



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ronald G. Acho, Esq.
Cummings, McClorey, Davis & Acho, P.L.C.
33900 Schoolcraft Road
Livonia, MI 48150

AUG 19 2009

RE: MUR 6152
Chaldean-American Chamber of Commerce

Dear Mr. Acho:

On December 31, 2008, the Federal Election Commission notified your clients, the Chaldean-American Chamber of Commerce and the Chaldean Chamber Political Action Committee and Martin Manna, in his official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On August 6, 2009, 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 client violated the Federal Election Campaign Act of 1971, as amended. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact me, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter G. Blumberg".

Peter G. Blumberg
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Chaldean-American Chamber of Commerce **MUR:** 6152
Chaldean Chamber Political Action Committee
and Martin Manna, in his official capacity as treasurer

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by Nadira (Daiza) Plater. *See* 2 U.S.C. § 437g(a)(1).

This matter involves allegations made by Complainant in connection with a letter purportedly sent by a group called the "Chaldeans for Congressman Joe Knollenberg" that advocated the re-election of Representative Joe Knollenberg. Specifically, the Complaint and its supplement, allege that the letter lacked a proper disclaimer; that the entity sending the letter failed to register and report with the Commission with the Commission as a political committee and disclose any disbursements made in connection with the mailer, as required by the Act; and may have made an unreported in-kind contribution or independent expenditure by using the mailing list developed and maintained by the "Chaldean News" to distribute the mailer. The complaint also alleged that the Chaldean Chamber Political Action Committee ("Chaldean Chamber PAC") may have been involved in the letter because the return address on the letter is the address of the PAC.

II. FACTUAL BACKGROUND

On or about October 28, 2008, a letter titled "Chaldeans for Congressman Joe Knollenberg" was sent to 1,500 households in Michigan's 9th Congressional District. The letter praises the accomplishments of Representative Knollenberg, the incumbent candidate in the 2008 general election, and concludes with the statement "[p]lease join us in casting your ballot for Congressman Joe Knollenberg on Tuesday, November 4th." Complaint at Attachment 1. The

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letter lists the names of eighteen individuals who apparently support the message, and an address appears at the bottom of the letter. The return address on the envelope containing the letter shows the name "Chaldeans for Knollenberg" and has the same address that appears at the bottom of the letter.

The original complaint alleges that the letter is a public communication that "clearly advocates for the election of a candidate for federal office," but it is missing the required authorization statement indicating whether a candidate or candidate's committee authorized the communication. Complaint at 1; *see* 2 U.S.C. § 441d(a); 11 C.F.R. §§ 100.26, 100.27, and 110.11. In addition, the complaint appears to raise doubts as to whether the letter was actually paid for by "Chaldeans for Congressman Joe Knollenberg," noting that the address listed for the organization on the letter is the same address as the Chaldean Chamber PAC.¹ Martin Manna serves as the treasurer of the Chaldean Chamber PAC. The complaint then infers, based on the number of likely recipients, that the letter exceeded the \$1,000 reporting threshold, and asserts that neither "Chaldeans for Congressman Joe Knollenberg" nor the Chaldean Chamber PAC is registered and reporting with the Commission. 2 U.S.C. §§ 433 and 434(b). Further, Complainant submitted a supplement to the complaint which alleges that the respondents may have made an unreported in-kind contribution or independent expenditure in connection with the letter by using a mailing list developed and maintained by the "Chaldean News" to distribute the letter. 2 U.S.C. § 434(b); 11 C.F.R. §§ 100.52 and 100.111. In the supplement, Complainant states that the letter was addressed to her using her maiden name (Nadira Daiza). However, Complainant explains that she has not used that name in 35 years except to subscribe to a

¹ The Chaldean Chamber Political Action Committee ("Chaldean Chamber PAC") is registered as a state political committee in Michigan, but is not registered and reporting with the Commission. *See* http://www.chaldeanchamber.com/joomla/index.php?option=com_content&task=view&id=22&Itemid=44 (last visited June 27, 2009). The complaint refers to the Chaldean Chamber Political Action Committee as the Chaldean Chamber of Commerce Political Action Committee, presumably as a result of a simple error.

publication called the Chaldean News and that the Chaldean News is the only mailing she has received under her maiden name. Complainant further states that the Chaldean News shares the same address as the Chaldean Chamber PAC and the return address listed on the Knollenberg mailer. Thus, the complainant alleges that the respondents' use of the Chaldean News mailing list results in a contribution or expenditure.

In a response to the Complaint, the Chaldean Chamber PAC and its connected organization, the Chaldean-American Chamber of Commerce explained that the "Chaldeans for Congressman Joe Knollenberg" is not a real organization, but rather it is an "expression of solidarity" by persons supporting the candidate. The response averred that the Chaldean Chamber PAC had nothing to do with the letter, and asserted that it was actually Martin Manna, the Chaldean Chamber PAC's treasurer, who prepared and paid for the letter, but that he did so in his individual capacity, and not on behalf of the Chaldean-American Chamber of Commerce or its PAC.

III. LEGAL ANALYSIS

The complaint alleges that the entity responsible for the letter violated the Act by failing to register and report as a federal political committee, noting that neither "Chaldeans for Knollenberg" or the Chaldean Chamber PAC, are registered and reporting with the Commission. Complaint at 2. See 2 U.S.C. §§ 433 and 434(b). The Act defines a "political committee" as any committee, club, association, or other group of persons that receives "contributions" or makes "expenditures" for the purpose of influencing a federal election which aggregate in excess of \$1,000 during a calendar year. 2 U.S.C. § 431 (4)(A). To address overbreadth concerns, the Supreme Court has held that only organizations whose major purpose is campaign activity can

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potentially qualify as political committees under the Act. *See, e.g.,* Buckley v. Valeo, 424 U.S. 1, 79 (1976); FEC v. Massachusetts Citizens for Life, 479 U.S. 238, 262 (1986).

As discussed above, the available information indicates that, although the letter lists eighteen individuals who apparently supported the message in the letter, it was the product of an individual, Martin Manna, who created, disseminated and paid for it, not the product of a group called "Chaldeans for Congressman Joe Knollenberg." In addition, at \$740, the costs of the letter fall below the \$1,000 threshold of 2 U.S.C. § 431(4)(A). Therefore, there is no reason to believe that the Chaldean Chamber Political Action Committee and Martin Manna, in his official capacity as treasurer, or its connected organization, the Chaldean--American Chamber of Commerce, violated the Federal Election Campaign Act of 1971, as amended, in connection with the allegations in this matter.

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