filing of the Complaint MUR-4787. (Presidential Victory Committee)

Paragraph ten of the Response is irrelevant with regard to Messrs. Brown and Bossie exercising their First Amendment rights. These people were identified in the Complaint (MUR 4787) as officers of the Organization identified by its many aliases, hopefully most having been identified in Complaint MUR4787.

In fact in all of the known instances when these two individuals have publicly advocated the defeat of Presidential Candidate William Jefferson Clinton, they never introduced themselves as private citizens exercising their First Amendment Rights.

"Lorna got on the phone and I identified myself as a representative from Presidential Victory Committee"
David Bossie as quoted in "Slick Willie"

"We identified ourselves as being from the Presidential Victory Committee in Washington, D.C."
David Bossie as quoted in "Slick Willie"

"The two gumshoes were Dave Bossie, an official of the Presidential Victory Committee, and Jim Murphy, a retired DC policeman. Federal election records show both men are paid by the Victory Committee for work on behalf of Bush's election." Eric Enberg CBS excerpted from "Slick Willie"

"I have people who work with me. I'm supported by thousands of individuals who like what I'm doing, who like that I'm aggressive, who like that I'm taking on the Washington establishment, who like what I'm doing."
Floyd Brown as quoted in "Slick Willie"

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The Floyd Brown quote from his book written to prevent William Jefferson Clinton from becoming President refers to his solicitation of funds from "thousands of individuals" for his work. This would seem to be a custom made fit for The Federal Election Commission's-Reporting and Disclosing Requirements. By their own words both were on the payroll and not exercising free speech as individuals.

RESPONDENT'S CLAIM THAT THERE IS NO EVIDENCE THAT
CITIZENS UNITED HAS VIOLATED FEDERAL ELECTION LAW

In paragraphs seven and eight of the Respondent's letter the claim is made that Citizens United does not engage in any activity that would be in violation of Federal Election Law. The same Respondent was telling Trudy Lieberman a different tale for her May 1994 article in the Columbia Journalism Review.

"Citizens United, a conservative Republican operation, runs an information factory..... Journalists and Hill Republicans have recycled much of the information provided by Citizens United into stories that have cast a shadow on the Clinton Presidency.

This would seem to fit the definition of "making expenditures in opposition to a candidate" to a tee.

"Brown and Bossie as a principal researcher, wrote "Slick Willie": Why America Cannot Trust Bill Clinton"

"Floyd Brown....proudly announces another campaign for another election: a phone number that played recordings of alleged conversations between then candidate Bill Clinton and Jennifer Flowers."

"We here at ClintonWatch have been working day and night with the major news media to help them get the word out about the Clintons and their questionable dealings in Whitewater and Madison Guaranty" (Citizens United newsletter)

Nobody told Trudy Lieberman in May 1994 that Citizens United doesn't do campaign advocacy work or, that Citizens United has an SSF for this sort of thing. They were too busy bragging about their many activities all of which were for the purpose of destroying the President of the United States. They certainly were giving every impression that they were a "Committee making expenditures in opposition to a candidate" and in fact had never done any other type of activity. They were quite boastful about the success of their efforts then but, in responding to Complaint MUR-4787 they offer up a demurrer of incredible coyness.

3) NONFEASANCE

On May 12, 2000 the Complainant received by mail that which was claimed to be the case record for MUR-4787 as was requested under the Freedom of Information Act.

A copy of GENERAL COUNSEL'S REPORT included the statement that "Central Enforcement Docket evaluates each incoming matter using Commission approved criteria which results in a numerical rating for each case." The collection of papers delivered to the Complainant contains no documents reflecting any evaluation of MUR 4787. It must be assumed that either the statement of the General Counsel is in fact a lie or, that the Federal Election Commission deliberately deleted documents from the file before responding to a legal request for the complete contents of the file under the Freedom of Information Act.

SUMMARY

The Commission presented it's finding of fact as follows:
MUR 4787 was only an inquiry. Citizens United did not raise or spend money on Federal Elections. Citizens United established Citizens United-Political Victory Fund as an SSF. Citizens United -Political Victory Fund is not required to report information pertaining to Citizens United. Citizens United-Political Victory Fund is only required to report it's own receipts and expenses as an SSF. Additionally, Messrs. Brown and Bossie are individuals exercising free speech.

There is no doubt as to why F. Andrew Turley considered this sort of rubbish to be confidential and not for the eyes of the Complainant until the Complaint could be "officially" sloughed-off by the Federal Election Commission in the name of performing it's official duty.

An interesting side note to all of this is my initial attempt to gain information from the FEC by giving them the identification numbers of The American Conservative Union and Citizens United-Political Victory Fund, also noting that Citizens United didn't appear to have such a number. I received from the FEC a list of contributions for something called American Conservative Union Political Action Committee but, nothing for Citizens United-Political Victory Fund.

Additionally, where the person to be identified is or was an officer, supervisor, employee, agent, co-worker, volunteer, subordinate, staff or attorney of the Harris County Democratic Party or was acting on its behalf in any capacity between January 1, 1993, and the present, "identify" shall mean state the person's title and responsibilities, the social security number of the person, the individual to whom the person reported, and whether the person is still an employee or agent of the Harris County Democratic Party. If the person is no longer an employee or agent of the Harris County Democratic Party, "identify" shall further mean state the beginning and ending dates of a person's employment or agency. If the person began their employment with the Harris County Democratic Party between January 1, 1993 and the present, "identify" shall further mean state the beginning date of their employment, and where the person was employed immediately prior to beginning employment with the Harris County Democratic Party.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

The Federal Election Commission has countenanced a steady fast refusal to account for the source of funding for election year advocacy ads, books, and public speeches in opposition to a candidate for president and an interim period of this activity in opposition to that candidates reelection.

If Citizens United in it's many forms is not doing anything illegal, what possible objection could the Federal Election Commission and Citizens United have to the filing of financial reports detailing the source of funding for GU's participation in Federal elections?

"I'm supported by thousands of individuals who like what I'm doing."

Richard Eslinger

Richard Eslinger
1489 October Ridge Court
#224 Columbus, OH 43223

Sworn to or affirmed before me and signed in my presence
this 31st Day of May, 2000.

Karl J. Borchers

KARL J. BORCHERS
NOTARY PUBLIC-STATE OF OHIO
My Commission Expires May 19, 2003



FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 16, 2000

Richard Eslinger
1489 October Ridge Court
Apt 224
Columbus, Ohio 43223

We are in receipt of your correspondence dated June 6, 2000 concerning MUR 4787. As you are aware, the matter is now closed and available on the public record. As we previously indicated (see enclosed letter), the Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437(g)(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name.

Jeff S. Jordan
Supervisory Attorney
Central Enforcement Docket

Enclosure

12. State whether the Texas Democratic Party has the authority or ability to hire, appoint, demote, remove or otherwise control the officers, or other decision-making employees, or members of Harris County Democratic Party.

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MUR 4787

AMERICAN CONSERVATIVE UNION PAC

Richard Eslinger alleges in his complaint that the American Conservative Union (the "ACU") has spent more money on its Conservative Political Action Conference than it has reported to the FEC in receipts. Eslinger also claims that Citizens United ("CU") (under ACU's director, Floyd Brown), with an annual budget in excess of \$2,000,000, has not registered with the FEC, but has instead established Citizens United Political Victory Fund ("CUPVF") to act as a front for its fundraising. Complainant also believes that CU's David Bossie and Floyd Brown "dabbled in things like David Hale, Paula Jones, Whitewater, and Troopergate." Complainant asserts that both CU and ACU should disclose their receipts and contributions as these funds allow them to pursue political activities on a national level.

CU and CUPVF respond through their attorney that Mr. Eslinger's letter is not a complaint. However, the respondents also assert that CU, a membership organization which has raised and spent no money on federal politics, established CUPVF as its separate segregated fund ("SSF"). CUPVF, as an SSF, is entitled to raise and spend money on federal elections. CU asserts it has no filing obligations and has not registered with the FEC because it is a membership organization utilizing an SSF. The response further states that CUPVF has no obligation to report information pertaining to CU, but rather is obliged only to file reports disclosing its own receipts and expenses as an SSF. As for the criticisms of Messrs. Bossie and Brown, respondents say that they exercised their first amendment rights in a manner which did not involve federal candidates, political committees, or elections, which is not within the FEC's jurisdiction.

This matter is less significant relative to other matters pending before the Commission.