



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE END OF MUR # 2275

DATE FILMED _____ CAMERA NO. 2

CAMERAMAN AS

87040650171

PUBLIC RECORD INDEX - MUR 2275

1. Complaint, dtd 17 Oct 86, filed by Jack P. Leigh, Chairman, Ellis County (TX) Republican Party.
2. Expedited 1st G.C. Report, dtd 24 Oct 86, w/atc.
3. Memo, dtd 24 Oct 86, Office of General Counsel (OGC) to Office of Commission Secretary (OCS), Subject: MUR 2275 - Expedited 1st G.C. Report.
4. Ltr, dtd 27 Oct 86, Lawrence M. Noble (FEC) to Texas State Democratic Exec. Cmtee.
5. Str, dtd 27 Oct 86, L.M. Noble to Clyde Wells, Treas, Green for Cong. Cmtee.
6. Ltr, dtd 27 Oct 86, L.M. Noble to J.P. Leigh.
7. Ltr, dtd 17 Nov 86, Phil Weher (Green for Cong. Cmtee) to FEC, w/atc.
8. Ltr, dtd 14 Nov 86, Harold D. Mammett (Counsel, Texas Demo Party) to FEC, w/atc.
9. General Counsel's Rpt, dtd 4 Mar 87, w/atchs.
10. Memo, dtd 4 Mar 87, OGC to OCS, Subject: MUR 2275 - G.C. Report.
11. Memo, dtd 9 Mar 87, M.W. Emmons to C.N. Steele, Subject: Objection to MUR 2275.
12. Amended Certification of Commission Action, dtd 25 Mar 87.
- 13-16. Closing ltrs, dtd 26 Mar 87, L.M. Noble to J.P. Leigh; B. Slagle, P. Geren, III; and P. Weber, respectively.
17. Draft ltr, undtd, L.M. Noble to J.P. Leigh.
18. Memo, dtd 13 Apr 87, M.W. Ennons to L.M. Noble, Subject: Statement of Reasons: MUR 2275, w/atc (Stmt of Reasons).

-END-

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

87040550172

Republican Party of Ellis County

P.O. BOX 751 WAXAHACHIE, TEXAS 75165

0001829
RECEIVED BY THE FEC
06 00 22 : 55

EXECUTIVE COMMITTEE

Jack P. Leigh, County Chairman
Waxahachie 937 - 1607

Miles Hastings, Finance Chairman
Waxahachie 937 - 1989

Robert G. Marshall, Treasurer
Waxahachie 937 - 1726

TEXAS FEDERATION
OF REPUBLICAN WOMEN
EAST ELLIS
Eleanor Furness, President
Ennis 875 - 2482

WEST ELLIS
Margaret Smith, President
Midlothian 775 - 5028

In the Federal Election Commission

Texas State Democratic
Executive Committee
815 Brazos, Suite 200
Austin, Texas 78701

and

Clyde Wells, Treasurer
"Geren for Congress"
4200 South Hulen #601
Fort Worth, Texas 76109

and

Preston Geren, III
"Geren for Congress"
4200 South Hulen #601
Fort Worth, Texas 76109

Jack P. Leigh, Chairman
Republican Party of
Ellis County
209 La Vista Drive
Waxahachie, Texas 75165

VS.

87040650173

06 00 22 : 02

Complainant says:

1. I am Jack P. Leigh, Chairman of the Ellis County Republican Party. My address is 209 La Vista Drive, Waxahachie, TX 75165.

Complaint #1

2. On Friday, October 10, 1986, the attached direct mail piece, titled "Joe Barton Doesn't Want to Discuss These Issues" was received by a voter in Ellis County.

3. The direct mailing advocates the election of Pete Geren and the defeat of Joe Barton.

4. In violation of Section 110.11 of the Federal Election Commission Regulations and 2 USC 441d, the direct mail piece fails to state that it either was or was not authorized by Geren for Congress.

Complaint #2

5. The attached direct mail piece is similar in content and style to television advertising currently being paid for by Geren for Congress; which gives rise to the inference that Geren for Congress cooperated in and authorized the direct mailing.

6. Section 110.7 of the Federal Election Commission Regulations states that a party committee may not make independent expenditures; which gives rise to the inference that Geren for Congress cooperated in and authorized the direct mailing.

7. Therefore, in violation of Section 110.11 of the Federal Election Commission Regulations and 2 USC 441d, the direct mail piece fails to state that it was authorized by Geren for Congress.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Date 10-17-86

Signed Jack P. Leigh

State of Texas

County of Ellis

Subscribed and sworn before me on Oct 17, 1986.

Notary Billie Lee Carpenter

87040650174

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

EXPEDITED FIRST GENERAL COUNSEL'S REPORT

RESPONDENTS: Texas State Democratic
Executive Committee;
Geren for Congress
Committee,
Clyde Wells, Treasurer

MUR NO.: 2275 I 24 P 4: 45
DATE TRANSMITTED:
TO COMMISSION:

STAFF:
Tobey

COMPLAINANT: Jack P. Leigh, Chairman,
Republican Party of
Ellis County, Texas

**SUMMARY OF ALLEGATIONS
AND PRELIMINARY LEGAL ANALYSIS**

8 7 0 4 0 5 5 0 1 7 5
Complainant in this matter has alleged that because a direct mail advertisement entitled "Joe Barton Doesn't Want to Discuss These Issues" (attached) advocates the election of Preston (Pete) Gerson III and the defeat of Joe Barton but fails to state whether it was or was not authorized by the Geren for Congress Committee, a violation of 2 U.S.C. § 441d and 11 C.F.R. 110.11 has occurred. Additionally, it is alleged that because the direct mail advertisement has a content similar in content and style to television advertising being paid for by Geren for Congress, there is an implication that the Geren Committee cooperated in and authorized the direct mailing.

The respondents must be given the opportunity to respond to the instant allegations before the Office of General Counsel can make recommendations.

Charles N. Steele
General Counsel

Date

10/24/86

BY:


Lawrence M. Noble
Deputy General Counsel

Attachment

SDEC

4000 E. 1st St.
Denver, CO 80202

Post Office

Post Office

Post Office

Post Office

CAR-RT SORT **RR01
ELZIE GILLESPIE
RT 1
ITALY TX 76651

8

Joe Barton doesn't want
to discuss these issues.

No wonder.

Assignment, P1

Joe Barton doesn't want to tell you that since he's been in Congress he's taken the following positions...

Joe Barton voted twice to abolish the Small Business Administration.*

* 8 out of 10 new jobs in Texas are generated by small business. According to the National Federation of Independent Business, Barton has compiled only a 44% rating on issues critical to them.

Joe Barton voted to cut the budget of the Agricultural Extension Service in Texas by 57%.*

Joe Barton was one of only 12 Congressmen in the whole United States who voted to eliminate student financial aid for more than 250,000 students who would have been prevented from attending college.*

** This vote would have cost the Extension Service more than 500 jobs in Texas, including many county agents who manage such programs as 4-H Clubs and county stock shows. Services to farmers, such as the Integrated Pest Management Program, would have been completely eliminated.*

** At Texas A&M University alone, one in five students could have lost their student aid as a result of Barton's vote.*

2008-2009

Joe Barton has voted against every major trade reform bill that would have reduced our trade deficit and preserved American jobs.*

Joe Barton has repeatedly voted to cut Social Security benefits, cut Cost of Living Adjustments, and close down Social Security offices.*

**In the past 18 months alone, more than 100,000 jobs in Texas were lost as a result of unfair foreign trade competition, including hundreds of jobs in Bryan, Cleburne and Corsicana.*

**If these cuts had succeeded, thousands of senior citizens would have fallen below the poverty level, and Social Security offices would have been closed down in Brenham, Cleburne, Corsicana and Bryan resulting in more red tape, longer lines and delays for our District seniors seeking help. Barton received only a 10% rating from the National Council of Senior Citizens.*

8

Joe Barton voted to create a loophole that allows defense contractors to charge the federal government more than the fair market price for their products.*

Joe Barton has voted against emergency disaster loans to farmers and against emergency assistance to farmers facing foreclosure.*

*As a result of this vote, taxpayers have been charged \$7000 for coffee pots and \$2600 for wrenches.

*The National Farmers Organization rates Joe Barton at 10% on issues critical to agriculture, and the National Farmers Union rates him ZERO.

4/11/05

Joe Barton voted to support the federal government's proposal to locate a nuclear waste dump in Texas.*

Democrat Pete Geren wants to discuss these issues and their common sense solutions.

Republican Joe Barton would rather talk about anything else.

No wonder.

He can't win an argument about the issues.

**Barton is one of only two Texas Congressmen who voted to support this dangerous proposal—23 Texas Congressmen voted to oppose it. Locating the dump in Texas would mean that all nuclear waste products from the East Coast would pass directly through our Congressional District by rail or truck.*



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Red*
DATE: October 24, 1986
SUBJECT: MUR 2275 - Expedited First General Counsel's Rpt.

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote []
Sensitive []
Non-Sensitive []
24 Hour No Objection []
Sensitive []
Non-Sensitive []
Information [X]
Sensitive [X]
Non-Sensitive []

DISTRIBUTION

Compliance [X]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

Other []

87040550182

John



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 27, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Texas State Democratic Executive Committee
815 Brazos, Suite 200
Austin, TX 78701

RE: MUR 2275

Gentlemen:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that the Texas State Democratic Executive Committee has violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2275. 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 Texas State Democratic Executive Committee in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

87040550183

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(11)(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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Laurence Tobey, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel



By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

87040650184



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 27, 1986

plm

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Clyde Wells, Treasurer
Geren For Congress Committee
4200 S. Hulen #601
Fort Worth, TX 76109

RE: MUR 2275

Dear Mr. Wells:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that the Geren For Congress Committee and you, as treasurer, have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2275. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the Geren For Congress Committee in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

87040350185

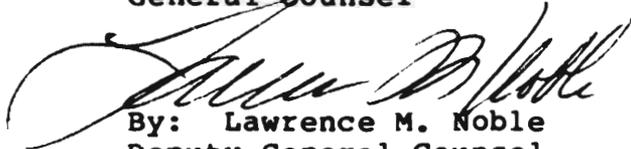
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(11)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Laurence Tobey, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel



By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

cc: Mr. Preston Geren, III

87040650180



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 27, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jack P. Leigh, Chairman
Republican Party of Ellis County
209 La Vista Drive
Waxahachie, TX 75165

RE: MUR 2275

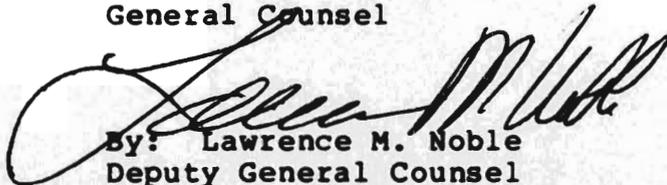
Dear Mr. Leigh:

This letter is to acknowledge receipt of your complaint of October 23, 1986, against the Texas State Democratic Executive Committee, the Geren For Congress Committee and Mr. Clyde Wells as treasurer, and Mr. Preston Geren, III, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(11)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Charles N. Steele
General Counsel


By: Lawrence M. Noble
Deputy General Counsel

Enclosure

87040550187

RLM

RECEIVED AT THE FEC
GCC# 2029
86 NOV 18 P 3: 00

November 17, 1986

Certified Mail
Return Receipt Requested
P 638 536 411

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

Re: MUR 2275

Dear Mr. Noble:

In response to the complaint filed by Mr. Jack P. Leigh, Chairman Republican Party of Ellis County, Texas on behalf of Joe Barton in the Sixth Congressional District in Texas, I respectfully submit the following information.

MUR 2275 (hereinafter referred to as "the Complaint") is the second FEC complaint filed on behalf of Joe Barton relating to the Pete Geren for Congress campaign. In the first complaint, MUR 2217, the commission determined that on the basis of of the information in the complaint and the information provided by the Pete Geren campaign and other respondents, there was no reason to believe that a violation of any statute within the jurisdiction of the FEC had been committed. Accordingly, the Commission closed its file. A copy of such notice to Geren for Congress is attached hereto as Exhibit "A".

As with MUR 2217, the Complaint appears to name Preston Geren, III (Pete Geren) individually, as a respondent. The allegations in MUR 2217 did not establish a violation of the Federal Election Campaign Act or the Commission's regulations for which Preston Geren, III (Pete Geren) would be personally liable. MUR 2217, however did receive considerable press coverage, and it is safe to conclude that adverse media coverage was its primary goal, not enforcement of the Federal Election Campaign Act. Similarly, none of the allegations in the Complaint would establish a violation of the Federal Election Campaign Act or the Commission's regulations for which Preston Geren, III (Pete Geren) would be personally liable. Accordingly, as with MUR 2217 we believe that the Complaint is a meritless complaint filed against Preston Geren, III (Pete Geren) to receive adverse publicity. As such, we move that the Commission determine that there is no reason to

86 NOV 19 11: 18

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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believe that Preston Geren, III (Pete Geren), individually, has violated any statute within the Commission's jurisdiction. The Complaint against Preston Geren, III (Pete Geren) individually, has no genuine interest in seeking compliance with the Federal Election laws. Instead, the Complaint is intended to cause adverse publicity and require the use of resources to answer such frivolous allegations.

Furthermore, it is unclear whether the Complaint is filed against Clyde Wells as an individual respondent or as the Treasurer for "Geren for Congress". For the same reasons given above, we believe the allegations in the Complaint do not establish any violation(s) of the Federal Election Campaign Act or the Commission's regulations for which Clyde Wells would be personally liable. Accordingly, we move that the Commission determine that there is no reason to believe that Clyde Wells has individually violated any statute within the Commission's jurisdiction.

Because the Complaint appears to be filed against Preston Geren, III and Clyde Wells as individual respondents we move that the Commission determine that there is no reason to believe that Clyde Wells or Preston Geren, III have individually violated any statute within the Commission's jurisdiction and that the Commission close its file in this matter.

In the alternative without waiving the arguments presented above and still asserting that the Complaint is improperly filed against Preston Geren, III and Clyde Wells as individuals, in the event the Complaint is filed against Geren for Congress, and that Clyde Wells and Preston Geren, III are named as the proper agents for service, I submit the following information to the allegation that the mailing in question violated Section 110.11 of the Federal Election Commission Regulations.

The mailing in question was a coordinated expenditure between the campaign and the Texas Democratic Party. A copy of Harold Hammett's (attorney for the Texas Democratic Party) letter stating such is attached hereto as Exhibit "B". The Texas Democratic Party advised the campaign ("Geren for Congress") that it would use the disclaimer that appears on the mailing in question, relying on Section 110.11(a)(1)(iv)(A) of the Federal Election Commission Regulations. The Texas Democratic Party advised the campaign that this was the proper disclaimer and that the Party had used it on numerous Federal congressional campaign coordinated expenditures. In this regard Geren for Congress moves that the Commission determine that there is no reason to believe that Geren for Congress violated any statute within the Commission's jurisdiction and that the Commission order

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the file closed in this matter (MUR 2275) with respect to all the respondents named in the Complaint.

I am ready to cooperate in any way if further information is deemed necessary by the Commission.

Respectfully submitted,

Phil Weber

Phil Weber
Campaign Manager
Geren for Congress

87040550190



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1986

Clyde H. Wells, Treasurer
Pete Geren for Congress Committee
4200 South Hulen
Suite 601
Fort Worth, Texas 76109

RE: MUR 2217
Pete Geren for Congress
Committee and Clyde H.
Wells, as treasurer

Dear Mr. Wells:

On August 13, 1986, the Commission notified the Pete Geren for Congress Committee and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 21, 1986, determined that on the basis of the information in the complaint, and information provided by your committee, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel


By Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

Exhibit "A"

87040550191

SIMON, ANISMAN, DOBY, WILSON & SKILLERN

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS
P. O. BOX 17047

RICHARD U. SIMON (1907-1975)
HENRY W. SIMON (1910-1980)

HAROLD D. HAMMETT, P.C.
OF COUNSEL TO THE FIRM

300 PROFESSIONAL BUILDING
303 WEST TENTH
FORT WORTH, TEXAS 76102-7071

(817) 335-6133
METRO 429-3245

November 14, 1986

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

CERTIFIED NO. P069822523
RETURN RECEIPT REQUESTED

Re: MUR 2275

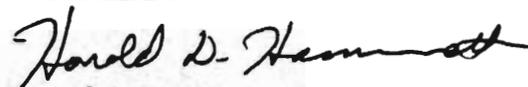
Dear Mr. Noble:

In response to your letter of October 27, 1986, I am informed that the matter inquired about was a coordinated expenditure, well within the \$21,000 limit for this purpose. This has been reported as such. Enclosed is page 1, Line No. 23, of Schedule F of the report mailed your office under date October 20, 1986, showing these items.

As of the time I received this information, these were all the bills that had been received for such coordinated expenditures.

If there is any further inquiry, would you please direct a copy of it to me at my office.

Very truly yours,



Harold D. Hammett
Attorney for Texas Democratic
Party

HDH:cjr
Enclosure

cc w/encl: Ed Martin, Executive Director
Texas Democratic Party

Exhibit "B"

87040550192

ACC# 2041
RECEIVED AT THE FEC

SIMON, ANISMAN, DOBY, WILSON & SKILLERN

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS
P. O. BOX 17047
300 PROFESSIONAL BUILDING
303 WEST TENTH
FORT WORTH, TEXAS 76102-7071

86 NOV 19 P 2: 15
HENRY W. SIMON (1910-1980)

HAROLD D. HAMMETT, P.C.
OF COUNSEL TO THE FIRM

(817) 335-6133
METRO 429-3245

November 14, 1986

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

CERTIFIED NO. P069822523
RETURN RECEIPT REQUESTED

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
86 NOV 19 P 3: 46

Re: MUR 2275

Dear Mr. Noble:

In response to your letter of October 27, 1986, I informed that the matter inquired about was a coordinated expenditure, well within the \$21,000 limit for this purpose. This has been reported as such. Enclosed is page 1, Line No. 23, of Schedule F of the report mailed your office under date October 20, 1986, showing these items.

As of the time I received this information, these were all the bills that had been received for such coordinated expenditures.

If there is any further inquiry, would you please direct a copy of it to me at my office.

Very truly yours,

Harold D. Hammett
Harold D. Hammett
Attorney for Texas Democratic Party

HDH:cjr
Enclosure

cc w/encl: Ed Martin, Executive Director
Texas Democratic Party

87040550193

SCHEDULE F

UNLIMITEZ COORDINATED EXPENDITURE MADE BY
 POLITICAL PARTY COMMITTEES OR DESIGNATED AGENT(S)
 ON BEHALF OF CANDIDATES FOR FEDERAL OFFICE
 (2 U.S.C. §441a(d))

RECEIVED AT THE FEC
 Page 1 of 1 for
 LINE NUMBER 23
 86 NOV 19 12:08

(To be used only by Political Committees in the General Election)

Name of Political Committee (in Full) TEXAS DEMOCRATIC PARTY-FEDERAL				
Has your Committee been designated to make coordinated expenditures by a political party committee? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, name the designating committee:				
Full Name, Mailing Address and ZIP Code of Subordinate Committee				
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
U. S. Postmaster 300 E. 9th St. Austin, TX 78701	Pete Geren Texas Sixth District U.S. Congress	Bulk rate permit	10-8-86	6,148.00
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
Grassroots Advertising 2130 Woodward Austin, TX 78744	Pete Geren Texas Sixth District U.S. Congress	Mailing expenses	10-9-86	1,620.00
Full Name, Mailing Address and ZIP Code of Each Payee	Name of Federal Candidate Supported, State, District & Office Sought	Purpose of Expenditure	Date (month, day, year)	Amount
SUBTOTAL of Expenditures This Page (optional)				
TOTAL This Period (last page this line number only)				7,768.00

87040650194

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Geren for Congress,
and Clyde Wells,
as treasurer

)
)
)
)

MUR 2275

PT MUR 2275
PAGE 17

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 24, 1986, this Office received a complaint filed by Jack P. Leigh, Chairman of the Republican Party of Ellis County, Texas (hereinafter, "Complainant"). The complaint was designated MUR 2275 and was circulated to the Commission. Copies of the complaint were sent to the parties named therein: the "Texas State Democratic Executive Committee" (in fact, the Texas Democratic Party-Federal, and Bob Slagle, as treasurer; hereinafter, "the Texas Democratic Party"); the Geren for Congress committee, and Clyde Wells, as treasurer (hereinafter, "the Geren committee"); and Preston Geren III, a candidate for the United States House of Representatives from the Sixth District of Texas.

The complaint alleged that the Geren committee and the Texas Democratic Party made expenditures to finance a communication which expressly advocated the election of Preston Geren III and the defeat of his opponent, Representative Joe Barton, and that this communication failed to contain the required disclaimer statement.^{1/}

1/. The direct mail piece contained the following disclaimer: "Political advertising paid for by Texas Democratic Party-Federal, Bob Slagle, Treasurer."

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On November 19, 1986, this Office received a response filed by the campaign manager of the Geren committee, Phil Weber. Attachment I. The response requested dismissal of the complaint on the grounds that the direct mail piece in question had in fact contained an appropriate disclaimer pursuant to 11 C.F.R. § 110.11 (a) (1) (iv) (A).

II. LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (hereinafter, "the Act") provides in pertinent part that whenever any person makes an expenditure for the purpose of financing a communication expressly advocating the election or defeat of a clearly identified candidate, or soliciting contributions, that communication must contain an appropriate disclaimer statement. 2 U.S.C. § 441d(a).

If the communication was paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, then the disclaimer shall state that the communication was paid for by the authorized committee. 2 U.S.C. § 441d(a) (1). If the communication was authorized by a candidate, an authorized political committee of a candidate, or its agents, but was paid for by other persons, then the disclaimer shall state the names of the persons who paid for the communication and the fact that it was authorized by the authorized committee. 2 U.S.C. § 441d(a) (2). If the

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communication was not authorized by a candidate, an authorized political committee of a candidate, or its agents, then the disclaimer shall state that the communication was not authorized by any candidate or candidate's committee, and shall state the name of the person who paid for the communication. 2 U.S.C. § 441d(a)(3). Commission regulations also provide that where solicitations are directed to the general public on behalf of a political committee which is not the authorized committee of a candidate, such solicitations shall clearly state the full name of the person who paid for the communication. 11 C.F.R. § 110.11 (a)(1)(iv)(A).

The communication at issue here does not solicit contributions. Consequently, for there to be a duty to include any of the foregoing disclaimer statements, it must first be shown that the communication expressly advocates the election or defeat of a clearly identified candidate. See 2 U.S.C. § 441d(a). The Supreme Court of the United States has provided the following examples of express advocacy: "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject." Buckley v. Valeo, 424 U.S. 1, at 44, footnote 52. See also 11 C.F.R. § 109.1(b)(2).

Two recent court cases also provide some guidance for the analysis herein, and more specifically, for the issue of express advocacy. The first of these, FEC v. Massachusetts Citizens for Life, 55 U.S.L.W. 4067 (U.S. Dec. 15, 1986) peripherally

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touched on the issue of what constitutes express advocacy. The Supreme Court considered the essential nature of the message in determining whether the publication at issue contained a sufficient exhortation to qualify as express advocacy.

The United States Court of Appeals for the Ninth Circuit provided a more detailed analysis of express advocacy in Federal Election Commission v. Harvey Furgatch, No. CA 85-5524, slip op., (9th Cir. Jan. 9, 1987). The Court of Appeals held that speech need not include any of the words listed in Buckley to be express advocacy under the Act, but it must, when read as a whole, and with limited reference to external events, be susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate.

The Court found three "components" of express advocacy. First, speech is "express" if its message is unmistakable and unambiguous, suggestive of one plausible meaning. Second, speech may be termed "advocacy" if it presents a clear plea for action. Speech which is merely informative is not covered by the Act. Finally, it must be clear what action is advocated.

The communication submitted by Complainant contains none of the language mentioned by the Supreme Court in Buckley. Rather, it consists of a series of characterizations of Representative Barton's positions and congressional votes on various issues. The communication concludes with the following language:

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Democrat Pete Geren wants to discuss these issues and their common sense solutions. Republican Joe Barton would rather talk about anything else.

No wonder.

He can't win an argument about these issues.

In the present matter, the apparent meaning of the direct-mail piece is as an exhortation to vote for Geren and against Barton. The language quoted above refers to the party affiliations of both candidates. The leaflet refers to the positions that Barton has taken while in Congress. The statement that "He [Barton] can't win an argument about these issues" is a thinly-veiled reference to the election in which "winning an argument" is used as a code word for "winning an election." Finally, the direct-mail piece was sent to voters in the district in close proximity to the election.

Turning to the three factors listed by the Court of Appeals, the speech in this case is "express" because given the facts listed above, its message is unmistakable and unambiguous. The speech is "advocacy" because it is clear that with an election approaching, the voter is being urged to act to remedy the situation. The desired action is obviously for the reader to vote for Geren and against Barton. Therefore, the direct mail piece constitutes express advocacy within the meaning of 2 U.S.C. § 44ld.

Respondents have stated that the direct mail piece was a

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coordinated expenditure between the Geren for Congress committee and the Texas Democratic Party. The Act permits a state committee of a political party to make expenditures in connection with the general election campaign of a candidate for Federal office in that state who is affiliated with the party. 2 U.S.C. § 441a(d)(3). It appears from Respondents' submission that the total expenditure of \$7,768.00 for the direct mailing was paid by the Texas Democratic Party-Federal. If this is true, the expenditure did not violate the contribution limitation of \$10,000 imposed by 2 U.S.C. § 441a(d)(3)(B).

The remaining issue is whether the disclaimer which appeared in the direct mail piece was the appropriate one under the circumstances. By stating that the "mailing in question was a coordinated expenditure between the [Geren] campaign and the Texas Democratic Party," Respondents imply that the direct mail piece was authorized by the Geren committee but paid for by the Texas Democratic Party. The Act provides that a communication which is paid for by other persons but is authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and is authorized by such authorized political committee. 2 U.S.C. § 441d(a)(2).

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The disclaimer which appears on the direct mail piece reads as follows:

"Political advertising paid by Texas Democratic Party-Federal, Bob Slagle, Treasurer."

This disclaimer fails to state that the direct mail piece was also authorized by the Geren for Congress committee. Because the statute specifically requires a statement as to authorization, the fact that Respondents have implied that they did authorize the communication by describing it as a "coordinated expenditure" with the Texas Democratic Party does not satisfy the requirements of 2 U.S.C. § 441d(a)(2).

Respondents' reliance on 11 C.F.R. § 110.11(iv)(A) is misplaced. That provision applies only to solicitations directed to the general public on behalf of a political committee which is not the authorized committee of a candidate. See 11 C.F.R. § 110.11(iv)(A). The direct mail piece in question is not a solicitation because it does not ask the reader to make a contribution. Moreover, the direct mail piece is apparently sent on behalf of the Geren committee, which is an authorized campaign committee of a candidate, and therefore cannot meet the requirement of the regulation. Therefore, Respondents cannot rely on 11 C.F.R. § 110.11(iv)(A).

This Office recommends that the Commission find reason to

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believe that the Geren for Congress committee, and Clyde Wells as treasurer, violated 2 U.S.C. § 441d(a)(2). This Office further recommends that the Commission find reason to believe that the Texas Democratic Party- Federal, and Bob Slagle, as treasurer, violated 2 U.S.C. § 441d(a)(2).

In order to facilitate prompt resolution of this matter, this Office proposes written questions to be sent to both respondents to establish the number of direct mail pieces sent out, the total expenditures for the communication, and to resolve the issue of authorization.

Although the complaint appears to allege that Preston Geren III and Clyde Wells in their individual capacities violated the Act, the complaint states no facts which show violations of 2 U.S.C. § 441d(a) by either Preston Geren III or Clyde Wells in their individual capacities. Therefore, this Office's recommendation with regard to Mr. Wells relates to him in his capacity as treasurer only. Additionally, this Office recommends that the Commission find no reason to believe that Preston Geren III violated 2 U.S.C. § 441d(a).

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III. RECOMMENDATIONS

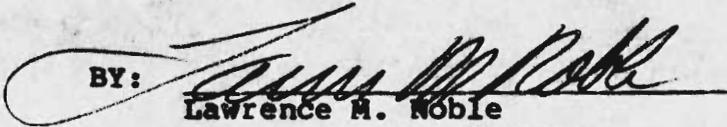
1. Find reason to believe that the Geren for Congress committee, and Clyde Wells, as treasurer, violated 2 U.S.C. § 441d(a)(2).
2. Find reason to believe that the Texas Democratic Party-Federal, and Bob Slagle, as treasurer, violated 2 U.S.C. § 441d(a)(2).
3. Find no reason to believe that Preston Geren III violated 2 U.S.C. § 441d(a)(2).
4. Approve and send the attached Questions to Respondents.
5. Approve and send the attached letters.

Charles N. Steele
General Counsel

Date

3/4/87

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments:

- I. Answer submitted by Respondents
- II. Proposed Questions to Respondents
- III. Proposed letters to Respondents

87040650203

Attachment I to G.C. Report
removed from this position
in Public Record File. See
Index Item No. 7.

87040650204

QUESTIONS

TO: Phil Weber, Campaign Manager
Geren for Congress Committee
4200 S. Hulen Street, #601
Fort Worth, TX 76109

RE: MUR 2275

INSTRUCTIONS

In answering these questions, furnish all documents and other information, however obtained, including hearsay, that are in possession of, known by, or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

If you cannot answer the following questions in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Statements should be submitted under oath.

With respect to the direct mail piece entitled "Joe Barton doesn't want to discuss these issues" which is the subject of this matter, please answer the following questions:

1. Did the Geren for Congress committee pay for any part of the expenses of producing and mailing the direct mail pieces?
 - a). If so, what was the amount paid by the Geren for Congress committee?

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b). What portion of the total cost of producing and mailing the direct mail piece does the figure listed in the answer to question 1. a). represent?

2. How many of the direct mail pieces were mailed to the public?

3. On what date were the direct mail pieces mailed to the public?

4. By whom were the direct mail pieces mailed to the public?

5. Did the production and mailing of the direct mail piece result from any agreement between the Geren for Congress committee and the Texas Democratic Party?

a). If so, when was this agreement reached?

b). If so, what were the terms of the agreement?

c). Did the Geren for Congress committee authorize the production and mailing of the direct mail piece?

87040650206

QUESTIONS

TO: Bob Slagle, Treasurer
Texas Democratic Party - Federal
815 Brazos Street #200
Austin, TX 78710

RE: MUR 2275

INSTRUCTIONS

In answering these questions, furnish all documents and other information, however obtained, including hearsay, that are in possession of, known by, or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

If you cannot answer the following questions in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Statements should be submitted under oath.

With respect to the direct mail piece entitled "Joe Barton doesn't want to discuss these issues" which is the subject of this matter, please answer the following questions:

1. The Texas Democratic Party-Federal has reported to the Commission that it expended a total of \$7,768 on the direct mail piece at issue, representing \$6,148 for a bulk rate permit and \$1,620 for mailing expenses.

a). Does this represent the entire cost of producing and mailing the direct mail piece?

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- b). If not, what other costs were incurred?
 - c). Who paid for these other costs?
 - d). Did the Geren for Congress committee pay any part of the costs of producing or mailing the direct mail piece?
2. How many of the direct mail pieces were mailed to the public?
3. On what date were the direct mail pieces mailed to the public?
4. By whom were the direct mail pieces mailed to the public?
5. Did the production and mailing of the direct mail pieces result from an agreement between the Texas Democratic Party-Federal and the Geren for Congress committee?
- a. If so, when was this agreement reached?
 - b. If so, what were the terms of the agreement?
 - c. Did the Geren for Congress committee authorize the production and mailing of the direct mail piece?

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Phil Weber, Campaign Manager
Geren for Congress Committee
4200 S. Hulen Street, #601
Fort Worth, TX 76109

RE: MUR 2275

Dear Mr. Weber:

The Federal Election Commission notified the Geren for Congress committee on October 27, 1986 of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on , 1987, determined that there is reason to believe that the Geren for Congress committee, and Clyde Wells as treasurer, violated 2 U.S.C. § 441d(a) (2).

Specifically, it appears that the Geren for Congress committee authorized the production and mailing of a direct mail piece entitled "Joe Barton doesn't want to discuss these issues," which was paid for in whole or in part by the Texas Democratic Party-Federal, and Bob Slagle, as treasurer. The Act provides that where a communication expressly advocates the election or defeat of a clearly-identified candidate, if such a communication is authorized by a candidate, an authorized political committee of a candidate, or its agents but paid for by other persons, such communication shall clearly state that it is paid for by such other persons and authorized by the authorized political committee. 2 U.S.C. § 441d(a) (2). The required disclaimer did not appear on the direct mail piece in question. The disclaimer which did appear, assertedly in reliance on 11 C.F.R. § 110.11(a) (1) (iv) (A), is not sufficient under the circumstances because it does not state that the communication was authorized by the Geren committee.

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Geren for Congress
Page Two

Your response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Statements should be submitted under oath.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 have any questions, please contact Laurence E. Tobey, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Questions

cc: Preston Geren III
306 W. 7th ST, P-I-D
Fort Worth, TX 76102

87040550210



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bob Slagle, Treasurer
Texas Democratic Party-Federal
815 Brazos Street #200
Austin, TX 78710

RE: MUR 2275

Dear Mr. Slagle:

The Federal Election Commission notified the Texas Democratic Committee, and you, as treasurer, on October 27, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of that complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on _____, 1987, determined that there is reason to believe that the Texas Democratic Party-Federal, and you, as treasurer, have violated 2 U.S.C. § 441d(a)(2), a provision of the Act.

Specifically, it appears that the Texas Democratic Party-Federal paid for the production and mailing of a direct mail piece entitled "Joe Barton doesn't want to discuss these issues," which was authorized by the Geren for Congress committee. The Act provides that where a communication expressly advocates the election or defeat of a clearly-identified candidate, if such a communication is authorized by a candidate, an authorized political committee of a candidate, or its agents, but is paid for by other persons, such communication shall clearly state that it is paid for by such other persons and authorized by the authorized political committee. 2 U.S.C. § 441d(a)(2). The required disclaimer did not appear on the direct mail piece in question. The disclaimer which did appear, assertedly in reliance on 11 C.F.R. § 110.11(a)(1)(iv)(A), is not sufficient under the circumstances because it does not state that the communication was authorized by the Geren committee.

Your response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Statements should be submitted under oath.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 wishes the matter to be made public.

If you have any questions, please contact Laurence E. Tobey, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Questions



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Preston Geren III
306 W. 7th ST, P-I-D.
Fort Worth, TX 76102

RE: MUR 2275

Dear Mr. Geren:

On October 27, 1986, the Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1987, determined that on the basis of the information in the complaint, and information provided by your committee (the Geren for Congress committee and Clyde Wells, as treasurer) there is no reason to believe that you personally violated 2 U.S.C. § 441d(a).

Accordingly, the Commission has closed its file in this matter as it pertains to you personally. This matter will become part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: Lawrence M. Noble
Deputy General Counsel

87040550213



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cay*
DATE: March 4, 1987
SUBJECT: MUR 2275 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote Sensitive Non-Sensitive []
24 Hour No Objection [] Sensitive [] Non-Sensitive []
Information [] Sensitive [] Non-Sensitive []
Other []

DISTRIBUTION

Compliance Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

87040650214

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Geren for Congress, and) MUR 2275
Clyde Wells, as treasurer)

AMENDED CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 19, 1987, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 2275:

1. Reject the recommendations contained in the General Counsel's report dated March 4, 1987.
2. Find no reason to believe that the Geren for Congress Committee and Clyde Wells, as treasurer, violated 2 U.S.C. § 441d(a)(2).
3. Find no reason to believe that the Texas Democratic Party-Federal, and Bob Slagle, as treasurer, violated 2 U.S.C. § 441d(a)(2).
4. Find no reason to believe that Preston Geren III violated 2 U.S.C. § 441d(a)(2).

(continued)

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5. Direct the Office of General Counsel to send appropriate letters pursuant to the above actions.
6. Close the file.

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

Attest:

3-25-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

87040650217

plm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1987

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jack P. Leigh, Chairman
Republican Party of Ellis County
209 LaVista Drive
Waxahachie, TX 75165

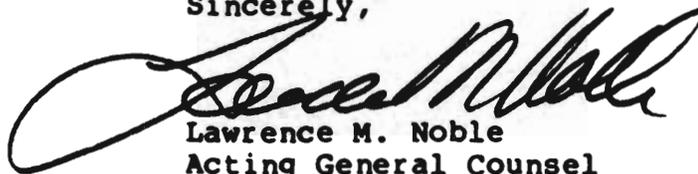
RE: MUR 2275

Dear Mr. Leigh:

On March 19, 1987, the Federal Election Commission reviewed the allegations of your complaint dated October 17, 1986, and found that on the basis of the information provided in your complaint and information provided by the respondents, there is no reason to believe that the Geren for Congress Committee and Clyde Wells, as treasurer; the Texas Democratic Party-Federal, and Bob Slagle, as treasurer; and Preston Geren, III violated 2 U.S.C. § 441d(a)(2). Accordingly, on March 19, 1987, the Commission closed the file in this matter. The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report
Certification

87040650218

plm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1987

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bob Slagle, Treasurer
Texas Democratic Party - Federal
815 Brazos Street #200
Austin, TX 78710

RE: MUR 2275

Dear Mr. Slagle:

On October 27, 1986, the Federal Election Commission notified the Texas Democratic Party - Federal and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On March 19, 1987, the Commission found, on the basis of the information in the complaint, and information provided by the Geren for Congress Committee, that there is no reason to believe that the Texas Democratic Party - Federal, and you as treasurer, violated 2 U.S.C. § 441d(a)(2). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures
General Counsel's Report
Certification

87040550219

plm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1987

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Preston Geren III
306 W. 7th Street, P-I-D
Fort Worth, TX 76102

RE: MUR 2275

Dear Mr. Geren:

On October 27, 1986, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On March 19, 1987, the Commission found, on the basis of the information in the complaint, and information provided by your campaign committee, that there is no reason to believe that you personally violated 2 U.S.C. § 441d(a)(2). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures
General Counsel's Report
Certification

cc: Geren for Congress Committee
4200 S. Hulen St. #601
Fort Worth, TX 76109

87040550220



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1987

rlm

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Phil Weber, Campaign Manager
Geren for Congress Committee
4200 S. Hulen Street #601
Fort Worth, TX 76109

RE: MUR 2275

Dear Mr. Weber:

On October 27, 1986, the Federal Election Commission notified the Geren for Congress Committee and Clyde Wells, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On March 19, 1987, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe that the Geren for Congress Committee, and Clyde Wells as treasurer, violated 2 U.S.C. § 441d(a)(2). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures
General Counsel's Report
Certification

cc: Preston Geren, III
306 W. 7th Street, P-I-D
Fort Worth, TX 76102

87040550221



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

Jack Leigh, Chairman
Republican Party of Ellis County
209 LaVista Drive,
Waxahachie, TX 75165

RE: MUR 2275

Dear Mr. Leigh:

By letter dated March 26, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against the Geren for Congress Committee and Clyde Wells, as treasurer; the Texas Democratic Party Federal and Bob Slagle, as treasurer; and Preston Geren, III. Enclosed with that letter were a General Counsel's Report and a certification of the vote.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to reject the General Counsel's recommendation and find no reason to believe that the respondents violated 2 U.S.C. § 441d(a)(2). This document will be placed on the public record as part of the file of MUR 2275.

If you have any questions, please contact Thomas J. Whitehead, the attorney handling to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
Statement of Reasons

87040550222



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APRIL 13, 1987

MEMORANDUM

TO: LARRY NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS
SECRETARY OF THE COMMISSION *MWE*

SUBJECT: STATEMENT OF REASONS: MUR 2275

Transmitted herewith is the completed Statement
of Reasons for MUR 2275.

87040650223

FEDERAL ELECTION COMMISSION

In the matter of)
)
Geren for Congress Committee and) MUR 2275
Clyde Wells, as treasurer)
et al.)
)

STATEMENT OF REASONS

On March 19, 1987, the Federal Election Commission rejected the Office of General Counsel's recommendations to find reason to believe that the Geren for Congress Committee, and Clyde Wells, as treasurer, and the Texas Democratic Party-Federal, and Bob Slagle, as treasurer, each violated 2 U.S.C. §441d(a)(2).

A majority of the Commission concluded that only those political or election-related communications which contain a solicitation for contributions or expressly advocate the election or defeat of a candidate are subject to the "disclaimer" requirements of 2 U.S.C. §441d. The majority reviewed prior Commission and court interpretations of "express advocacy" and determined that the direct mail piece at issue in the complaint did not contain a clear call to action or an exhortation to vote for or against any candidate. The majority decided, therefore, that the communication did not expressly advocate the election or defeat of a candidate, nor solicit contributions. Accordingly, the Commission found no reason to believe the respondents violated 2 U.S.C. §441d(a)(2) and voted to close the file in this matter.

87040550224

4/9/87
Date

Scott E. Thomas
Scott E. Thomas
Chairman

4/9/87
Date

Thomas J. Josefial
Thomas J. Josefial
Vice Chairman

4/10/87
Date

John D. Aikens
John D. Aikens
Commissioner

4/10/87
Date

Lee Ann Elliott
Lee Ann Elliott
Commissioner

87040650225



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2275

DATE FILMED _____ CAMERA NO. 2

CAMERAMAN AS

87040650226



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

9-21-87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2275

87040654201



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 15, 1987

John

Jack Leigh, Chairman
Republican Party of Ellis County
209 LaVista Drive,
Waxahachie, TX 75165

RE: MUR 2275

Dear Mr. Leigh:

By letter dated March 26, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against the Geren for Congress Committee and Clyde Wells, as treasurer; the Texas Democratic Party Federal and Bob Slagle, as treasurer; and Preston Geren, III. Enclosed with that letter were a General Counsel's Report and a certification of the vote.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to reject the General Counsel's recommendation and find no reason to believe that the respondents violated 2 U.S.C. § 441d(a)(2). This document will be placed on the public record as part of the file of MUR 2275.

If you have any questions, please contact Thomas J. Whitehead, the attorney handling to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Lawrence M. Noble
Acting General Counsel

Enclosure
Statement of Reasons

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