September 21, 2000

MUR 5103

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL COUNSEL
SEP 23 3 36 PM '00

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

TAPE

To Whom It May Concern:

On behalf of the Friends of Susan Bitter Smith Campaign, I would like to file a formal complaint regarding malicious activities against our campaign that took place between August 6, 2000 and the Arizona Primary Election on September 12, 2000. This complaint regards deceptive phone calls, placed by someone other than from our campaign, where our campaign's name was used to attack another candidate. We also want to file a complaint regarding ongoing and harassing faxes that were sent for over one month attacking Susan Bitter Smith and also fraudulently using Bitter Smith's name to attack another candidate.

The 11th hour phone calls clearly violate federal law and constitute fraud. These calls were made on September 11, 2000, the eve of the election. The calls seem to have been made from an automated dialer and have a recorded message from a person who identified himself as "Randy Williams" of the Susan Bitter Smith Campaign. The person then criticizes another candidate in the race, Jeff Flake, and tells people to be careful when they cast their vote. A transcript of the recorded message and a tape of the message are enclosed. These calls are in no way associated with the Friends of Susan Bitter Smith campaign and come on the heels of other attacks made on Bitter Smith and her campaign.

For well over a month, starting at least as early as August 6, 2000, faxes were sent out to businesses and homes urging people to "stop" Susan Bitter Smith and compared her to two former indicted Governors of Arizona. These faxes appeared to be sent from a phone number in Illinois (815-364-0842) and listed the sender as either "TAB enterprises" or "TAB."

On August 31st, a new group of faxes appeared that contained the message "Stop her [Susan] before she embarrasses Arizona!" These faxes were then followed by a new group of faxes on September 1, that had placed an editorial cartoon about Bitter Smith from a local newspaper and the words "Do we need Bitter Smith?" However on this

5806 East Lewis Avenue, Scottsdale, AZ 85257 (602) 957-1443 Fax: (480) 994-0482
bittersmithforcongress@yahoo.com www.bittersmith.com

Paid for by Friends of Susan Bitter Smith

group of faxes, the sender was listed as "Flake" and not "TAB." When we called the number with the 815 area code, there was a recorded message saying "We endorse Jeff Flake." This was on September 4, 2000. On September 8th, yet another group of faxes appeared. These faxes did not attack Bitter Smith, but another candidate, Jeff Flake. The fax listed the sender this time as "Susan Smith." However, when calling the 815 number, the message still said "We endorse Jeff Flake." By September 11th, this message was changed to say "Please vote for Thomas Liddy, we endorse Mr. Liddy for Congress." Enclosed are copies of the faxes that people have sent to us after they had received them. Also enclosed are transcripts and a tape of the messages that callers would receive if they called the 815 number.

Clearly there was a calculated attempt in the above instances to hurt and defame Bitter Smith and her campaign, and quite possibly other candidates as well. It seems clear to us that the above mentioned calls and faxes came from one of Bitter Smith's opponents or an agent of one of her opponents. Neither the phone calls nor the faxes contained any "Paid for by" disclaimer. We do not know whether the faxes and the 11th hour phone calls originated from the same source.

The County Attorney's office has investigated the faxes for over a month. The contact person at the County Attorney's office who has looked into this matter is Jill Kennedy. Her number is (602) 506-8541.

We appreciate attention to this complaint.

Sincerely,

Jasen Hutchinson
Friends of Susan Bitter Smith
5806 E. Lewis Ave.
Scottsdale, AZ 85257
(602) 957-3434

Subscribed and sworn to before me on this 22nd day of September, 2000.

Signed_____
Eden Romney
Notary Public

EDEN A ROMNEY
Notary Public, Maricopa Co., AZ
My Comm Expires Sept 9, 2003

Enclosures

cc. Richard Romley, Maricopa County Attorney
Jill Kennedy, Maricopa County Attorney's Office
Janet Napolitano, Arizona Attorney General
José de Jesus Rivera, United States Attorney
Teresa Whaler, Qwest Communications

SUSAN BITTER SMITH for CONGRESS

SEPTEMBER 11, 2000
PHONE CALL TRANSCRIPT

Caller identifies himself as "Randy Williams" of the Susan Bitter Smith Campaign and then continues on to say...

It has "...come to my attention concerning congressional candidate Jeff Flake, ahhh, he fooled all of us into believing that he is someone we can trust when in fact, according to the Arizona Republic and the East Valley Tribune, ahhh, he's been accused of laundering $50,000 to a charity only to have the money given back to himself as an annual consulting fee and this is an effort to feed his campaign coffers and in the words of Larry Makinson, who is the Director of the Washington, D.C. based Center for Responsive Politics. He says if 'this scheme of his is not illegal, it bloody well ought to be.' There also a FEC and IRS investigation against him currently, so when you cast your vote tomorrow, be very, very careful. Again this is Randy Williams with the Susan Bitter Smith campaign."

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SUSAN BITTER SMITH for CONGRESS

SEPTEMBER 4, 2000
Message On Answering Machine From Phone Number 815-364-0842

"Hi. If you would like to have your fax number removed from our database please write it down on a piece of paper and send it over now. If you happen to live in Arizona, we endorse Jeff Flake for the first Congressional district. Please vote for Jeff. Thanks. Bye.

SEPTEMBER 11, 2000
Message On Answering Machine From Phone Number 815-364-0842

This message has the same beginning message as above, regarding removing the fax number from their list, but a different ending, which says...
"If you happen to live in the First Congressional District in Arizona, please vote for Thomas Liddy. We endorse Mr. Liddy for Congress."

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bittersmithforcongress@yahoo.com www.bittersmith.com

Paid for by Friends of Susan Bitter Smith

Arizona already had

Meecham

&

Symington

Do we need Susan Bitter Smith too?

STOP HER!

Stop Bitter Smith before it too late!

Please fax your number to 815-364-0842 to be removed from our list.

Arizona already had

Meecham

&

Symington

Do we need Susan Bitter Smith too?

STOP HER!

Stop Bitter Smith before it too late!

Received 8/12/00
Thought you may be interested!

This was faxed to me by mistake thought I would send it on

Arizona already had

Meecham

&

Symington

Do we need Susan Bitter Smith too?

STOP HER!

Stop Bitter Smith before it too late!

SENT BY: MAPES##########; 602 843 9403; AUG-23-00 13:29; PAGE 2/3

~~277-1443~~
~~255-4505~~

BS - this is for your information. 602 697778 jg guthrie

Arizona already ~~had~~ has too many ~~Democrats~~. while we may not want Meecham

&

Symington,

We Do ~~we~~ need Bitter Smith ~~too~~?

However many of these unsolicited faxes you send you will: NOT **STOP HER!**

take me off, I say off, of your mailing list stupid

~~Stop~~ Bitter Smith ~~before its too late!~~ is clearly the answer!

and predictable

*

Please fax your number to 815-364-0842 to be removed from our list.

*, interesting, may revealing, that you have a block on collect calls and that you do not identify who sent this. who are you for?

Arizona already had

Meecham

&

Symington

Do we need Susan Bitter Smith too?

STOP HER!

Stop Bitter Smith before it too late!

Please fax your number to 815-164-0842 to be removed from our list

08/28/00 MON 16:33 FAX 9 258 7731 REPUBLIC PRESSRM 001/001

Arizona already had

Meecham

&

Symington

Do we need Bitter Smith too?

STOP HER!

Stop her before she embarrasses Arizona!

(Whoops Too Late!!! Read the front page of Wednesday's East Valley Tribune or Thursday's AZ Republic.)

Arizona already had

Meecham

&

Symington

Do we need Bitter Smith too?

STOP HER!

Stop her before she embarrasses Arizona!

(Whoops Too Late!!! Read the front page of Wednesday's East Valley Tribune.)

To be removed from our list please fax your number to 815-364-0842

RECEIVED 8-31-00 @ 8.15 AM by David J. Whitbernore
1279 A. East Maryland Ave (602-274-9979)
Phoenix Az 85014

ATT Jeannie
*69 Blocked 1800: 582
*57 0655

Arizona already had

Meecham

&

Symington

Do we need Bitter Smith too?

STOP HER!

Stop her before she embarrasses Arizona!

(Whoops Too Late!!! Read the front page of Wednesday's East Valley Tribune or Thursday's AZ Republic.)

Call Traced with *57
Personal Residence phone call before 6AM on 9-1-00
Just Begins so I found on The Far Machine
This came out
[illegible] 480 832 3158

BENSON'S VIEW

steve.berson@arizonarepublic.com (602)444-8035

Do we need Bitter Smith?

Read the front page of Wednesday's East Valley Tribune or Thursday's AZ Republic.

To be removed from our list please fax your number to 815-364-0842.

8279404 8279404 From: Flake
nt by the Award Winning Cheyenne Bitware
Received: 01 Sep.00 05:29 PM From. UnknownSender To 8153640842 Powered by eFax.com Page 1 of 1
SEP-01-2000 15:27 FROM TO 18153640842 P.01

BENSON'S VIEW

steve.benson@arizonarepublic.com (602)444-8035

Do we need Bitter Smith?

Read the front page of Wednesday's East Valley Tribune or Thursday's AZ Republic.

To be removed from our list please fax your number to 815-364-0842

FAX 602 955 4505

BENSON'S VIEW

steve.benson@arizonarepublic.com (602)444-8035

Do we need Bitter Smith?

Read the front page of Wednesday's East Valley Tribune or Thursday's AZ Republic.

To be removed from our list please fax your number to 813-364-0842.

Jim, did you see this?
Candyce ☺

Jeff Flake CLAIMS to be a "Real Conservative we can Trust,"

his actions tell a different story..

FLAKE IS A FAKE!

THE ARIZONA REPUBLIC

Donation to trust and candidate's job at issue

Questions arise on voter, tax laws

By Kris Mayes
The Arizona Republic

When prominent Phoenix developer Ira Fulton gave the tax-exempt Arizona School Choice Trust $50,000, critics say, the real charity turned out to be a candidate in the East Valley race for Congress.

The candidate was Jeff Flake, one of four Republicans vying for the 1st Congressional District.

Flake had just resigned from his post as director of the Goldwater Institute to run for Congress in September and was looking for a job. He approached former state Sen. Tom Patterson, chairman of the School Choice Trust, and asked Patterson to hire him as a consultant.

Patterson said he agreed on condition that Flake raise enough money to cover his own $72,000 annual consulting fee.

One of the first people Flake turned to was Fulton, who also happened to be a co-chairman of Flake's congressional fund raising committee.

Jeff Flake

"If this scheme is not illegal, it bloody well ought to be. That seems like a very clear case of someone making a contribution to a candidate vastly in excess of the limits."

Larry Makinson
Director of the Washington, D.C.-based Center for Responsive Politics

Friend of the Special Interest Groups

The Club for Growth

"We'll raise as much as it takes to win (the Sept. 12 primary)"

Leila Bate
Executive Director
Arizona Republic- March 2, 2000

WEDNESDAY, SEPTEMBER 6, 2000

ROBERT ROBB
The Arizona Republic

And then he ran for Congress, and I learn that he's been cavorting with Wall Street financiers, conspiring to break campaign finance laws and manipulating real estate markets.