



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 2291

DATE FILMED 2/8/96 CAMERA NO. 4

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contributions reports by PDA. PDA advertises: "For the first time every, Federal Elections [sic] Commission data are available on individual contributors for each congressional district in the nation: 250,000 records of all \$500+ contributors to all congressional campaigns, PACs, and federal committees, from the most recent two-year election cycle." (Attached as Exhibit A). The PDA compilations do not include the street or mailing addresses of the contributors. They do include a warning that the PDA reports "may not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose."

In ruling the PDA product a violation of the Federal Election Campaign Act ("the Act"), the FEC held:

The Commission has previously stated that the principal, if not sole, purpose of restricting the sale or use of information copied from reports is to protect individual contributors from having their names sold or used for commercial purposes.... PDA has copied the names and other identifying information of individual contributors from reports filed with the Commission and has compiled these names into lists by congressional district and by employer. It now plans to sell such lists to 'all who wish to buy them.' Since PDA is organized as a for-profit corporation, its sales of these lists are presumably made for commercial purposes. Accordingly, the Commission concludes that PDA's proposed activity that involves the copying and selling of compilations comprised primarily of individual contributor names is prohibited by the Act.

Id. at 11,299. (Attached as Exhibit B).

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Despite this definitive decision on PDA's product, PDA announced in the public media that it will proceed with the marketing and selling of its product. PDA official Michael Tanzer told the Washington Post (attached as Exhibit C):

'We believe that what we are doing is perfectly legal' and that the FEC's attempt to close the company is 'unconstitutional.' Tanzer said Public Data Access will continue to sell the information in defiance of the FEC.

NRCC is an organization whose contributor lists are among those copied by PDA and sold to the public. NRCC has always complied with the Act's requirement that it file with the FEC those portions of its contributor lists reflecting donors who contributed more than \$200.00 in a calendar year. 2 U.S.C. 434. Those compilations are now on file with the FEC.

The Act requires that the FEC make the lists filed by NRCC and other political committees available for public inspection and copying. Id., 438(a)(4). The Act, in requiring that the information be made public, also recognizes that political committees such as NRCC have associational interests on their own behalf and on behalf of their contributors. Accordingly, the Act specifies that the content of the reports filed with the FEC may not be copied or sold or used "for the purpose of soliciting contributions or for commercial purposes." Id. (emphasis added). NRCC has always submitted its reports under the explicit statutory protection that its lists would not be used, offered or sold for

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commercial purposes or made available in a manner that facilitated their use for purposes of solicitations.

The FEC, in recognition of the importance of this prohibition, conspicuously posts it throughout the FEC Public Records Office. It also appears on documents available through the Clerk of the House, and, since 1984, on all NRCC submissions to the FEC.

In order to aid further in the detection of violators of the prohibition on solicitation or commercial use, the Act permits NRCC and other political committees to place ten pseudonyms (or "salts") in each list filed. Id. NRCC has taken advantage of this procedure and regularly includes ten salts on each of its lists.

During 1986, PDA began selling to the public a campaign contribution tracking system. See Exhibit A. According to its public statements, brochures, and the FEC's findings in Advisory Opinion 1986-25, PDA commercially sells its product for a fee and in return provides access to and copies of a data base that includes the contributor lists submitted by NRCC to the FEC pursuant to the Act. As the FEC found, PDA obtains FEC reports and enters the relevant information into its campaign contribution tracking system.

If PDA is permitted to continue its copying and distribution of NRCC's lists and to use the information contained therein unlawfully, NRCC and its contributors will suffer irreparable injury. In return for exercising their rights to participate in the political process, NRCC contributors will likely be harassed by both

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commercial and political organizations. Moreover, if a contribution to NRCC will subject a contributor to further solicitation and harassment, there will be a significant disincentive to making such contributions to NRCC. The damage to NRCC and its contributors, to their ultimate ability to participate in the political process, and to the free flow of political speech from these effects is precisely what the Act sets out to avoid.

II. VIOLATION

PDA's product violates the Act. Advisory Opinion 1986-25, Fed. Election Camp. Fin. Guide (CCH) ¶ 5865. PDA has stated publicly that it will continue offering its product despite the FEC's ruling. Exhibit C. Therefore, PDA is violating 2 U.S.C. 438(a)(4) which states that information contained in FEC reports shall be made "available for public inspection and copying . . . except that any information copied from such reports or statements may not be sold or used by any other person for the purpose of soliciting contributions or for any commercial purposes . . . ." As the FEC itself has held, the intent of this statutory provision centers "on protecting the privacy of the 'public spirited citizens' who make contributions to campaigns." Thus, the very provision that authorizes the copying of reports filed with the FEC, as well as the Advisory Opinions of the FEC, make clear that copying is not authorized if the copying is done for commercial purposes or for the purpose of soliciting contributions.

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PDA's copying, adaptation, distribution, and use of FEC reports, including NRCC's lists, and the information contained therein are outside of the limited authorization granted by the Act. PDA is selling, for profit, reports filed with the FEC, including NRCC lists, and the information contained therein. This is a patently commercial purpose. Advisory Opinion 1986-25; see also FEC Advisory Opinion 1980-101, Fed. Election Camp. Fin. Guide (CCH) ¶ 5551 (1980) (holding that publication of a book containing contributor information would violate "commercial use" clause).

PDA's actions facilitating solicitations fly in the face, not only of the plain statutory language, but of the clear congressional desire to prevent the solicitation and harassment of contributors identified on FEC reports. As the sponsor of the amendment that added the limiting language to section 438(a)(4) stated in proposing the amendment:

[w]e all know how much of a business the matter of selling lists and list brokering has become. These names would certainly be prime prospects for all kinds of solicitations, and I am of the opinion that unless this amendment is adopted, we will open up the citizens who are generous and public spirited enough to support our political activities to all kinds of harrassment, and in that way tend to discourage them from helping out as we need to have them do.

The Supreme Court has stated that "compelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment." Buckley v. Valeo, 424 U.S. 1, 64 (1976). In sustaining the Act's mandatory disclosure of

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contributions, the Court emphasized the continuing constitutional protection accorded these individuals. In fact, political parties "need show only a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harrassment or reprisals from either Government officials or private parties" in order to qualify for an exemption from the Act's disclosure provisions. Id. at 74 (emphasis added).

In sum, PDA's past actions and planned distribution and use of FEC lists, including NRCC's, fall far outside of the scope of the limited authorization provided by the Act.

III. PRAYER FOR RELIEF

The NRCC requests that the FEC investigate this violation and enforce 2 U.S.C. 438(a)(4) and thereby protect the privacy of NRCC contributors.

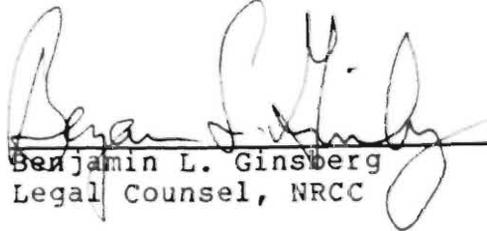
The NRCC further requests that the FEC seek the maximum fines of each violation as set forth in 2 U.S.C. 437g, and take all steps necessary, including civil and injunctive action, to prevent respondents from continuing their illegal activity.

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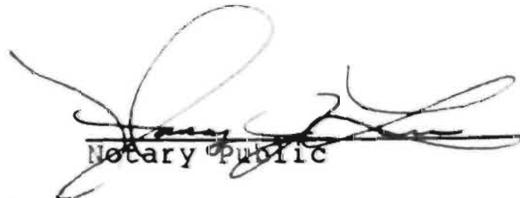
IV. VERIFICATION

The undersigned counsel for NRCC swear that the allegations and facts set forth in this complaint are true to the best of their knowledge, information and belief.

  
\_\_\_\_\_  
Jan W. Baran  
General Counsel, NRCC

  
\_\_\_\_\_  
Benjamin L. Ginsberg  
Legal Counsel, NRCC

Subscribed and sworn before me this 7<sup>th</sup> day of November, 1986.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: My Commission Expires October 14, 1987.

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**FDA PUBLIC  
DATA  
ACCESS**

Exhibit A  
Page 1 of 4

30 Irving Place  
New York, NY 10003  
(212) 529-0890

"A unique analysis of political giving.  
PDA reports are required reading for  
any informed campaign, PAC, researcher  
or journalist".

Mr Jack McDonald  
National Republican Congressional  
Committee Contributions  
320 First Street  
Washington, DC 20003

Alan Baron, Editor  
The Baron Report

Dear Political Observer:

Public policy analysis, lobbying, understanding  
campaigns and political influence. To do each well  
requires expert knowledge of who gives what to whom.

For the first time ever, Federal Elections Commission  
data are available on individual contributors for each con-  
gressional district in the nation: 250,000 records of all \$500+  
contributors to all congressional campaigns, PACs, and federal  
committees, from the most recent two-year election cycle.

In the comprehensive reports described in the enclosed  
brochure, Public Data Access offers district-by-district listings  
of all \$500+ contributions, identifying individual contributors,  
their zip codes, occupation, and the names of the recipients of  
their contributions.

Anywhere in the country -- from the 8,888 contributions  
generated in New York's 15th CD to the 444 in Iowa's 6th CD --  
PDA reports provide a unique profile of the contributions from  
each area.

In addition, PDA has sorted the quarter of a million  
records according to the occupation of the donor, providing  
complete listings of the "private" giving of persons associated  
with specified firms. Look at the listing in the brochure -- the  
results may surprise you.

We are certain you'll find these reports to be an  
invaluable tool at an extremely modest price. The minimum order  
is only \$25 and, for an additional charge, overnight express  
service is available by calling 212-529-0890.

Sincerely,  
*Michael Tanzer*

Dr. Michael Tanzer  
President

*Benjamin A. Goldman*

Benjamin A. Goldman  
Executive Vice President

Enclosures

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MAJOR POLITICAL CONTRIBUTORS

NEW YORK CONGRESSIONAL DISTRICT 15 REPRESENTED BY HON. S. WILLIAM GREEN (REP.)

CONTRIBUTORS LISTED ALPHABETICALLY

FROM: CONTRIBUTORS NAME OCCUPATION	CITY ST ZIP	TO: RECIPIENT PARTY	AMOUNT
GORDON, PETER A SALOMON BROTHERS	NEW YORK NY 10028	NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS REP	1,000
GORDON, PETER A SALOMON BROTHERS INC	NEW YORK NY 10028	BOB QUINN FOR CONGRESS COMMITTEE REP	1,000
GORDON, PETER A SALOMON BROTHERS INC	NEW YORK NY 10028	SALOMON BROTHERS INC POLITICAL ACTION COMMITTEE	3,000
GORDON, WENDY NRDC	NY NY 10021	CITIZENS FOR BETTY LALL DEM	500
GOREN, JAMES G SGS	NEW YORK NY 10021	MID MANHATTAN POLITICAL ACTION COMMITTEE (MID PAC)	1,000
GOROG, WILLIAM F MAGAZINE PUBLISHERS ASSOCIATION	NEW YORK NY 10022	MICHEL FOR CONGRESS COMMITTEE	500
GOSDEN, LINDA WARNER AMEX CABLE COMMUNICATIONS IN	NEW YORK NY 10021	WARNER AMEX CABLE COMMUNICATIONS INC PAC	1,000
GOSLET, FRANCIS	NEW YORK NY 10022	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS * REP	5,000
GOTTHOFFER, LANCE WENDER MURASE & WHITE	NEW YORK NY 10162	INOUE FOR US SENATE DEM	1,000
GOTTHOFFER, LANCE WENDER, MURASE & WHITE	NEW YORK NY 10162	CAMPAIGN AMERICA	1,000
GOTTHOFFER, LANCE WENDER MURASE & WHITE	NEW YORK NY 10162	FRIENDS OF ALBERT GORE JR DEM	1,000
GOTTHOFFER, LANCE WENDER, MURASE & WHITE	NY NY 10162	CONGRESSMAN JAMES R JONES ELECTION COMMITTEE	1,000
GOTTLIEB, JERROLD J WALKER THOMPSON	NEW YORK NY 10021	ROUNDTABLE POLITICAL ACTION COMMITTEE	500
GOTTSEGEN, PETER M SALOMON BROTHERS	NEW YORK NY 10021	BILL BRADLEY FOR U S SENATE '84 DEM	1,000
GOTTSEGEN, PETER M SALOMON BROTHERS INC	NEW YORK NY 10021	BOB QUINN FOR CONGRESS COMMITTEE REP	2,000

SAMPLE

FEDERAL LAW PROHIBITS THIS REPORT'S SALE OR USE BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE.

PRICE LIST FOR CONGRESSIONAL DISTRICT REPORTS											
CD	Amount \$	Price \$	CD	Amount \$	Price \$	CD	Amount \$	Price \$	CD	Amount \$	Price \$
ALABAMA											
01	462	55	01	211	25	01	126	5	01	201	15
02	472	25	02	211	25	02	126	5	02	201	15
03	472	25	03	211	25	03	126	5	03	201	15
04	472	25	04	211	25	04	126	5	04	201	15
05	472	25	05	211	25	05	126	5	05	201	15
06	472	25	06	211	25	06	126	5	06	201	15
07	225	15	07	211	25	07	126	5	07	201	15
ALL	1,015	170	ALL	2,286	105	ALL	2,286	105	ALL	2,286	105
ARIZONA											
01	426	20	01	211	25	01	126	5	01	201	15
02	237	15	02	211	25	02	126	5	02	201	15
03	292	15	03	211	25	03	126	5	03	201	15
04	918	50	04	211	25	04	126	5	04	201	15
05	809	50	05	211	25	05	126	5	05	201	15
ALL	2,702	150	ALL	1,928	615	ALL	1,928	615	ALL	1,928	615
ARIZONA											
01	259	10	01	211	25	01	126	5	01	201	15
02	270	15	02	211	25	02	126	5	02	201	15
03	246	10	03	211	25	03	126	5	03	201	15
04	146	10	04	211	25	04	126	5	04	201	15
05	178	10	05	211	25	05	126	5	05	201	15
06	60	5	06	211	25	06	126	5	06	201	15
07	1,229	60	07	211	25	07	126	5	07	201	15
08	862	50	08	211	25	08	126	5	08	201	15
09	271	10	09	211	25	09	126	5	09	201	15
10	909	20	10	211	25	10	126	5	10	201	15
11	127	15	11	211	25	11	126	5	11	201	15
12	186	15	12	211	25	12	126	5	12	201	15
13	430	25	13	211	25	13	126	5	13	201	15
14	625	20	14	211	25	14	126	5	14	201	15
15	264	20	15	211	25	15	126	5	15	201	15
16	111	15	16	211	25	16	126	5	16	201	15
17	1,080	55	17	211	25	17	126	5	17	201	15
18	5,677	280	18	211	25	18	126	5	18	201	15
19	1,344	70	19	211	25	19	126	5	19	201	15
20	704	40	20	211	25	20	126	5	20	201	15
21	305	25	21	211	25	21	126	5	21	201	15
22	1,550	80	22	211	25	22	126	5	22	201	15
23	447	20	23	211	25	23	126	5	23	201	15
24	90	10	24	211	25	24	126	5	24	201	15
25	158	10	25	211	25	25	126	5	25	201	15
26	147	10	26	211	25	26	126	5	26	201	15
27	265	10	27	211	25	27	126	5	27	201	15
28	186	10	28	211	25	28	126	5	28	201	15
29	197	10	29	211	25	29	126	5	29	201	15
30	112	5	30	211	25	30	126	5	30	201	15
31	600	20	31	211	25	31	126	5	31	201	15
32	64	15	32	211	25	32	126	5	32	201	15
33	422	20	33	211	25	33	126	5	33	201	15
34	1,520	85	34	211	25	34	126	5	34	201	15
35	905	55	35	211	25	35	126	5	35	201	15
36	754	40	36	211	25	36	126	5	36	201	15
37	617	30	37	211	25	37	126	5	37	201	15
38	164	10	38	211	25	38	126	5	38	201	15
39	356	20	39	211	25	39	126	5	39	201	15
40	200	420	40	211	25	40	126	5	40	201	15
ARIZONA											
01	75	100	01	101	5	01	101	5	01	101	5
02	102	10	02	200	10	02	104	10	02	104	10
03	299	15	03	181	10	03	70	5	03	70	5
04	145	5	04	80	5	04	60	5	04	60	5
05	305	15	05	447	20	05	251	15	05	251	15
06	1,026	80	06	176	10	06	18	5	06	18	5
07	1,874	200	07	145	10	07	4,122	220	07	4,122	220
08			08	42	5	08	27	5	08	27	5
09			09	210	10	09	210	10	09	210	10
10			10	1,900	100	10	170	10	10	170	10
ARIZONA											
01	295	15	01	143	10	01	143	10	01	143	10
02	306	25	02	101	5	02	101	5	02	101	5
03	2,289	125	03	201	5	03	611	40	03	611	40
04	312	15	04	96	5	04	747	45	04	747	45
05	454	25	05	161	5	05	567	30	05	567	30
06	4,512	230	06	102	10	06	60	5	06	60	5

importance, as political contributors, of law firms, public relations firms, investment bankers, trade associations, unions, and accounting firms. Even the top 100 companies include many real estate and law firms that would be well known only at local levels. Nevertheless, these reports offer much food for thought as to corporate interest in candidates and campaigns. For example, it is noteworthy that many candidates received direct contributions from individuals associated with large companies over and beyond what they received from company PAC's.

Another interesting aspect of the corporate concentration of political contributions is the fact that while each congressional district has an equal number of residents, amounting to two-tenths of one percent of the total population, 20 percent of all contributions (about \$50 million) come from the top 10 Congressional Districts in New York, California, Illinois, Texas and the District of Columbia.

CONTRIBUTIONS OF PERSONS ASSOCIATED WITH THE TOP 100 COMPANIES

COMPANY NAME	CONGRESS	CONGRESS NAME	CONGRESS NAME	CONGRESS NAME	CONGRESS NAME
1. Salomon Brothers	575	15	Arms	80	100
2. Bear Stearns	193	16	Atlanta	Richard	81
3. Citicorp	322	17	Conrad	82	100
4. Chemical Bank	352	18	Thompson	83	100
5. Morgan Stanley	296	19	Franklin	84	100
6. General Electric	268	20	Conrad	85	100
7. Lehman Bros. Kuhn, Loeb	249	21	Loeb	86	100
8. Integrated Resources	224	22	Loeb	87	100
9. Merrill Lynch	167	23	Loeb	88	100
10. First National	159	24	Loeb	89	100
11. Alton Camp	158	25	Loeb	90	100
12. Philip Morris	154	26	Loeb	91	100
13. Prudential	149	27	Loeb	92	100
14. World Bank	148	28	Loeb	93	100
15. Williams	148	29	Loeb	94	100
16. J. P. Morgan	145	30	Loeb	95	100
17. Trans World	141	31	Loeb	96	100
18. Archer Daniels	128	32	Loeb	97	100
19. Federated	120	33	Loeb	98	100
20. Waste Management	118	34	Loeb	99	100
21. Thompson	114	35	Loeb	100	100
22. Mobil	114	36	Loeb	101	100
23. Bechtel	110	37	Loeb	102	100
24. Smith Barney	109	38	Loeb	103	100
25. Maroon	107	39	Loeb	104	100
26. Home	103	40	Loeb	105	100
27. Best	100	41	Loeb	106	100
28. Donald	100	42	Loeb	107	100
29. Donald	99	43	Loeb	108	100
30. Donald	97	44	Loeb	109	100
31. Chemical	96	45	Loeb	110	100
32. Arthur	96	46	Loeb	111	100
33. Rutter	92	47	Loeb	112	100
34. AIC	91	48	Loeb	113	100
			Total	1,040	

# ANNOUNCING NEW REPORTS ON POLITICAL CONTRIBUTIONS



FDA

FDA PUBLIC DATA ACCESS

**P**ublic Data Access, Inc. (PDA) has produced 1,135 separate information reports on contributions to congressional candidates and political action committees in the 1983-84 election cycle, based on FEC tapes. In the first set of 435 reports, a total of some 250,000 contributions of \$500 or more have been allocated to each congressional district (CD). In the second set of 700 reports, the contributions of individuals associated with 700 companies are displayed; in both sets of reports, the names of individuals are arranged alphabetically. These reports are designed to illuminate the political associations of large contributors (acting as individuals or as associates or employees of companies) to the various candidates and political action committees. The 1,135 reports cover some 25,000 pages in total, in which the name of a contributor is linked with the candidate or PAC to whom the contribution was made and the dollar amount.

In order to maximize the public dissemination of these reports without incurring distribution losses, PDA will offer any selected group of reports at a per-page cost running between 35 cents and 85 cents, with a \$25 minimum order. Most of the CD reports cost less than \$25.00 and many cost as little as \$5.00, while the company reports average about 50 cents each.

Reports for any user will be custom tailored to the particular set of reports requested, with the user's name appearing on every page of the requested reports, along with the standard FEC injunction that the information cannot be copied or sold for commercial use or for the solicitation of funds.

Public Data Access is a new company, largely owned by non-profit agencies, organized to make data in federal computer files easily accessible to the public, particularly in areas of political sensitivity such as environmental and public health problems. PDA has undertaken the task of making FEC data available because Gramm-Rudman pressures have forced FEC to curtail distribution of data on individual contributors. In reporting its distribution plans to FEC, PDA has offered to turn over to FEC all the computer programs necessary to run these reports whenever FEC is ready to assume the labor of distributing them at a cost equal to or less than those of PDA. PDA feels that this is consistent both with the current Administration's desire to get the government out of business and with the intent of the Federal Election Commission's mandate by Congress to make information on political contributions a matter of public record.

PDA is also exploring the possibility of putting all 1,135 reports on personal computer diskettes, which will multiply greatly the volume of data available at a given cost.

### Research Value of the Reports

Users must understand that under the FEC regulations the use of FEC data for fund raising is strictly forbidden, and that the FEC records are probably "seeded" to detect such unwar-

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 ranted usage. PDA has left all records unchanged, except for the fact that thousands of errors in matching ZIP codes to cities have been corrected, and all corporate names have been disciplined with respect to spelling.

The reports are most useful to the extent to which they show how political contributions support the current political superstructure, particularly with respect to the advantage enjoyed by incumbents.

The chief virtue of the reports is that they facilitate research into the reasons why contributors, both as individuals and on behalf of their affiliated companies, favor one candidate over another, particularly in light of their congressional committee assignments.

There are several areas of further research that should be done. It will be noted that individuals often make contributions, sometimes to the same candidate under a variety of occupational descriptions, sometimes along with other family members, raising the question as to what is the true total contribution for that individual or family or for the associated company if any. A contributor has the option of characterizing his occupation in any way he wishes. A truer estimate of company contributions would take into account not only family members but also company officers and directors, who may be reporting contributions from home addresses without indicating company affiliation. But the most important area of speculation would relate to the reasons for particular associations.

The primary research goal posed by the FEC data is the truly disturbing question as to what extent are congressional elections decided now by the financial contributions of a relatively small number of individuals, including family members, and the companies with which they are associated. Local political analysts are best suited for such a research task.

### Company Reports

We list below the top 100 companies whose associates contributed the largest amounts of political contributions, totalling over \$10 million for these companies. For the 700 leading companies the total comes to \$24 million. Remember, this total is quite different from the data on corporate PAC contributions, which is of much greater magnitude. The data PDA provides includes only contributors of \$500 or more who chose to associate themselves with one of the 700 companies. PDA's corporate totals are all very much understated because most of the individuals generally make their contributions from their homes and do not always report their corporate association. An intensive examination of the CD reports to account for all such contributions (including those of family members, corporate officials and directors) would probably result in a great increase in the company totals for the number and amount of contributors.

Even this would not account for the vast sums that flow through the hands of conduits as indicated by the surprising

PRICE LIST BY CONGRESS												
CD	Amount	Price	CD	Amount	Price	CD	Amount	Price	CD	Amount	Price	
	\$			\$			\$			\$		
<b>NE CAROLINA</b>												
01	124	20	01	114	15	04	176	10	01	141	15	
02	134	20	08	235	20	09	148	10	02	263	15	
03	263	15	05	868	20	<b>S. CAROLINA</b>		01	143	25	01	143
04	417	15	01	1168	10	01	252	10	08	877	5	
05	375	20	<b>TENNESSEE</b>									
06	408	5	<b>OHIO</b>									
07	112	15	01	503	15	01	171	5	07	42	20	
08	176	15	02	767	10	02	277	15	08	807	10	
09	793	15	03	767	10	03	425	20	09	147	10	
10	286	15	04	125	10	04	174	10	10	1,826	10	
11	458	20	06	184	10	05	1,142	5	11	4,671	20	
12	8,177	240	07	231	10	06	187	10	<b>VERMONT</b>			
<b>N. CAROLINA</b>												
01	114	10	01	1,175	80	01	222	15	08	84	5	
<b>PENNSYLVANIA</b>												
01	114	10	09	115	20	01	121	5	<b>WASHINGTON</b>			
03	2,217	215	03	3,227	215	<b>TEXAS</b>						
01	242	10	01	623	30	01	156	15	01	181	15	
02	838	20	03	138	10	02	293	15	02	182	10	
03	393	10	04	129	5	03	156	15	03	109	5	
04	729	40	05	343	15	02	293	15	04	72	5	
<b>NEW HAMPSHIRE</b>												
01	512	25	01	512	25	01	518	30	05	156	10	
02	962	45	08	415	20	05	3,254	150	07	841	50	
03	136	20	09	138	10	06	783	50	08	478	25	
04	918	45	10	130	10	07	4,548	375	09	2,150	90	
<b>ORIG.</b>												
01	961	15	11	7,593	100	10	1,812	100	01	209	10	
02	014	10	12	763	30	11	676	10	02	101	5	
03	174	10	13	263	15	12	1,121	5	03	68	5	
04	80	10	14	139	5	13	1,176	80	04	68	5	
05	80	10	15	144	5	14	883	25	05	50	10	
06	80	10	16	288	10	15	288	25	06	44	5	
07	48	10	17	80	5	16	486	25	07	104	5	
08	109	10	18	80	5	17	467	20	08	86	5	
09	182	10	19	100	5	18	3,125	150	09	146	20	
10	67	5	20	112	5	19	717	50	10	161	75	
11	182	10	21	108	10	20	3,458	80	11	141	10	
12	647	15	22	253	15	21	2,545	125	<b>WEST VIRGINIA</b>			
13	72	5	23	100	5	22	1,925	100	01	181	10	
14	240	10	<b>WYOMING</b>									
15	448	20	01	280	15	23	250	10	02	244	15	
16	212	10	02	224	15	24	841	40	03	249	10	
17	447	20	03	594	30	25	485	25	04	81	5	
18	679	10	04	594	30	26	937	45	05	717	40	
19	904	50	<b>S. CAROLINA</b>									
20	868	20	01	115	15	01	91	5	<b>WYOMING</b>			
21	112	20	02	322	15	02	102	15	01	212	20	
03	3,381	800	03	79	5	03	36	5	<b>TOTAL</b>			
04	902	50	04	421	20	04	86	5	US	243,010	10,000	
05	902	50	05	123	5	05	866	25				

### Order Blank for Congressional District and Company Reports

- Please circle the desired Congressional District reports, and include a list of the desired company reports, or indicate the "Top 20" or "Top 100" etc. companies.
- The CD report cost is indicated on the chart; any of the company reports are \$15 each. The top 10 companies are \$100; the top twenty are \$150; the top 100 are \$180; all 700 are \$150.
- Total cost \_\_\_\_\_ CD reports \_\_\_\_\_ Company reports (no. co's. ordered) \_\_\_\_\_ Total \_\_\_\_\_
- Please fill out clearly:  
 Name \_\_\_\_\_  
 Organization \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_
- Payment  Bill me  Payment Enclosed  Credit Card  
 Visa  MC  Card number \_\_\_\_\_ Exp. date \_\_\_\_\_  
 Authorizing Signature \_\_\_\_\_

For overnight express service or information about special analysis and reports, please call 1-212-529-0890 or write to Public Data Access, Inc., 30 Irving Place, New York, NY 10003.

Exhibit A Page 4 of 4

4:692 Campaign Practices Reference File

corresponding adjustment to Line 9 and Schedule D. These procedures will be followed until the balance of the escrow account is reduced to zero.

You ask whether PACE's proposed treatment of the testamentary bequest from the Taylor estate and its proposed procedures regarding the escrow account are permissible under the Act.

The Act provides that no "person" shall make contributions to a political committee "in any calendar year, which in the aggregate, exceed \$5,000." 2 U.S.C. §441a (a) (1) (c).<sup>3</sup> The Act also provides that no political committee shall knowingly accept contributions in violation of the Act's limitations. 2 U.S.C. §441a (f). The Act defines "person" to include "an individual" but makes no specific reference to an individual's testamentary estate. See 2 U.S.C. §431(11). Because the Act makes no express or implied prohibition on contributions from a decedent's estate, the Commission has previously decided that a testamentary estate is the successor legal entity to the testator and qualifies as a person under the Act subject to the same limitations and prohibitions applicable to the decedent in his or her lifetime. See Advisory Opinions 1983-13 and 1978-7. Thus, the Taylor estate may make, and PACE may accept, contributions (i.e., gifts for the purpose of influencing a Federal election) in any calendar year which in the aggregate do not exceed \$5,000. These contributions are reportable in accordance with 11 CFR 104.3(a) (4) (i) as made by the decedent's estate.

In Advisory Opinion 1983-13, the Commission stated that a separate segregated fund (a political committee not authorized by a candidate) could accept limited annual distributions derived from a testamentary bequest of \$20,500 provided that it placed the funds in a separate escrow account from which it withdrew no more than \$5,000 in any calendar year until the escrow account balance was reduced to zero. Each withdrawal from the escrow account was reportable as a contribution from the decedent's estate to the committee at the time of the withdrawal and subject to the limitations of the Act. The Commission also stipulated that the committee could not pledge, assign, or otherwise obligate the escrow funds to provide anything of value to the committee, its connected organization, or any affiliated entities. The Commission further stated that the committee should disclose the escrow account as a depository in its Statement of Organization. The Commission also treated the escrow account as analogous to an obligation owed to the committee and set out the relevant reporting requirements for the escrow account.

PACE's proposed treatment of the testamentary bequest from the Taylor estate and its proposed procedures regarding the escrow account follow that set out and approved in Advisory Opinion 1983-13. Accordingly, the Commission concludes that PACE may undertake its proposed activity regarding the Taylor testamentary bequest and the escrow account as described in its request and this opinion. The Commission does not address any other treatment of the bequest that may also be permissible, such as the deposit of all or a portion of this bequest in a non-Federal account established pursuant to 11 CFR 103.5(a), since PACE has not presented any specific transaction or activity in this regard. See 11 CFR 112.1(b).

The Commission also cautions, as it did in Advisory Opinion 1983-13, that this opinion relates only to testamentary bequests and should not be viewed as expressing any opinion on other estate planning procedures such as *inter vivos* trusts, guardianships, or powers of appointment or attorney, or any other methods by which a person may make gifts to a political committee. The Commission also expresses no opinion regarding any tax ramifications of the bequest and escrow account, nor as to the construction or interpretation of Mr. Taylor's will, since such questions are outside its jurisdiction.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. §437f.

parties. See 2 U.S.C. §441a (a) (1) (A) and (B). These provisions are not implicated by your request.

AO 1986-25

Data reported to the Federal Election Commission by candidate and political committees may not be sold by outside corporations, if the data can be used for solicitations or commercial purposes.

August 15, 1986

This responds to your letters of March 21, 1986, and June 24, 1986, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to a proposed sale of contributor information copied from reports filed with the Commission.

You state that Public Data Access ("PDA") is a for-profit corporation, incorporated in January 1986 under the laws of New York. Its principal owners include the Council on Economic Priorities, a non-profit public service research organization, and four individuals including PDA's three principal personnel, who are data base experts in processing government information for public use. You state that none of the stockholders are active in partisan politics, political consulting, or fundraising. You explain that PDA's corporate purpose is to provide ready access to government information that is open for public inspection by collecting and organizing that information in accessible, affordable, and easy-to-use packages.

You state that PDA seeks to make contributor information reported to the Commission and on file for public inspection more readily accessible to the public. In this regard, PDA has expended approximately \$35,000 in programming and in tapes of reports filed with the Commission to compile contributor information for the 1984 election cycle by congressional district and by employer. You note that this data is not currently available from the Commission in these compilations. You state that PDA has compiled information on 250,000 contributors who made contributions of \$500 or more into 1135 separate compilations or packages, one for each of the 435 congressional districts and one for each of the 700 companies with whom contributors reported an association. In these compilations, PDA has deleted the street or mailing address from the information obtained from the Commission's public files, corrected zip code errors, and standardized the spelling of corporate names. As a result, individual contributors are identified by name, city, and zip codes, by employer or by the congressional district of the reported addresses, and by their contributions. You have submitted sample pages from these compilations that consist of alphabetical listings of contributors and their contributions in the following matter:

Jones, John New York Smith for President \$1,000  
NY 10021

You state, however, that PDA's compilations will also be in the form of books and their computer equivalents, although you submitted no samples of such formats.

You state that PDA's purpose in publishing and selling these compilations is to advance knowledge of the patterns of political contributions and to generate research into these patterns. You state that much of the information in PDA's database is not related to individual contributors. You specifically note that a summary of PDA's compilations by congressional districts shows that 10 districts comprising 2 percent of the nation's population accounted for 20 percent of all individual compilations in the 1984 election cycle. You also make similar references to PDA's compilations by employer. You add that PDA's compilations, such as these, provide a starting point for further research by investigative reporters and public interest researchers as well as by local citizen groups and nonprofit organizations.

Thus, you describe PDA's primary market for these compilations as

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<sup>3</sup> The Act provides other limitations with regard to a person's aggregate contributions to an authorized committee of a candidate and to political committees established and maintained by national political

public interest and nonprofit groups, researchers, and journalists. You state, however, that PDA will sell them to "all who wish to buy them." PDA's charge for its compilations will vary according to the size of each list at a price level that will permit PDA to recover its investment costs but still make these compilations affordable by nonprofit organizations. You state that PDA will "custom tailor" the particular compilation requested by a user with the user's name appearing on each page of the list along with this statement:

THIS REPORT MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE.

You state the PDA will also "explicitly and forcefully" inform buyers and users of the Act's restrictions on the sale or use of contributor information. You add that PDA's compilations will be prepared for use in researching and analyzing patterns of contributions to candidates and will not be usable for solicitation or other commercial purposes. You state that PDA intends to provide these compilations as long as individual contributor data from future election cycles remain in the public domain.

You also state that PDA plans to use its database for research in conjunction with nonprofit organizations who will supply personnel and assist with funding. You add that PDA will not control the results of such joint research. It will, instead, make its material available without charge or at a reduced charge to nonprofit, nonpartisan groups proposing a serious academic or public education project without imposing any ideological or policy tests. You add that PDA will not engage in such joint projects with any candidate or political committee.

You ask whether the Act permits the proposed sale of PDA's compilations that include individual contributor information from reports filed with the Commission (without individual contributor addresses) and accompanied by a warning against the sale or use of this information for solicitations or commercial purposes.

The Act provides that each political committee must report the "identification" of each person who makes a contribution to the committee and whose aggregate contributions to the committee exceed \$200 for the calendar year. 2 U.S.C. §434(b)(3)(A). In the case of an individual, the Act defines "identification" to mean the name, mailing address, occupation, and name of the individual's employer. 2 U.S.C. §431(13)(A). The Act requires the Commission to make these reports available for public inspection and copying "except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee." 2 U.S.C. §438(a)(4).

The Commission has previously stated that the principal, if not sole, purpose of restricting the sale or use of information copied from reports is to protect individual contributors from having their names sold or used for commercial purposes. See Advisory Opinions 1981-38 and 1981-5. PDA has copied the names and other identifying information of individual contributors from reports filed with the Commission and has compiled these names into lists by congressional district and by employer. It now plans to sell such lists to "all who wish to buy them." Since PDA is organized as a for-profit corporation, its sales of these lists are presumably made for commercial purposes. Its statement that it plans to sell these lists at cost or at a price to recover its investment costs does not negate this presumption of commercial purpose.

Commission regulations provide that the "use" of information, copied or obtained from these reports, in "newspapers, magazines, books or other similar communications" is permissible as long as the "principal purpose" of such communications is not to communicate any contributor information listed on such reports for the purpose of soliciting contributions or for other commercial purposes. 11 CFR 104.15(c). The "commercial purpose" prohibition does not preclude the use of contributor information by newspapers, magazines, books, or other similar communications such as in news stories, commentaries, or editorials, although such use may be incidental to the sale of such communications. See 117 Cong. Rec. S30,058 (daily ed. Aug. 5,

1971) (remarks of Sen. Nelson), reprinted in *FEC, Legislative History of the Federal Election Campaign Act of 1971* at 582 (1981). See also, *National Republican Congressional Committee v. Legi-Tech Corp.*, No. 85-6037 (D.C. Cir. July 15, 1986). PDA's intended use of contributor information is not merely incidental to their sales but is the primary focus of PDA's activity.

PDA's lists are compilations composed primarily, if not exclusively, of individual contributor information and incorporating nearly all of the identification of individual contributors reported to the Commission (i.e., name, city and zip code, amount and recipient of contribution, and employer, omitting only street addresses). The Commission has considered PDA's statements that its purpose is to further research and reporting of the patterns of political contributions and its promise that a warning relating to the Act's sale or use restriction will be printed on each page of the lists or packages, but does not view that as determinative of the principal purpose requirement. The Commission concludes that lists that compile individual contributor information by congressional district and by employer will have commercial value to list owners, managers, brokers, and others, even though street addresses are omitted. The format and content of PDA's lists are essentially indistinguishable from those of a list broker used for soliciting contributions or for commercial purposes.\*

Accordingly, the Commission concludes that PDA's proposed activity that involves the copying and selling of compilations comprised primarily of individual contributor names is prohibited by the Act. PDA's use of the contributor information in its database for academic research projects may be permissible as long as this activity does not involve the sale or use of contributor information for the purpose of soliciting contributions or for other commercial purposes. See 11 CFR 104.15(c); Advisory Opinion 1985-16. Since PDA has not described a specific research project, however, this opinion should not be relied upon as approving any particular research activity. See 11 CFR 112.1(b) and 112.5.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. §437f.

## AO 1986-26

Public appearances made by federal candidates at public forums may be considered campaign related if the forums' events include any express advocacy of the election or defeat of any candidate or any solicitation of contributions to any candidate or political committee.

August 21, 1986

This responds to your letters of May 2, 1986, and June 26, 1986, on behalf of the National Conservative Foundation, requesting an

\* The "commercial purpose" provision has been held to prohibit the copying and selling of contributor information when such lists incorporate nearly all of the identification of individual contributors contained in reports filed with the Commission, thus making such information commercially valuable to list owners, managers, brokers, or those who use such lists. See, e.g., *FEC v. American International Demographic Services Inc.*, 629 F. Supp. 317 (E.D. Va. 1986), appeal pending sub nom. *Halter v. FEC*, No. 86-1560 (4th Cir.). Also, in order to give effect to the statutory prohibition on the sale or use of this information for "commercial purposes," the Commission has interpreted this provision to prohibit the use of contributor information to update or correct solicitation or mailing lists or otherwise to enhance their commercial value as well as the sale or use of this information to solicit contributions. See Advisory Opinion 1985-16.

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but they were permitted to operate the cafe under a use-and-occupancy option for their lifetime.

plans to retire in five years because then she "will be too tired to fight the park service."

Let me point out that [either] York Times nor The Washington Post journals of the American government

## Talking Points

### Lehman Torpedoes 'Bad News' Press

Navy Secretary John F. Lehman Jr. fired a salvo across the bows of the news media yesterday, charging that they have focused only on the "bad news" about defense spending and the Reagan administration's military buildup.

Defense budget increases under President Reagan have led to a far more capable military than existed in the 1970s, Lehman said, "yet this kind of news is not news; only bad news is news." In addition, he said, "it is a source of considerable frustration that the American people don't know that many weapons are cheaper than they were four years ago.

Lehman's criticism came in a speech to the 8th World Media Conference, sponsored by the World Media Association and News World Communications Inc. Both organizations were founded by the Rev. Sun Myung Moon, also founder of the Unification Church.

Lehman also countered the complaint that the nation's military is hampered by interservice rivalries among the Navy, Army, Air Force and Marines. "Interservice rivalry is largely a myth of the Washington community," he said.

### Preemptive Strike . . .

The Selective Service System is circulating a glossy kit trumpeting its accomplishments since 1980: a 97 percent success rate in registering men for the draft, which means maintaining the names of 5,000 Americans who turn 18 each day.

Why the sudden salesmanship from this little-known federal agency with 277 employees? Senior officials there don't want anyone to get the wrong impression from the nomination of controversial whistleblower William Clinkcales to be chief of Selective Service.

Clinkcales, who headed an inspection office at the General Services Administration until he fell out of favor and was relegated to a de-nothing job, was drafted for Se-

does not imply that there is any waste, fraud or abuse to ferret out in their backyard.

### Record Sales . . .

The Federal Election Commission, which as a result of budget constraints has significantly cut back on the information it provides about individual campaign contributors, is seeking to prevent a private company from selling data about large donors.

Public Data Access Inc., a New York firm, working from FEC records of contributors of \$500 or more, sells detailed breakdowns of contribution patterns among officials of specific companies, of donations to different members of Congress and other computer analyses.

In an advisory opinion, the FEC declared that the company's sales violated prohibitions against commercial use of FEC contributor data.

The firm's Michael Tasser countered: "We believe that what we are doing is perfectly legal" and that the FEC's attempt to close the company is "unconstitutional." Tasser said Public Data Access will continue to sell the information in defiance of the FEC.

A spokesman for the FEC said the agency may take legal action, but that such a move would require either a complaint from an outside party, or a decision by the commissioners themselves.

### The Fine Print . . .

This year's tax-overhaul legislation, which is touted as getting the government out of people's affairs, in fact reaches straight into the bedroom in one case.

Until last weekend, tax-minded married couples had hoped to take double advantage of a loophole allowing people with incomes of \$100,000 or less to deduct up to \$25,000 of their paper losses.

Some couples had planned to double that write-off by filing separate, rather than joint, tax returns. But their hopes were dashed when the full text of the bill was released

claim \$25,000 in losses apiece, for a total of \$50,000, while marrieds are limited to half that amount.

The hardest case would be a separated couple tempted to reconcile. They can't weaken for even a night—not if they're worried about their taxes, anyway.

### And Finer Print . . .

There was so much confusion in the mad dash for the tax bill's transition rules that some winners may have been included by mistake while others are described in such Delphic terms that they can't recognize themselves.

A Ford Motor Co. deal, for example, called the "Ford" for a transition rule aiding a joint production venture with Ford Motor Corp. "very negative." However, congressional aides said the project was covered under one of the general transition rules aimed at easing the switch to a new tax system.

Similarly, aides to Sen. William L. Armstrong (R-Colo.) said last week that the final bill dropped a rule granting \$2 million in relief to eight investors in Cimarron Coal Co. of Colorado. However, Title III, Subtitle A, Section 302(c) cites "a limited partnership formed on March 1, 1977," which tax writers identified as none other than Cimarron. It apparently was included by accident in the last-minute rush to produce the bill, and Armstrong's aides said they had been told their item would be deleted by a technical correction to the bill.

### Negotiations . . .

Meet Michael Huffington, who has taken office as deputy assistant secretary of defense for negotiations policy. He was executive vice president of Roy M. Huffington Inc. (known, euphonically, as "Huffco"), an oil and gas company in Houston.

Huffington replaces Douglas J. Feith, who left the Defense Department to establish a law firm here. The deputy assistant secretary's portfolio includes "formulation of policy regarding various arms control forums," including the Mutual and Balanced Force Reduction

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Alum



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 21, 1986

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Public Data Access, Inc.  
30 Irving Place, 9th Floor  
New York, NY 10003

Re: MUR 2291

Gentlemen:

The Federal Election Commission received a complaint which alleges that Public Data Access, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2291. 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 Public Data Access, Inc. in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Laurence Tobey, the attorney assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel



By: Lois G. Lerner  
Associate General Counsel

Enclosures  
Complaint  
Procedures  
Designation of Counsel Statement

9 5 0 4 3 7 2 0 7 7 0

*Allen*



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 21, 1986

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

National Republican Congressional Committee  
320 First Street, SE  
Washington, DC 20003

Gentlemen:

This letter will acknowledge receipt of your complaint which we received on November 10, 1986, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Public Data Access, Inc. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as the original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter MUR 2291. Please refer to this number in all future correspondence. If you have any questions, please contact Retha Dixon at (202) 376-3110.

Sincerely,

Charles N. Steele  
General Counsel

By: Lois G. Lerner  
Associate General Counsel

Enclosure

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**PCD** | POLITICAL  
CONTRIBUTIONS  
DATA, INC.

30 Irving Place  
New York, NY 10003  
(212) 529-0908

December 10, 1986

Charles N. Steele  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463

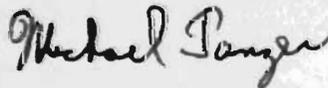
Dear Mr. Steele:

This letter is in response to your letter of November 21, 1986 ("Re: MUR 2291") addressed to Public Data Access, Inc. (PDA), and received on December 1, 1986.

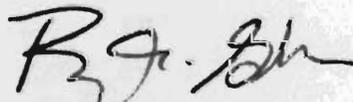
Since September 1986 Political Contributions Data, Inc. (PCD) has been a wholly-owned subsidiary of PDA, and the owner of all materials relating to the political contributions data which is the subject of the National Republican Campaign Committee's (NRCC) complaint against Public Data Access, Inc. As executives of both companies, the undersigned are authorized to respond to the NRCC complaint. Since we do wish the matter to be made public we hereby waive confidentiality under 2 U.S.C. 437g(a)(4)(B) and 2 U.S.C. 437g(a)(12)(A).

Thank you for your attention to this matter.

Sincerely,



Dr. Michael Tauszer  
President



Benjamin A. Goldman  
Vice President

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000# 2275  
RECEIVED AT THE FEC



86 DEC 15 11:34

30 Irving Place  
New York, NY 10003  
(212) 529-0908

December 10, 1986

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

DEC 15 11:34

Charles N. Steele  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 2291

Dear Mr. Steele:

This letter is in response to your letter of November 21, 1986 ("Re: MUR 2291") addressed to Public Data Access, Inc. (PDA), and received on December 1, 1986.

Since September 1986 Political Contributions Data, Inc. (PCD) has been a wholly-owned subsidiary of PDA, and the owner of all materials relating to the political contributions data which is the subject of the National Republican Campaign Committee's (NRCC) complaint against Public Data Access, Inc. As executives of both companies, the undersigned are authorized to respond to the NRCC complaint.

Since PCD (and PDA) is a small company with very little financial resources, it would bankrupt us to hire the expensive legal counsel necessary to research and file a formally drawn response to the NRCC complaint. Therefore, we have had to rely on our own common sense in drafting this reply. Since at this time we are not in a position to afford representation by counsel, we would appreciate all notifications and communications being sent to us at the above address. Furthermore, since we lack the enormous legal and material resources of the NRCC, we must rely ultimately on an informed public to help us block this crude attempt by the NRCC to suppress material which is of vital importance to the people, and which Congress mandated the FEC to collect so that it be available to the public. Hence, as more formally stated in the accompanying letter, we do in fact wish the matter to be made public and therefore waive confidentiality under 2 U.S.C. 437g(a)(4)(B) and 2 U.S.C. 437g(a)(12)(A).

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FEC/Steele

Turning now to the specific complaint filed by the NRCC, we would like to make three sets of points:

- a/ The complaint made by the NRCC against PDA is moot, since the materials complained about are no longer the legal property of PDA but rather that of PCD.
- b/ However, even if PDA was deemed to still own these materials, the NRCC complaint as a matter of legal procedure is flawed because:

(1) The FEC has failed to give Public Data Access timely notice of the NRCC complaint. According to the Federal Election Campaign Act, 2 U.S.C. 437g(a)1, "Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation." Since the NRCC complaint was dated November 7, 1986 and was received at the FEC on that date (and by the General Counsel on November 10, 1986; dates stamped on copy of complaint sent to PDA), while the FEC's notification letter to PDA was not even dated until November 21, this procedure violates the five-day notice provision.

(2) The NRCC has not accused PDA of violating the Federal Election Campaign Act by using information taken from disclosure reports in a commercial or fundraising enterprise. It has presented no evidence to suggest that a single NRCC contributor, because his or her name was copied from an FEC report, has received a solicitation from PDA for any purpose whatsoever.

(3) Moreover, the NRCC hasn't even presented a scintilla of evidence that PDA has sold information about campaign contributors to any person in any format whatsoever. Nor has it demonstrated that PDA has made any attempt to convert information about contributors into a format that would be useful in a fundraising or commercial enterprise.

(4) NRCC's only evidence is its receipt of a brochure describing the availability of information and an article in the Washington Post. These are purely anecdotal and do not, in themselves, constitute evidence of a violation of the Federal Election Campaign Act.

- c/ Finally, and most fundamentally, we believe that on substantive grounds the NRCC complaint is without merit:

(1) NRCC's claim that providing information about contributors without supplying their street addresses constitutes a violation of the FECA because it serves a potential fundraising or commercial purpose is ludicrous. Even the Federal Election Commission has acknowledged in its own interpretive rulings

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(Advisory Opinions 1981-5 and 1984-2) that there are legitimate uses of disclosed contributor information which are not related to fundraising or commercial purposes. To claim, as the NRCC does, that all uses of contributor information automatically violates the law ignores these previous rulings.

(2) NRCC's citation of the U.S. Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1, 64 (1976), is laughable. Here, the court was specifically addressing the problems which public disclosure might cause to unpopular fringe political groups. What an amazingly outlandish sight to see the National Republican Congressional Committee trying to squeeze itself into the small shelter that was built for the Socialist Workers Party and the Communist Party U.S.A.

(3) PCD's purported activity is permitted by the FEC's own regulations, 11 CFR 104.15(c), which states:

The use of information, which is copied or otherwise obtained from reports filed [with the FEC], in newspapers, magazines, books or other similar communications is permissible as long as the principal purpose of such communications is not to communicate any contributor information listed on such reports for the purpose of soliciting contributions or for other commercial purposes. [Emphasis added.]

A compilation of contributors such as PCD's would be similar to a reference book and the information is not sold to others for the purpose of facilitating a fundraising or commercial use by others. Indeed, the FEC's own regulation acknowledges that the exempt use of contributor information isn't reserved exclusively for newspapers, magazines and books. In fact, PCD's reference material would bear the same warnings about the law's prohibition as the one used by FEC when making the same material available to the public.

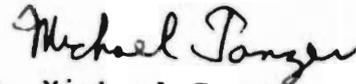
(4) The NRCC's complaint relies heavily upon Advisory Opinion 1986-25 and PDA's statements about that opinion. Regardless of what the NRCC may think, publicly criticizing the FEC's conclusions in an advisory opinion is not grounds for a complaint. Even disregarding an FEC advisory opinion is not grounds for a complaint. Indeed, it is not unlawful to ignore the FEC's advice. In fact, the Federal Election Campaign Act provisions setting forth the advisory opinion process, 2 U.S.C. 437f, states only that the Commission's opinions may be relied upon by persons involved in the specific transaction or activity. Significantly, the law doesn't mandate that such opinions "shall" be relied upon. Drafters of legislation are cognizant of the wide gulf between "may" and "shall"; it cannot be argued that the two words are interchangeable or that the congressional intent in selecting one word over the other wasn't purposeful.

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FEC/Steele

We therefore conclude that because the NRCC has not cited a specific allegation of wrongdoing, the FEC has no reason to believe the federal law was violated and should therefore dismiss the complaint promptly and completely.

Sincerely,



Dr. Michael Tanzer,  
President



Benjamin A. Goldman,  
Vice President

96043720716

**SENSITIVE**

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

**FIRST GENERAL COUNSEL'S REPORT**

**DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION:**

**MUR #2291  
DATE COMPLAINT RECEIVED  
BY OGC: November 10, 1986**

**DATE OF NOTIFICATION TO  
RESPONDENT: November 21, 1986**

**STAFF MEMBER:  
L. Tobey**

**COMPLAINANT'S NAME: National Republican Congressional  
Committee**

**RESPONDENT'S NAME: Public Data Access, Inc.  
a/k/a Political Contributions Data, Inc.**

**RELEVANT STATUTE: 2 U.S.C. § 438(a)(4)**

**INTERNAL REPORTS  
CHECKED: Advisory Opinions 1986-25, 1985-16,  
1984-2, 1981-38, 1981-5, and 1980-101**

**MUR 2094 (open)**

**FEDERAL AGENCIES  
CHECKED: None**

**SUMMARY OF ALLEGATIONS**

Complainant National Republican Congressional Committee (hereinafter, "Complainant" or "NRCC") alleges that Respondent Public Data Access, Inc.<sup>1/</sup> is violating 2 U.S.C. § 438(a)(4) by selling information concerning individual contributors obtained from reports filed with the Commission.

1/ In its answer, Respondent stated that the activities which are the subject of the complaint are conducted by its wholly-owned subsidiary, Political Contributions Data, Inc. See discussion infra at 3.

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FACTUAL & LEGAL ANALYSIS

A. Facts

1). Complaint

NRCC alleged in its complaint that it had received a solicitation from Respondent Public Data Access, Inc. (hereinafter, "PDA") which offered for sale compilations of individual contributor information which had been obtained from reports filed with the Commission. NRCC submitted a copy of PDA's brochure, and alleged that PDA began selling the described information packages during 1986, in violation of 2 U.S.C. § 438(a)(4).

NRCC further alleged that during 1986, PDA had requested and received an Advisory Opinion from the Commission concerning the permissibility of its proposed sales of information obtained from Commission reports, and that the Advisory Opinion stated that the proposed use was prohibited by 2 U.S.C. § 438(a)(4). See Advisory Opinion 1986-25. There appears to be no material difference between the activity described in the advisory opinion request and the activity described in the complaint.

NRCC also submitted a copy of a newspaper article from the Washington Post which discussed the Commission's decision in Advisory Opinion 1986-25. This article quoted an official of PDA, Michael Tanzer, as saying that PDA believed its activities were "perfectly legal," and that the FEC's attempt to close the company is unconstitutional. The article further quoted Tanzer

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as saying that PDA would continue to sell the information in defiance of the FEC.

2). Answer

Respondents filed an answer which was received on December 15, 1986. Attachment I. The answer was filed by a corporation entitled Political Contributions Data, Inc. (hereinafter, "PCD") which described itself as the wholly-owned subsidiary of PDA, and as the owner of all materials relating to the political contribution data which is the subject of the complaint. In view of this relationship, PCD will be treated as the proper respondent in this matter. The New York Secretary of State lists PCD as a registered for-profit corporation which was incorporated on September 17, 1986. The individuals who signed as officers of PCD, Michael Tanzer and Benjamin A. Goldman, stated that they are officers of both PDA and PCD, and are therefore authorized to speak for both corporations.

PCD's answer requested generally that the Commission dismiss the complaint, and raised numerous arguments, both procedural and substantive. They include a claim that the complaint is moot because it was brought against PDA and not PCD; that the complaint must be dismissed because PDA did not receive timely notice of it; and that the evidence in support of the complaint is insufficient. However, these arguments are unpersuasive, and neither singly nor collectively do they provide a basis for dismissal of the complaint.

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PCD also requested that this matter be made public and waived confidentiality under 2 U.S.C. § 437g(a)(12)(A).<sup>2/</sup> PCD's waiver affects only itself. As it is the only respondent in this matter, there is no issue presented of this waiver conflicting with the rights of other respondents to preserve confidentiality. Therefore, the waiver may be given effect.

By making this waiver, PCD has requested that the Commission not apply the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) to this matter. However, that section merely provides that any notification or investigation shall not be made public by the Commission without the written consent of the person receiving such notification or the person with respect to whom such investigation is made. 2 U.S.C. § 437g(a)(12)(A). By its terms, this section does not impose an affirmative duty on the Commission to publicize the matter. Therefore, this Office will respond to requests for information subject to the following considerations. First, requests must be in writing. Second, such requests would be considered by the Commission subject to the provisions of the Freedom of Information Act, the Government

<sup>2/</sup> PCD also purported to waive confidentiality under 2 U.S.C. § 437g(a)(4)(B), but this is ineffective because that provision applies only to conciliation, and no conciliation negotiations have taken place. In addition, release of information derived from conciliation requires the Commission's written consent as well as that of the respondent. See 2 U.S.C. § 437g(a)(4)(B).

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in the Sunshine Act, and all relevant privileges which would limit or preclude the release of such requested information.

B. Legal Analysis

The Federal Election Campaign Act of 1971, as amended (hereinafter, "the Act") provides that each political committee must report the "identification" of each person who makes a contribution to the committee and whose aggregate contributions to the committee exceed \$200 for the calendar year. 2 U.S.C. § 434(b)(3)(A). In the case of an individual, the Act defines "identification" to mean the name of the contributor, mailing address, occupation, and name of the contributor's employer. 2 U.S.C. § 431(13)(A). The Act requires the Commission to make these reports available for public inspection and copying "except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee." 2 U.S.C. § 438(a)(4). The Commission has previously stated that the principal, if not sole, purpose of restricting the sale or use of information copied from reports is to protect individual contributors from having their names sold or used for commercial purposes. See Advisory Opinions 1986-25, 1981-38, and 1981-5.

Commission regulations provide for a limited exception to this prohibition. The use of information, copied or obtained

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from reports filed with the Commission, in newspapers, magazines, books, or other similar communications is permissible as long as the principal purpose of such communications is not to communicate any contributor information listed on such reports for the purpose of soliciting contributions or for other commercial purposes. 11 C.F.R. § 104.15(c). The Commission has held that the "commercial purpose" prohibition does not preclude the use of contributor information by newspapers, magazines, books, or other similar communications such as in news stories, commentaries, or editorials, although such use may be incidental to the sale of such communications. Advisory Opinion 1986-25.

On August 15, 1986, the Commission issued Advisory Opinion 1986-25, which responded to a specific request from PDA concerning its proposal to sell information obtained from reports filed with the Commission to the public. PDA stated that it had expended approximately \$35,000 for programming and for tapes of reports filed with the Commission to compile contributor information for the 1984 election cycle by congressional district and by employer of the individual contributors. The Commission took note of the fact that PDA is a for-profit corporation, and also took note of PDA's statement that it would sell the information packages to all who wish to buy them. The Commission specifically held that the "news media exception" of 11 C.F.R. § 104.15(c) did not apply to PDA because PDA intended to sell the information to the public, and the sale of individual contributor

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information was the principal focus of the activity. The Commission found that "[s]ince PDA is organized as a for-profit corporation, its sales of these lists are presumably made for commercial purposes." The Commission concluded that the proposed use of the information was prohibited by 2 U.S.C. § 438(a)(4).

Complainant NRCC has alleged that PDA (or PCD) has in fact sold information as proposed in the Advisory Opinion request notwithstanding the Commission's opinion. To support this allegation, NRCC submitted a copy of a brochure offering the information compilations for sale. Therefore, it appears that PCD has at least offered such information for sale, and may have in fact completed such sales notwithstanding the Commission's opinion.

In its answer to the complaint, PCD stated:

Regardless of what the NRCC may think, publicly criticizing the FEC's conclusions in an advisory opinion is not grounds for a complaint. Even disregarding an FEC advisory opinion is not grounds for a complaint. Indeed, it is not unlawful to ignore the FEC's advice.

Although it may be true that there is no express prohibition against violating the terms of an advisory opinion, PCD's response ignores the nature of an advisory opinion, which is an application of the Act and Commission regulations to a proposed transaction or activity. The violation arises from the actor's engaging in conduct prohibited by the Act, not from the fact that the actor's conduct violates an advisory opinion. However, the

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requestor of an advisory opinion in such a situation is clearly on notice that the Commission believes the proposed conduct is prohibited.

Respondent's principal argument is that the sale of the contributor information is permissible under the news media exception of 11 C.F.R. § 104.15(c) because the product is similar to a "reference book." This argument is unpersuasive for two reasons. First, the Commission already addressed this issue in Advisory Opinion 1986-25 and held that this exception was not applicable to these facts. Second, PCD's argument that "the information is not sold to others for the purpose of facilitating a fundraising or commercial use by others" ignores the fact that any sale by PCD is itself a commercial use of the information because PCD is a for-profit corporation.

PCD also attempts to argue that NRCC has failed to show that any sales have in fact taken place. However, NRCC has submitted a copy of a sales brochure sent out by PDA offering the individual contributor information packages for sale. This is sufficient to show that the material has been offered for sale, and that PDA may have committed, or may be about to commit, a violation of the Act. See 2 U.S.C. § 437g(a)(2). In order to determine whether actual sales have taken place and the scope of such activity, this Office has included questions to be sent to Respondent PCD in the event that the Commission finds reason to believe that a violation has taken place. Attachment II.

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Therefore, the Office of General Counsel recommends that the Commission find reason to believe that Political Contributions Data, Inc. violated 2 U.S.C. § 438(a)(4).

**RECOMMENDATIONS**

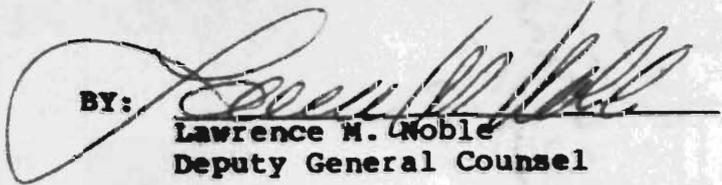
1. Find reason to believe that Political Contributions Data, Inc. violated 2 U.S.C. § 438(a)(4).
2. Approve and send the attached Questions.
3. Approve and send the attached letter to Respondents.

Charles N. Steele  
General Counsel

Date

3/2/87

BY:



Lawrence M. Noble  
Deputy General Counsel

**Attachments**

- I. Answer filed by PDA
- II. Proposed questions to be sent to Respondent
- III. Proposed letter to Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Public Data Access, Inc. ) MUR 2291  
a/k/a Political Contributions )  
Data, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 10, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2291:

1. Find reason to believe that Political Contributions Data, Inc. violated 2 U.S.C. § 438(a)(4).
2. Approve and send the Questions attached to the General Counsel's report dated March 2, 1987, subject to amendment of the questions by expanding Question 6 to ask specifically to whom the lists were sold.
3. Approve and send to Respondents the letter attached to the General Counsel's report dated March 2, 1987.

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

Attest:

3-12-87

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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*film*



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

March 18, 1987

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Dr. Michael Tanzer, President  
Political Contributions Data, Inc.  
30 Irving Place  
New York, NY 10003

RE: MUR 2291

Dear Dr. Tanzer:

The Federal Election Commission notified you on November 21, 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 March 10, 1987, determined that there is reason to believe that Political Contributions Data, Inc. ("PCD") violated 2 U.S.C. § 438(a)(4), a provision of the Act.

Specifically, it appears that PCD has offered for sale information regarding individual contributors which was obtained from reports filed with the Commission. If such sales took place, this could constitute a violation of 2 U.S.C. § 438(a)(4). Moreover, Public Data Access, Inc., the parent corporation of Political Contributions Data, Inc. had requested and received an advisory opinion from the Commission which stated that the proposed use and sale of such data would violate 2 U.S.C. § 438(a)(4). See Advisory Opinion 1986-25. Therefore, Public Data Access, Inc. (and through it, Political Contributions Data, Inc.) were on notice that such use of individual contributor data was prohibited by the Act.

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Political Contributions Data, Inc.

Page Two

Your response to the Commission's initial notification of this complaint did not provide complete information regarding the matter(s) 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 Office takes note of the fact that you have waived confidentiality pursuant to 2 U.S.C. § 437g(a)(12)(A). This Office will consider requests for information concerning this matter subject to the following considerations. First, requests must be in writing. Second, such requests will be considered by the Commission subject to the provisions of the Freedom of Information Act, the Government in the Sunshine Act, and all relevant privileges which limit or preclude the release of such requested information.

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

96043720738

CCC# 3007

**PCD** POLITICAL CONTRIBUTIONS DATA, INC.

30 Irving Place  
New York, NY 10003  
(212) 529-0908

RECEIVED  
OFFICE OF THE FEC  
COMMISSIONER SECRETARY

07 MAR 30 P 1: 03

March 27, 1987

Scott E. Thomas, Chairman  
Federal Election Commission  
Washington, DC 20463

RE: MUR 2291

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

07 MAR 30 P 3: 35

Mr. Thomas:

We received your letter on March 23rd and are gathering the information to respond within 15 days of that date.

Sincerely,

*Michael Tanzer*

Dr. Michael Tanzer  
President

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CCC # 3068

**PCD** POLITICAL  
CONTRIBUTIONS  
DATA, INC.

30 Irving Place  
New York, NY 10003  
(212) 529-0908

RECEIVED  
OFFICE OF THE  
COMMISSIONER  
SECRETARY

07 APR 7  
P 2: 17

April 6, 1987

Scott E. Thomas, Chairman  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 2291

Dear Mr. Thomas:

We require an extension of time in filing a response to your letter received March 23rd in order that our attorney may examine the request. Thank you for your attention to this matter.

Sincerely,

*Michael Tanzer*  
Dr. Michael Tanzer  
President

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OFFICE OF THE  
GENERAL COUNSEL

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**PCD** POLITICAL  
CONTRIBUTIONS  
DATA, INC.

30 Irving Place  
New York, NY 10003  
(212) 529-0908

CC# 3126

87 APR 15 AIO: 32

REC'D  
FEDERAL  
ELECTION  
COMMISSION  
SECRETARY

April 14, 1987

Scott E. Thomas, Chairman  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR2291

Dear Mr. Thomas:

As discussed with Mr. Thomas Whitehead yesterday,  
we require an extension of time in filling a response to  
your letter until April 27. Thank you for your attention  
to this matter.

Sincerely,

*Michael Tanzer*

Dr. Michael Tanzer  
President

87 APR 15 P12: 28

REC'D  
GENERAL COUNSEL

1 0 7 0 2 7 3 4 0 9 6



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 16, 1987

Dr. Michael Tanzer  
President  
Political Contributions Data, Inc.  
30 Irving Place  
New York, NY 10003

RE: MUR 2291

Dear Dr. Tanzer:

This is in response to your letter dated April 14, 1987 which we received on April 15, 1987 requesting an extension until April 27, 1987 in which to respond to the reason to believe notification and questions attached thereto. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on April 27, 1987.

Sincerely,

Lawrence M. Noble  
Acting General Counsel

*George F. Rishel*  
By: George F. Rishel  
Acting Associate General Counsel

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RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

600 3279  
RECEIVED AT THE FEC  
HAND DELIVERED  
87 APR 30 AM: 22

May 1  
87 APR 31 P 2: 38

April 29, 1987

Thomas Whitehead  
Federal Election Commission  
Washington, DC 20463

Dear Mr. Whitehead:

As discussed on the telephone, we have been unable as yet to obtain attorneys to assist us in responding to your letter of March 18, 1987 re: MUR 2291. We are therefore requesting an extension until May 15 to give us time to obtain attorneys and respond properly to your letter. Thank you.

Sincerely,

*Michael Tanzer*

Dr. Michael Tanzer,  
President  
Political Contributions Data, Inc.  
30 Irving Place  
New York, N.Y. 10003

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**SENSITIVE**

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
Political Contributions Data, Inc. ) MUR 2291  
)

07 MAY 1987  
11:20  
COMMISSION SECRETARY

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On March 10, 1987, the Commission found reason to believe that Political Contributions Data, Inc. ("PCD") violated 2 U.S.C. § 438(a)(4). The Commission also approved and sent a series of questions to PCD. Said questions were mailed to respondent on March 18, 1987, along with a letter stating that the answers were due within fifteen days of receipt. As the questions were received on March 23, 1987, said answers were due on April 7, 1987. (See Attachment 1.) On April 6, 1987, however, respondent requested an extension, but did not specify how many additional days were required. (See Attachment 2.) A staff member spoke with the President of PCD on April 13, 1987 and advised him to amend his request to specify the length of the extension needed. Respondent then sent a letter dated April 14, 1987 (Attachment 3) requesting an extension until April 27, 1987. On April 16, 1987, this Office notified PCD that that extension was granted. (See Attachment 4.) On April 29, 1987, after the expiration of the already extended deadline, respondent wrote again to request an additional extension until May 15, 1987, in order "to give us time to obtain attorneys." (See Attachment 5.)

In the view of this Office, this second request for an extension is not supported by any justifiable grounds. In order to avoid any further delays in resolving this matter, this office

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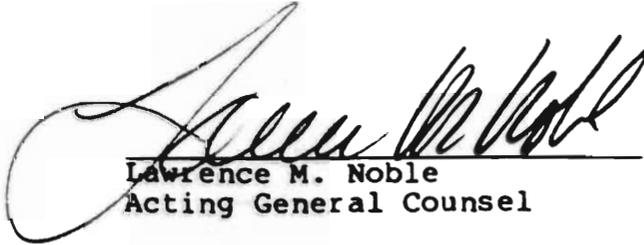
recommends that the Commission deny respondents' request for an extension until May 15, 1987, and issue an Order requiring respondent to answer the questions within 5 days of receipt of said Order.

**II. RECOMMENDATIONS**

1. Deny the request of Political Contributions Data, Inc. for an extension of time to respond to the Commission's questions.
2. Approve the attached order.
3. Approve the attached letter.

DATE

5/13/87

  
Lawrence M. Noble  
Acting General Counsel

**Attachments**

1. Letter from Michael Tanzer, March 27, 1987
2. Letter from Michael Tanzer, April 6, 1987
3. Letter from Michael Tanzer, April 14, 1987
4. Letter to Michael Tanzer, April 16, 1987
5. Letter from Michael Tanzer, April 29, 1987
6. Proposed Order and Questions
7. Proposed letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2291  
Political Contributions Data, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 19, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2291:

1. Reject recommendation number one in the General Counsel's report dated May 13, 1987.
2. Approve the Order attached to the General Counsel's report dated May 13, 1987.
3. Direct the Office of General Counsel to send an appropriate letter which would acknowledge that the time period for their response is past and requesting them to comply with the Order.

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

Attest:

5-20-87  
Date

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

96043720797



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 26, 1987

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Dr. Michael Tanzer, President  
Political Contributions Data, Inc.  
30 Irving Place  
New York, N.Y. 10003

RE: MUR 2291  
Political Contributions  
Data, Inc.

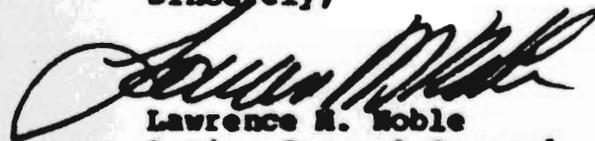
Dear Dr. Tanzer:

On March 18, 1987, you were notified that the Federal Election Commission had found reason to believe Political Contributions Data, Inc. violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended, and issued a series of questions to you. With respect to your letter dated April 29, 1987, requesting an extension until May 15, 1987 to answer the questions issued by the Commission, we note that that date has passed and you have not submitted your response. Accordingly, you are hereby notified that on May 19, 1987, the Commission voted, pursuant to its investigation of this matter, to issue the attached order requiring you to provide answers to the questions previously sent you (additional copy enclosed), which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order. It is required that you submit all answers to questions under oath and that you do so within 5 days of your receipt of this order.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter at (202) 376-8200.

Sincerely,

  
Lawrence M. Noble  
Acting General Counsel

Enclosures  
Order  
Questions

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THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 2291

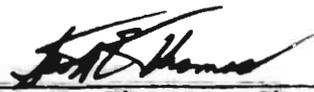
SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Dr. Michael Tanser, President  
Political Contributions Data, Inc.  
38 Irving Place  
New York, New York 10003

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested in the questions attached to this Order. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Commission along with the requested documents within 5 days of your receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 22<sup>nd</sup>, day of May, 1987.

  
\_\_\_\_\_  
Scott E. Thomas, Chairman  
Federal Election Commission

ATTEST:

  
\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

Attachment  
Questions (3 pages)

96043720799

QUESTIONS

TO: Dr. Michael Tanser, President  
Political Contributions Data, Inc.  
30 Irving Place  
New York, New York 10003

RE: MUR 2291

INSTRUCTIONS

In answering these questions, furnish all documents and other information, however obtained, including hearsay, that are in the 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.

Answers are to be submitted under oath.

1. Please state the date on which Political Contributions Data, Inc. was incorporated, the place of incorporation, and the names of the incorporators.
  - a). Please state the names of all current officers and directors of Political Contributions Data, Inc.
  - b). Describe the relationship, if any, between Political Contributions Data, Inc. and Public Data Access, Inc.
  - c). Please state whether Political Contributions Data, is a non-profit or for-profit corporation.
2. Please explain how Political Contributions Data, Inc. came into possession of any and all copies of reports filed with the Federal Election Commission which contain individual contributor information.
  - a). On what date or dates did Political Contributions Data, Inc. obtain these reports?

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- b). In what form (e.g., microfilm, computer tapes, or paper copies) did Political Contributions Data, Inc. obtain these reports?
- c). From what source or sources did Political Contributions Data, Inc. obtain these reports?
- d). If Political Contributions Data, Inc. obtained these reports from Public Data Access, Inc., then please state:
  - 1). On what date or dates did Public Data Access, Inc. obtain these reports?
  - 2). In what form (e.g., microfilm, computer tapes, or paper copies) did Public Data Access, Inc. obtain these reports?
  - 3). From what source or sources did Public Data Access, Inc. obtain these reports?
3. Please state on what date did Political Contributions Data, Inc. or Public Data Access, Inc. first offer information compilations containing individual contributor data obtained from reports filed with the Federal Election Commission for sale?
4. Please describe any advertising or sales promotion undertaken by Political Contributions Data, Inc. or Public Data Access, Inc. to market information compilations containing individual contributor information data obtained from reports filed with the Federal Election Commission.
5. Please submit copies of any sales promotional literature which was used by Political Contributions Data, Inc. or Public Data Access, Inc. to market the information compilations described in Question 4.
6. Please state in detail whether Political Contributions Data, Inc. or Public Data Access, Inc. has sold any information compilation which contains individual contributor data obtained from reports filed with the Federal Election Commission.
  - a). If so, please state how many such sales have been made.

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- b). Please state which entity (Political Contributions Data, Inc. or Public Data Access, Inc.) made the sale or sales.
- c). Please provide the date of any and all sales.
- d). Please state the name of each purchaser of the information compilations.
- e). Please provide the price charged for each sale and the total of all income received from such sales.
- f). Please provide a description of the information compilations sold for any and all sales.
- g). Please describe the form in which the information was sold for any and all sales. If the format varied from one sale to another, please describe the format for each sale.

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87 JUN 1 P4: 51  
OCC#3514

PUBLIC CITIZEN LITIGATION GROUP  
SUITE 700  
2000 P STREET N W  
WASHINGTON, D C 20036  
(202) 785-3704

87 JUN 2 A10: 07

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

June 1, 1987

BY HAND

Charles Snyder, Esq.  
Federal Election Commission  
Washington, D.C. 20463

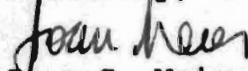
Re: MUR 2291 - Political Contributions Data, Inc.

Dear Mr. Snyder:

Enclosed please find a Statement of Designation of Counsel signed by Michael Tanzer of Political Contributions Data, Inc. ("PCD"), designating myself and two colleagues from Public Citizen Litigation Group as his counsel for purposes of the above-captioned investigation by the Federal Election Commission. I also want to take this opportunity to confirm our conversation of last Friday in which you agreed to an extension of time for the submission of answers to the questions the FEC has issued to PCD. My understanding is that we will provide you with an unsigned version of the answers on or before Friday June 5; we will submit the signed set of answers by Tuesday June 9.

I appreciate your cooperation, and assure you that we share your desire to move forward with this matter as speedily as possible.

Sincerely, -



Joan S. Meier  
Attorney for Political Contributions  
Data, Inc.

cc: Michael Tanzer

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**NO.** 2291

**NAME OF COUNSEL:** Joan S. Meier, David C. Vladeck, Alan B. Morrison

**ADDRESS:** Public Citizen Litigation Group

Suite 700, 2000 P. St. N.W.

Washington, D.C. 20036

**TELEPHONE:** (202) 785-3704

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

MAY 28, 1987

**Date**

Michael Tanzer

**Signature**

**RESPONDENT'S NAME:** MICHAEL TANZER

**ADDRESS:** POLITICAL CONTRIBUTIONS DATA, INC

30 IRVING PLACE

NEW YORK, N.Y. 10003

**HOME PHONE:** (212) 724-0855

**BUSINESS PHONE:** (212) 529-0908

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PUBLIC CITIZEN LITIGATION GROUP  
SUITE 700  
2000 P STREET N.W.  
WASHINGTON, D.C. 20036  
(202) 785-3704

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RECEIVED AT THE FEC  
**HAND DELIVERED**  
87 JUN 5 All: [initials]

87 JUN 5 13:12

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

June 5, 1987

BY HAND

Charles Snyder, Esq.  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 2291 - Political Contributions Data, Inc.

Dear Mr. Snyder:

Enclosed please find the preliminary submission of answers to the questions issued to Political Contributions Data, Inc. ("PCD") in the above-captioned investigation. As we discussed, I will submit the signed version to you as soon as we get it back from our client in New York no later than June 9. For the record, let me clarify that these submissions are being made not pursuant to a formal extension of time, but pursuant to an understanding as to when they could be submitted as a practical matter. In any event, I believe these answers are fully responsive; however, please do not hesitate to contact me with any further inquiries.

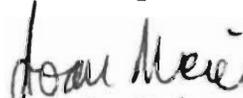
Because the history and background of Political Contributions Data, Inc. and its intended use of the FEC's individual contributor data has been extensively documented in communications between both parties prior to this investigation, I will not discuss that further here. However, I would like to briefly state our position with regard to this investigation and PCD's alleged violation of the Federal Election Commission Act (the "Act"). We believe it is clear from the legislative history of the Act that the "no commercial use" provision, § 438(a)(4), was intended only to prohibit commercial use of these lists by list brokers who would subject contributors to excessive commercial solicitations. This construction has been endorsed by the D.C. Circuit, which simultaneously has admonished the FEC not to construe the provision "so broadly as to vitiate the more general statutory mandate of public disclosure." National Republican Campaign Committee v. Legi-Tech Corp., No. 85-6037, slip op. at 6 (D.C.Cir., July 15, 1986).

As you know, PCD's purpose in compiling and disseminating these lists is to make nominally public information genuinely available in a useful form, so that it can be analyzed and publicized consistent with what Congress intended when it adopted the mandatory disclosure provisions. It has no intention of

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"list brokering," as evidenced by the fact that all of its lists contain the FEC's own warning against solicitations and commercial use, the lists do not contain contributors' addresses, and its "customers" are not list brokers and mailers. Compare FEC v. Amer. International Demographic Service, 629 F.Supp. 317 (E.D.Va. 1986). PCD's sincerity in this regard is evidenced by its early offer to give the FEC its program which would enable it to produce the same reports to sell to the public at cost. Thus, although PCD is not The New York Times or The Wall Street Journal we believe it is substantially similar to the press in its goal of disseminating political information, and its compilation and dissemination of the contributor information is entitled to comparable First Amendment protection. In light of the extreme sensitivity demonstrated by the courts with respect to First Amendment and press freedoms, see LegiTech, supra at 11 (J.Wright, conc.); Readers' Digest Association, Inc. v. FEC, 509 F.Supp. 1210 (S.D.N.Y. 1981) (restricting the scope of FEC investigation); FEC v. Phillips Publishing, Inc., 517 F.Supp. 1308 (D.D.C. 1981) (enjoining investigation based on "press exemption"), we urge the FEC to reconsider its investigation of PCD.

Sincerely,

  
Joan S. Meier,  
Attorney for Political  
Contributions Data, Inc.

CC: Michael Tanzer

96043720806

BEFORE THE FEDERAL ELECTION COMMISSION

In The Matter Of

)  
)  
)

MUR 2291

POLITICAL CONTRIBUTIONS DATA, INC.'S ANSWERS TO QUESTIONS

1. Please state the date on which Political Contributions Data, Inc. was incorporated, the place of incorporation, and the names of the incorporators.

Political Contributions Data, Inc. was incorporated on September 17, 1986, in New York State, by Gerald Weinberg. A copy of the Certificate of Incorporation is attached hereto as Exhibit A.

a) Please state the names of all current officers and directors of Political Contributions Data, Inc.

The current officers and directors and Political Contributions Data, Inc., are Michael Tanzer, Benjamin A. Goldman and Kenneth E. Tanzer.

b) Describe the relationship, if any, between Political Contributions Data, Inc. and Public Access, Inc. [sic]

Political Contributions Data, Inc. is a wholly-owned subsidiary of Public Data Access, Inc.

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c) Please state whether Political Contributions Data [sic], is a non-profit or for-profit corporation.

Political Contributions Data, Inc. is a for-profit corporation.

2. Please explain how Political Contributions Data, Inc. came into possession of any and all copies of reports filed with the Federal Election Commission which contain individual contributor information.

Political Contributions Data, Inc. acquired from its parent corporation, Public Data Access, Inc., certain individual contributor information which was made available by the Federal Election Commission pursuant to the public disclosure provisions of the Federal Election Commission Act, 2 U.S.C. § 438(a)(4). See answers to a), b), c), and d), below.<sup>1</sup>

a) On what date or dates did Political Contributions Data, Inc. obtain these reports?

---

<sup>1</sup> Respondent wishes to make clear, in response to the FEC's reference to "individual contributor information," that PCD did not obtain the addresses of contributors from the FEC, but obtained only what was contained on the computer tapes sold to the public by the FEC. i.e., contributor's name, zipcode and occupation, and name of recipient.

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Political Contributions Data, Inc. obtained the information upon its incorporation on September 17, 1986.

b) In what form (e.g., microfilm, computer tapes, or paper copies) did Political Contributions Data, Inc. obtain these reports?

Political Contributions Data, Inc. obtained the magnetic tapes originally purchased from the FEC, a printed out version of the list which had been reorganized and made more comprehensible by Public Data Access, Inc., and the full set of standard reports described in the answer to question 6(f), samples of which are attached hereto as Exhibits B-1 and B-2.

c) From what source or sources did Political Contributions Data, Inc. obtain these reports?

Political Contributions Data, Inc. obtained the above-described information from Public Data Access, Inc.

d) If Political Contributions Data, Inc. obtained these reports from Public Data Access, Inc., then please state:

1) On what date or dates did Public Data Access, Inc. obtain these reports?

Public Data Access, Inc. obtained the contributor information on January 8, 1986.

2) In what form (e.g., microfilm, computer tapes, or paper copies) did Public Data Access, Inc. obtain these reports?

Public Data Access, Inc. obtained the information in the form of computer tapes.

3) From what source or sources did Public Data Access, Inc. obtain these reports?

Public Data Access, Inc. obtained these reports from the Council on Economic Priorities, after the Council purchased the tapes from the FEC. The Council on Economic Priorities is a 25% shareholder of Public Data Access, Inc., and a non-profit public service research organization dedicated to accurate and impartial analysis of economic issues.

3. Please state on what date did Political Contributions Data, Inc. or Public Data Access, Inc. first offer information compilations containing individual contributor data obtained from reports filed with the Federal Election Commission for sale?

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Information compilations containing certain individual contributor data obtained from reports filed with the Federal Election Commission were first advertised by Public Data Access, Inc. in July, 1986.

4. Please describe any advertising or sales promotion undertaken by Political Contributions Data, Inc. or Public Data Access, Inc. to market information compilations containing individual contributor information data obtained from reports filed with the Federal Election Commission.

Public Data Access, Inc. hired a firm to mail and distribute the brochure, along with a cover letter and sample report (attached in response to question 5 below) and another individual to communicate with prospective purchasers by telephone.

5. Please submit copies of any sales promotional literature which was used by Political Contributions Data, Inc. or Public Data Access, Inc. to market the information compilations described in Question 4.

See brochure, cover letter and sample report attached hereto as Exhibit C.

6. Please state in detail whether Political Contributions Data, Inc. or Public Data Access, Inc. has sold any information

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compilation which contains individual contributor data obtained from reports filed with the Federal Election Commission.

Public Data Access, Inc. and Political Contributions Data, Inc. have sold a number of reports containing certain individual contributor data obtained from reports filed with the Federal Election Commission. See answers to a), b), c), d), e), f) and g) below. A number of reports and items of information have also been provided free of charge to various entities, including the press, as a matter of course, and other groups that indicated they could not afford to pay for the data.

a) If so, please state how many such sales have been made.

104 sales have been made to date.

b) Please state which entity (Political Contributions Data, Inc. or Public Data Access, Inc.) made the sale or sales.

Initially Public Data Access, Inc. made some sales, but after September 17, 1986 they were made by Political Contributions Data, Inc. Although checks received after that date were still made payable to Public Data Access, Inc., they were endorsed to Political Contributions Data, Inc.

c) Please provide the date of any and all sales.

Sales were made between September 1986 and June 1987. A complete list of the dates of all invoices is attached hereto as Exhibit D.

d) Please state the name of each purchaser of the information compilations.

Respondent sold or gave information compilations, studies and analyses (see answers to f) and g) below) to a variety of organizations and individuals, including universities, non-profit groups, for-profit organizations, journals, individuals, political parties and committees, and political consultants. One book which was jointly produced by Political Contributions Data, Inc. and two other companies, The Washington Political Register (described in greater detail in the answer to question 6(f) below), has been sold to an even broader spectrum, including labor unions, political parties and committees, lobbyists, professors, libraries, and other non-profit and profit entities. Respondent did not provide the contributor information to any "list brokers," mail houses, or entities whose primary business is the marketing of lists. On the contrary, several of the recipients of respondent's reports expressly sought the information for analytical and educational purposes, such as one journalism professor who used the data on diskettes in a course.

Respondent declines to reveal the names of specific purchasers because they constitute confidential trade secret information and because confidentiality is sometimes requested or expected by those for whom respondent acts as a consultant in providing specific analyses in response to particular questions. Indeed, insofar as use of this information is not commercial but constitutes the type of political expression protected by the First Amendment, the names of purchasers may well be constitutionally protected. Respondent also questions the relevance of the specific names of its customers to this investigation, since respondent may only be held responsible for its use of said lists, and not for a purchaser's subsequent use. In light of the questionable relevance of such names, the First Amendment interest should prevail.

e) Please provide the price charged for each sale and the total of all income received from such sales.

Public Data Access, Inc. and Political Contributions Data, Inc. charged the prices reflected in the brochure (attached hereto as Exhibit C) for all standard reports on Congressional District and Corporate contributors. However, contrary to their initial statement contained in the accompanying cover letter, a \$25 minimum was not enforced. As was stated in Public Data Access, Inc.'s letter of June 24, 1986, to Asst. General Counsel Bradley Litchfield (attached hereto as Exhibit E), the prices

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chosen reflected respondent's attempt to cover investment costs and to keep the reports inexpensive enough to make them available to public interest and non-profit groups. Prices of actual sales ranged from \$5.00 for single reports to \$776.25 for a combination of reports. The vast majority of sales were for reports costing between \$10.00 and \$30.00. In addition, some reports or pieces of information were given away to representatives of the press, a journalism teacher, and non-profit entities.

The total of all income received to date from sales of standard Congressional District and Corporate Affiliation contributor reports is \$4544.73, although Public Data Access, Inc. has billed out invoices totaling \$9,398.76. In addition, respondent received \$6,000 from a non-profit organization as payment for research concerning corporate affiliations of contributors and a prose analysis of patterns of corporate giving to be used in the organization's newsletter. This yet-to-be-completed report will contain some data, but the end-product will go well beyond the mere reproduction of FEC individual contributor data.

f) Please provide a description of the information compilations sold for any and all sales.

Respondent compiled and sold two standard reports: the Congressional District and Corporate Affiliation contributors reports, samples of which are attached hereto. Respondent also

undertook several special computer "runs" on the contributor data upon request or at its own initiative, including the last study mentioned in the answer to question 6(e) above, and several types of information provided (for free) to the press and non-profit groups, including a preliminary list of contributors to the campaign of Lyndon LaRouche, a list of contributions made by members of the Board of Directors of the WedTech corporation, lists of contributors to particular candidates, and contributions by particular individuals.

In addition, respondent participated in a joint venture with Award Publications, Inc. and Communications Services, Inc. to produce a book called the Washington Political Register which contains two essays on issues concerning campaign financing and a list of significant campaign donors in the District of Columbia area. The list of individual contributors was based in part on data from the diskettes obtained by Political Contributions Data, Inc. indirectly from the FEC as well as other data obtained by the other participants, such as addresses and phone numbers, and additional information about some contributors' background.

g) Please describe the form in which the information was sold for any and all sales. If the format varied from one sale to another, please describe the format for each sale.

All standard reports were sold in print form, like the samples attached hereto as Exhibit C. One journalism professor

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was given the data (for free) on diskettes to be used by his students in studying political analysis. The special "runs" described in the answer to question 6(f) were not formally compiled, often consisting of only one name or contribution or a short list of names or contributions. Most were simply communicated directly over the telephone or transmitted in letters.

VERIFICATION

Pursuant to 28 U.S.C. § 1746 I verify under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 1987.

*Michael Tanzer*  
\_\_\_\_\_  
Michael Tanzer

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CERTIFICATE OF INCORPORATION  
OF  
POLITICAL CONTRIBUTIONS DATA, INC.

Filed by:

Wolf Popper Ross Wolf & Jones, Esqs.  
845 Third Avenue  
New York, New York 10022

EXH.A

CERTIFICATE OF INCORPORATION

POLITICAL CONTRIBUTIONS DATA, INC.

Under Section 402 of the Business Corporation Law.

The undersigned, for the purpose of forming a corporation pursuant to Section 402 of the Business Corporation Law of the State of New York, does hereby certify and set forth:

FIRST: The name of the corporation is POLITICAL CONTRIBUTIONS DATA, INC.

SECOND: The purposes for which the corporation is formed are:

To engage in any lawful act or activity for which corporations may be organized under the business corporation law, provided that the corporation is not formed to engage in any act or activity which requires the consent or approval of any state official, department, board, agency or other body, without such approval or consent first being obtained.

To provide economic information of public interest, taken from federal, state or other public files, and to edit, interpret and disseminate such information in the form of computer printouts, publications, diskettes and online retrieval for both private and public sector use.

To serve in an advisory, managerial and consultative capacity to corporations, associations, firms and individuals, and to establish and maintain bureaus, departments and laboratories for industrial, financial, statistical, inventory, market and other research work, and to engage generally in the business of providing, promoting and establishing systems, methods and controls for industrial and managerial efficiency and operations.

To devise, develop, create, inaugurate and contract for the establishment, installation and sale and rental of systems, methods and controls for efficient operation and management of industrial manufacturing, mercantile, commercial or other business concerns, firms, partnerships, associations and corporations and to provide, make available and furnish maintenance and supervision, and to inform individuals in the operation, installation and maintenance of such systems, methods and controls.

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To acquire by purchase, subscription underwriting or otherwise, and to own, hold for investment, or otherwise, and to use, sell, assign, transfer, mortgage, pledge, exchange, or otherwise dispose of real and personal property of every sort and description and wheresoever situated, including shares of stock, bonds, debentures, notes, scrip, securities, evidences of indebtedness, contracts or obligations of any corporation or association, whether domestic or foreign, or of any firm or individual or of the United States or any state, territory or dependency of the United States or any foreign country, or any municipality or local authority within or without the United States, and also to issue in exchange therefor, stocks, bonds or other securities or evidences of indebtedness of this corporation, and, while the owner or holder of any such property, to receive, collect and dispose of the interest, dividends and income on or from such property and to possess and exercise in respect thereto all of the rights, powers and privileges of ownership, including all voting powers thereon.

To construct, build, purchase, lease or otherwise acquire, equip, hold, own, improve, develop, manage, maintain, control, operate, lease, mortgage, create liens upon, sell, convey or otherwise dispose of and turn to account, any and all plants, machinery, works, implements and things or property, real and personal, of every kind and description, incidental to, connected with, or suitable, necessary or convenient for any of the purposes enumerated herein, including all or any part or parts of the properties, assets, business and good will of any persons, firms, associations or corporations.

The powers, rights and privileges provided in this certificate are not to be deemed to be in limitation of similar, other or additional powers, rights and privileges granted or permitted to a corporation by the Business Corporation Law, it being intended that this corporation shall have all the rights, powers and privileges granted or permitted to a corporation by such statute.

THIRD: The office of the corporation is to be located in the County of New York, State of New York.

FOURTH: The aggregate number of shares which the corporation shall have the authority to issue is One Thousand (1,000), all of which shall be without par value.

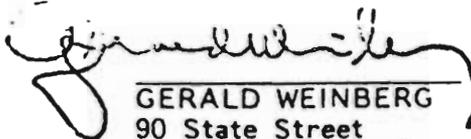
FIFTH: The Secretary of State is designated as agent of the corporation upon whom process against it may be served. The post office

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address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is:

Wolf Popper Ross Wolf  
& Jones, Esqs.  
845 Third Avenue  
New York, New York 10022

IN WITNESS WHEREOF, this certificate has been subscribed to this 15th day of September, 1986 by the undersigned, who affirms that the statements made herein are true under the penalties of perjury.

  
GERALD WEINBERG  
90 State Street  
Albany, New York

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**MAJOR POLITICAL CONTRIBUTORS**  
**INDIANA CONGRESSIONAL DISTRICT 01 REPRESENTED BY HON. PETER J. VISCLOSKY (DEM.)**

		CONTRIBUTORS LISTED ALPHABETICALLY		PAGE
FROM: CONTRIBUTOR'S NAME OCCUPATION	C I T Y ST ZIP	TO: RECIPIENT PARTY		AMOUNT
ARDELEANO, CONSTANTIN A MR CASSIDYS BAR	HAMMOND IN 46324	MONDALE FOR PRESIDENT COMMITTEE INC DEM		1,000
ARON, TITU DOCTOR	MUNSTER IN 46312	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS REP		1,000
BALANOFF, REBELLA BALANOFF AND BALANOFF	HAMMOND IN 46323	CRAWFORD FOR CONGRESS COMMITTEE DEM		580
BENAVENTE, JORGE SELF-EMPLOYED	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
BENJAMIN, PATRICIA HOMEMAKER	HOBART IN 46342	VISCLOSKY FOR CONGRESS COMMITTEE DEM		1,000
BERGMAN, EDWIN A U S REDUCTION CO	EAST CHICAGO IN 46312	YATES FOR CONGRESS COMMITTEE		1,000
BILLERBECK, CHARLOTTE	HAMMOND IN 46323	CRAWFORD FOR CONGRESS COMMITTEE DEM		1,000
BILY, THOMAS J MR	MUNSTER IN 46321	AMERICANS WITH HART INC DEM		500
BITTNER, MICHAEL S ARCHITECT	EAST CHICAGO IN 46312	MONDALE FOR PRESIDENT COMMITTEE INC DEM		1,000
BLASKOVICH, THOMAS SELF-EMPLOYED	EAST CHICAGO IN 46312	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
BLASKOVICH, TOM R BLASKOVICH CHEVROLET	EAST CHICAGO IN 46312	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
BLESIC, DINA HOMEMAKER	WHITING IN 46394	GRENCHIK FOR CONGRESS COMMITTEE REP		500
BLESIC, WED INLAND STEEL	WHITING IN 46394	GRENCHIK FOR CONGRESS COMMITTEE REP		500
BOEHM, ERICH U S CABLE V P & GEN MAN	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
BOLAND, ROBERT J	GRIFFITH IN 46319	CRAWFORD FOR CONGRESS COMMITTEE DEM		1,000

THIS REPORT MAY NOT BE USED OR SOLD BY ANY PERSON FOR THE PURPOSE  
 OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE

MAJOR POLITICAL CONTRIBUTORS

INDIANA CONGRESSIONAL DISTRICT 01 REPRESENTED BY HON. PETER J. VISCLOSKY (DEM.)

CONTRIBUTORS LISTED ALPHABETICALLY

PAGE 2

FROM: CONTRIBUTORS NAME OCCUPATION	CITY ST ZIP	TO: RECIPIENT PARTY	AMOUNT
BORSITS, RONALD KENNEDY INDUSTRIES	EAST CHICAGO IN 46312	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
BRAHT, WILLIAM J JR BRANT CONSTRUCTION CO	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	900
BURTON, RUBY SELF-EMPLOYED	MICHIGAN CITY IN 46360	PEOPLE FOR BOSCHWITZ-'84 REP	1,000
CHRISTIANSON, STANLEY D THRALL MFG CO	HOBARD IN 46342	CITIZENS FOR PERCY, 1984	900
DEARY, JEFF	GARY IN 46409	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
COHEN, LIONEL	GARY IN 46401	AMERICANS WITH HART INC DEM	500
COLE, JULIA V	GARY IN 46408	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE REP	885
COREY, STEVE COREY BROS BAKERY	HOBART IN 46342	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
COREY, STEVE C RETIRED	HOBART IN 46342	MONDALE FOR PRESIDENT COMMITTEE INC DEM	500
CORMAN, GEORGE JR	WHITING IN 46394	MONDALE FOR PRESIDENT COMMITTEE INC DEM	500
COULIS, THOMAS HAMMOND YELLOW CAB	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
DEASY, M BRUCE PORTAGE TOWNSHIP TRUSTEE	PORTAGE IN 46368	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
CURTEAN, THOMAS	HOBART IN 46325	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS • REP	3,500
DART, BERT K FOSTER & KLEISER	MICHIGAN CITY IN 46360	ROSTENKOWSKI FOR CONGRESS COMMITTEE DEM	500
DETELLA, DOLORES	EAST CHICAGO IN 46312	MONDALE FOR PRESIDENT COMMITTEE INC DEM	500

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## MAJOR POLITICAL CONTRIBUTORS

INDIANA CONGRESSIONAL DISTRICT 01 REPRESENTED BY HON. PETER J. VISCLOSKY (DEM.)

CONTRIBUTORS LISTED ALPHABETICALLY

FROM: CONTRIBUTORS NAME OCCUPATION	CITY ST ZIP	TO: RECIPIENT PARTY	PAGE	AMOUNT
DETELLA, R E MR ARCHITECT	EAST CHICAGO IN 46312	MONDALE FOR PRESIDENT COMMITTEE INC DEM		500
DRASCIC, RICHARD	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
ESPINOZA, HECTOR A PEPE'S	MERRILLVILLE IN 46410	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
FARKAS, ROBERT L	HAMMOND IN 46324	DNC SERVICES CORPORATION/DEMOCRATIC NATIONAL COMMITTEE DEM		500
FEFFERMAN, ALLAN	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
FINERTY, JOSEPH E RETIRED	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM		500
FORCEY, CHARLES LAZY BOY CHAIR CO	HAMMOND IN 46323	CRAWFORD FOR CONGRESS COMMITTEE DEM		1,000
FORCEY, MARION B LAZY BOY	HAMMOND IN 46323	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
FULLER, LESTER B DR SELF-EMPLOYED	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM		500
GAGAN, JAMES L	MERRILLVILLE IN 46410	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS * REP		1,000
GAGAN, JAMES T UNITED CONSUMERS CLUB INC	MERRILLVILLE IN 46410	QUAYLE FOR SENATE COMMITTEE		1,000
GAITHER, F M MRS	HIGHLAND IN 46322	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE) REP		1,550
GAITHER, FRANCES M CERTIFIED CONCRETE INC	HIGHLAND IN 46322	NATIONAL READY MIXED CONCRETE ASSOCIATION POLITICAL COMMITTEE		500
GAITHER, FRANCES M CERTIFIED CONCRETE INC	HIGHLAND IN 46322	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE) REP		500
GAITHER, FRANCIS M CERTIFIED CONCRETE INC	HIGHLAND IN 46322	NATIONAL READY MIXED CONCRETE ASSOCIATION POLITICAL COMMITTEE		500

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CONTRIBUTORS LISTED ALPHABETICALLY

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FROM: CONTRIBUTORS NAME OCCUPATION	CITY ST ZIP,	TO: RECIPIENT PARTY	AMOUNT
GARIUP, MICHAEL SELF-EMPLOYED	GARY IN 46408	VISCLOSKY FOR CONGRESS COMMITTEE DEM	500
GARZA, RICHARD A-OK VENDING	MERRILLVILLE IN 46410	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
GRAEGIN, PAUL K	GARY IN 46401	REAGAN-BUSH '84 REP	1,000
GRAEGIN, PAUL K	GARY IN 46401	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE) REP	500
GRAY, J S JACK GRAY TRANSPORT INC	GARY IN 46403	CITIZENS FOR JACK KEMP	1,000
GRAY, J S MRS JACK GRAY TRANSPORT INC	GARY IN 46403	CITIZENS FOR JACK KEMP	1,000
GRAZIANA, PAUL J SELF-EMPLOYED	HIGHLAND IN 46322	KATIE HALL FOR CONGRESS COMMITTEE DEM	500
GRECO, JAMES A SELF-EMPLOYED	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	500
GRECO, ROBERTA J HOMEMAKER	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	1,000
GRENCHIK, NORBERT AMERICAN TRUST BK	WHITING IN 46394	GRENCHIK FOR CONGRESS COMMITTEE REP	500
HALUSKA, JOHN HALUSKA TRUCKING	WHITING IN 46394	GRENCHIK FOR CONGRESS COMMITTEE REP	500
HASAN, STEVE M CENT WHSLE	WHITING IN 46394	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
HAUGHEE, MICHAEL B SELF-EMPLOYED	GRIFFITH IN 46319	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
HAWKINS, CALVIN D ATTORNEY	GARY IN 46401	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS * REP	1,000
HESS, ROBERT SACHS & HESS	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	500

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HIGGINS, JOHN THRALL CAR MG CO	MUNSTER IN 46321	CITIZENS FOR PERCY REP	1,000
HOLLIDAY, ANDREA B CITY OF GARY	GARY IN 46402	KATIE HALL FOR CONGRESS COMMITTEE DEM	500
HOVANESSIAN, R A DR SELF EMPLOYED	MUNSTER IN 46321	TEMBECKJIAN FOR CONGRESS COMMITTEE DEM	500
IATRIDES, GUS CASSIDYS BAR	HAMMOND IN 46323	MONDALE FOR PRESIDENT COMMITTEE INC DEM	500
IATRIDES, GUS CASSIDYS LOUNGE	HAMMOND IN 46324	CRAWFORD FOR CONGRESS COMMITTEE DEM	750
JANSMA, P	HAMMOND IN 46321	NATIONAL CONSERVATIVE POLITICAL ACTION COMMITTEE UNK	500
JOFFE, EUGENE SELF-EMPLOYED	WESTVILLE IN 46391	FRIENDS FOR HARRY REID	1,000
JOHNSTEN, EILEEN	GARY IN 46408	VISCLOSKY FOR CONGRESS COMMITTEE DEM	500
KALKOF, WALTER	HAMMOND IN 46323	CRAWFORD FOR CONGRESS COMMITTEE DEM	1,000
KAPLAN, B RETIRED	GARY IN 46403	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE) REP	500
KING, JOHN T SELF-EMPLOYED	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	500
KIRK, EDWARD A CONTRACTOR	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	500
KOMYATTE, RICHARD KOMYATTE AND FREELAND	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
KRIADIS, DEMETRA MS HOME MANAGER	MERRILLVILLE IN 46410	BILL BRADLEY FOR U S SENATE '84 DEM	500
KRUPA, JOHN G CITY OF EAST CHICAGO	EAST CHICAGO IN 46312	DNC SERVICES CORPORATION/DEMOCRATIC NATIONAL COMMITTEE DEM	500

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PAGE 6

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LAZERWITZ, CHARLES L-B RESIDENTIAL MANAGEMENT CO	GARY IN 46403	JOHN GLENN PRESIDENTIAL COMMITTEE INC DEM	1,000
LESNIAK, RICHARD J DAWSON & LESNAIK	EAST CHICAGO IN 46312	MONDALE FOR PRESIDENT COMMITTEE INC DEM	500
LIKENS, ANN P SELF-EMPLOYED	EAST CHICAGO IN 46312	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
LINNEN, MARY L	MICHIGAN CITY IN 46360	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS • REP	934
MISS, DOROTHEA MISS TIRED	MICHIGAN CITY IN 46360	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE REP	500
MANOUS, JAMES EAST CHICAGO SCHOOL SYSTEM	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
MARCUS, BERNARD M MARCUS AUTO LEASE	HAMMOND IN 46323	CRAWFORD FOR CONGRESS COMMITTEE DEM	1,000
MARCUS, BERNARD W SELF EMPLOYED	HAMMOND IN 46323	VISCLOSKY FOR CONGRESS COMMITTEE DEM	500
MARCUS, LOUIS MARCUS AUTO LEASE	HAMMOND IN 46320	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
MARTINO, ROBERT DR PHYSICIAN	MERRILLVILLE IN 46410	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS • REP	2,500
MC GLYNN, ANITA M ST CATHERINE'S HOSPITAL	HAMMOND IN 46323	LAROCHE CAMPAIGN DEM	878
MILBARTH, PETER	MERRILLVILLE IN 46410	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
MANOUS, JAMES MRS EAST CHICAGO SCHOOL SYSTEM	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	900
MORFAS, NICKOLAS ATTORNEY	HAMMOND IN 46320	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
MORRIS, CARROLL MICHIGAN INDUSTRIAL HARDWOOD CO	MUNSTER IN 46321	GRENCHIK FOR CONGRESS COMMITTEE REP	500

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MORROW, JOSEPH T MERCANTILE NATL BK OF IN	MURSTER IN 46321	QUAYLE FOR SENATE COMMITTEE	1,000
MSZAR, VLADIMIR GENERAL CONTRACTOR	EAST CHICAGO IN 46312	MONDALE FOR PRESIDENT COMMITTEE INC DEM	500
NICOSIA, JOHN B PHYSICIAN	EAST CHICAGO IN 46312	MONDALE FOR PRESIDENT COMMITTEE INC DEM	300
STENDORF, GEORGE SELF-EMPLOYED	EAST CHICAGO IN 46312	GRENCHIK FOR CONGRESS COMMITTEE REP	500
OTTENHEIMER, LESTER A JR OTTENHM, SLVMN & WEINZR	EAST CHICAGO IN 46312	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
PAKLANSKY, THOMAS STERKS	HAMMOND IN 46327	GRENCHIK FOR CONGRESS COMMITTEE REP	500
PANGERE, ROSS M PANGERE & LOGAN COMPANY INC	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	500
PANGERE, STEVE M PANGERE & LOGAN COMPANY INC	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	500
PHILPOT, KATHRYN KEN INDUSTRIES	HAMMOND IN 46324	CRAWFORD FOR CONGRESS COMMITTEE DEM	750
PHILPOT, RICHARD LAKE COUNTY PROS	HAMMOND IN 46324	CRAWFORD FOR CONGRESS COMMITTEE DEM	1,000
ROTEE, JOHN H	HAMMOND IN 46324	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE REP	650
PRIMICH, G G W BERKHEIMER CO INC	GARY IN 46408	WHOLESALE-DISTRIBUTOR PAC OF THE NATIONAL ASSOCIATION OF WHOLESALE-DISTRIBUTORS	2,000
RADWAN, LAWRENCE G&W ELEC CO	HIGHLAND IN 46322	MONDALE FOR PRESIDENT COMMITTEE INC DEM	1,000
RAKOCZY, JOHN A SELF-EMPLOYED	HOBART IN 46342	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
REED, KENNETH D SELF-EMPLOYED	HAMMOND IN 46320	GRENCHIK FOR CONGRESS COMMITTEE REP	500

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RICHIE, MILO ADVANCED EQUIP SALES	E CHICAGO IN 46312	GRENCHIK FOR CONGRESS COMMITTEE REP	500
RICHTER, HAROLD	MUNSTER IN 46321	SIMON FOR SENATE DEM	675
RICHTER, RENEE	MUNSTER IN 46321	SIMON FOR SENATE DEM	675
RILEY, WILLIAM J	MUNSTER IN 46321	GRENCHIK FOR CONGRESS COMMITTEE REP	1,000
RILEY, WILLIAM J BANKER	MUNSTER IN 46321	MONDALE FOR PRESIDENT COMMITTEE INC DEM	500
ROPER, JARVIS H SMITH CHEVROLET	HOBART IN 46342	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
ROSENSTEIN, JERRY CALUMET AUTO WRECKING	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
ROSENSTEIN, MARVIN B CALUMET AUTO WRECKING	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
RUBY, BURTON SELF-EMPLOYED	MICHIGAN CITY IN 46360	PEOPLE FOR BOSCHWITZ-'84 REP	1,000
RUBY, BURTON B MR JAYMAR-RUBY INC	MICHIGAN CITY IN 46360	REPUBLICAN MAJORITY FUND	5,000
RUMAN, SAUL SELF-EMPLOYED	HAMMOND IN 46320	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
RUSSELL, CHRISTINE M HOUSEWIFE	EAST CHICAGO IN 46312	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
RUKOVICH, ROBERT J INSURANCE AGENT	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	1,000
SALATAS, GEORGE T JR INLAND STEEL CO	HAMMOND IN 46323	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
SAVOCHKA, DON	GARY IN 46404	DEMOCRATIC-REPUBLICAN INDEPENDENT VOTER EDUCATION COMMITTEE (DRIVE COMMITTEE) DEM	500

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FROM: CONTRIBUTORS NAME OCCUPATION	C I T Y ST ZIP	TO: RECIPIENT PARTY	AMOUNT
SCHEPEL, RICHARD SCHEPEL BUICK	MERRILLVILLE IN 46410	AUTOMOBILE AND TRUCK DEALERS ELECTION ACTION COMMITTEE UNK	1,000
SHAFFER, PAUL PAUL SHAFFER AUTO YD	HIGHLAND IN 46322	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
SHELINE, BRUCE	GARY IN 46408	REAGAN-BUSH '84 REP	5
KURKA, PAUL J	MUNSTER IN 46321	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE) REP	800
SPURLOCK, KENNETH DELOCK'S LIQUORS	MERRILLVILLE IN 46410	CRAWFORD FOR CONGRESS COMMITTEE DEM	750
TAUBER, RHETT L SELF-EMPLOYED	HIGHLAND IN 46322	CRAWFORD FOR CONGRESS COMMITTEE DEM	700
THIROS, HELEN M HOUSEWIFE	MERRILLVILLE IN 46410	CRAWFORD FOR CONGRESS COMMITTEE DEM	1,000
THIROS, NICK J SELF EMPLOYED	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	1,000
VACA, SANTIAGO PEPE'S	MERRILLVILLE IN 46410	CRAWFORD FOR CONGRESS COMMITTEE DEM	1,000
VAN SOMEREN, LAWRENCE SR	MUNSTER IN 46321	REED FOR CONGRESS COMMITTEE REP	500
WINKELKEN, JOSEPH WINSNITHGOMMIBALL&VNBK	HIGHLAND IN 46322	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
VICTOR, MORRIS NUCO CORP	MUNSTER IN 46321	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
VISCLOSKY, HELEN	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	1,000
VRABEL, JEROME F GELDERMAN PEAVY AND CO	WHITING IN 46394	CRAWFORD FOR CONGRESS COMMITTEE DEM	1,000
WALSH, JACKIE LAZY BOY	HAMMOND IN 46324	CRAWFORD FOR CONGRESS COMMITTEE DEM	500

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FROM: CONTRIBUTORS NAME OCCUPATION.	C I T Y ST ZIP	TO: RECIPIENT PARTY	AMOUNT
WALSH, THOMAS S WALSH CONST CO	MERRILLVILLE IN 46410	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
WEISS, MARVIN GROCER	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	1,000
WELSH, ROBERT JR WELSH OIL CO	MERRILLVILLE IN 46410	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
WHITE, BRUCE W WHITECO HOSPITALITY CORP	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	1,000
WHITE, DEAN V SELF EMPLOYED	MERRILLVILLE IN 46410	VISCLOSKY FOR CONGRESS COMMITTEE DEM	1,000
WHITE, DEAN V	MERRILLVILLE IN 46410	NEBRASKANS FOR NANCY HOCH REP	500
WHITE, DEAN V	MERRILLVILLE IN 46410	NEBRASKANS FOR NANCY HOCH REP	1,500
WIERMAN, JAMES E HYRE ELECTRIC CO	HIGHLAND IN 46322	CRAWFORD FOR CONGRESS COMMITTEE DEM	500
YOUNG, CHARLES S	GARY IN 46403	JESSE JACKSON FOR PRESIDENT DEM	500

TOTAL NUMBER OF CONTRIBUTIONS      144      TOTAL AMOUNT OF CONTRIBUTIONS      \$107,220.00

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BABB, ALVIN C	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	1	1,000
BONNER, LEWIS E	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK		500
COORS, ADOLPH IV MR	LITTLETON CO 80121	ARMSTRONG COMMITTEE, INC; THE REP		500
COORS, HOLLY	GOLDEN CO 80401	NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS REP		2,250
COORS, JEFFREY M	GOLDEN CO 80401	NORTON FOR CONGRESS COMMITTEE		1,000
COORS, JEFFREY M	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK		5,000
COORS, JOE	GOLDEN CO 80401	KEN KRAMER COMMITTEE REP		500
COORS, JOE JR	GOLDEN CO 80401	NORTON FOR CONGRESS COMMITTEE		1,000
COORS, JOSEPH	GOLDEN CO 80401	NORTON FOR CONGRESS COMMITTEE		1,000
COORS, JOSEPH	GOLDEN CO 80401	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE REP		10,000
COORS, JOSEPH	GOLDEN CO 80401	JUDY PETTY FOR CONGRESS		500
COORS, JOSEPH	GOLDEN CO 80401	BUSINESS INDUSTRY POLITICAL ACTION COMMITTEE UNK		1,000
COORS, JOSEPH	GOLDEN CO 80401	SCHAEFER TO CONGRESS REP		2,000
COORS, JOSEPH	GOLDEN CO 80401	CITIZENS FOR THE REPUBLIC REP		1,000
COORS, JOSEPH	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK		5,000

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COORS, JOSEPH	GOLDEN CO 80401	NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS REP	2,250
COORS, JOSEPH	GOLDEN CO 80401	FUND FOR A CONSERVATIVE MAJORITY; THE - (AKA YOUNG AMERICA CAMPAIGN)	1,000
COORS, JOSEPH	GOLDEN CO 80401	FRIENDS OF PHIL GRAMM REP	1,000
COORS, JOSEPH	GOLDEN CO 80401	PHIL KLINGSMITH FOR CONGRESS AND YOU REP	500
COORS, JOSEPH	GOLDEN CO 80401	COMMITTEE FOR THE SURVIVAL OF A FREE CONGRESS	5,000
COORS, JOSEPH	GOLDEN CO 80401	COLORADO REPUBLICAN FEDERAL CAMPAIGN COMMITTEE REP	1,000
COORS, JOSEPH	GOLDEN CO 80401	FRIENDS OF NEWT GINGRICH INC 1984 REP	500
COORS, JOSEPH	GOLDEN CO 80401	COMMITTEE FOR RESPONSIBLE YOUTH POLITICS	4,000
COORS, JOSEPH	GOLDEN CO 80401	FRIENDS OF MIKE ANTONOVICH	1,000
COORS, JOSEPH	GOLDEN CO 80401	1983 REPUBLICAN SENATE-HOUSE DINNER COMMITTEE REP	9,000
COORS, JOSEPH	GOLDEN CO 80401	JEPSEN '84 COMMITTEE REP	1,000
COORS, JOSEPH MR	GOLDEN CO 80401	REPUBLICAN NATIONAL COMMITTEE - CONTRIBUTIONS (AKA REPUBLICAN NATIONAL FINANCE COMMITTEE) REP	10,000
COORS, JOSEPH MR	GOLDEN CO 80401	ARMSTRONG COMMITTEE, INC; THE REP	1,000
COORS, MARILYN E	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	2,500
COORS, PETER H	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	3,500

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COORS, PETER H	GOLDEN CO 80401	NORTON FOR CONGRESS COMMITTEE	500
COORS, PETER H	GOLDEN CO 80401	ARMSTRONG COMMITTEE, INC; THE REP	1,000
COORS, PETER H	GOLDEN CO 80401	COLORADO REPUBLICAN FEDERAL CAMPAIGN COMMITTEE REP	1,000
COORS, PETER H MR	GOLDEN CO 80401	ARMSTRONG COMMITTEE, INC; THE REP	500
COORS, WILLIAM K	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	5,000
CROME, EDWARD	ARVADA CO 80004	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	500
CROME, EDWARD L	ARVADA CO 80004	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	500
EILERS, W W	GOLDEN CO 80403	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	550
EILERS, WARNER WILLIAM	GOLDEN CO 80403	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	550
GOODWIN, MAX W	BOULDER CO 80302	REAGAN-BUSH '84 REP	1,000
GOODWIN, MAX W	GOLDEN CO 80401	FRIENDS OF ART HOUSE COMMITTEE DEM	500
HEARD, GEORGE	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	1,500
HEINS, HENRY H	GOLDEN CO 80403	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	700
LESTER, REX	DENVER CO 80235	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	600
LESTER, REX ALLEN	DENVER CO 80235	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	550

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MORNIN, B L	LAKEWOOD CO 80215	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	3,500
PIPKIN, AL	LAKEWOOD CO 80215	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	500
PIPKIN, ALVA C	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	500
RECHHOLTZ, ROBERT AUGUST	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	2,000
ROBINSON, THOMAS R	DENVER CO 80210	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	500
SPINOSA, FRANK L	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	500
WALKER, ROBERT C	GREAT FALLS VA 22066	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	500
WOODS, SANDRA K	GOLDEN CO 80401	COORS EMPLOYEES POLITICAL ACTION COMMITTEE UNK	500
TOTAL NUMBER OF CONTRIBUTIONS		53	TOTAL AMOUNT OF CONTRIBUTIONS \$88,950.00

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President

Benjamin A. Goldman  
Executive Vice President

Enclosures

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ALASKA		WASHINGTON, D.C.		05	144	5	08	205	107
01	584	01	6,167	100	All	1,124	15	All	1,964
ALABAMA		DELAWARE		KANSAS		MISSOURI			
01	862	01	1,010	55	01	171	10	01	946
02	472	FLORIDA		02	344	20	02	623	15
03	87	01	187	15	03	517	25	03	124
04	171	02	168	10	04	646	25	04	75
05	218	03	514	25	05	137	5	05	602
06	981	04	454	25	All	1,803	85	06	136
07	225	05	532	30	KENTUCKY		08	79	10
All	3,015	06	150	10	01	126	5	09	98
ARKANSAS		07	407	20	02	98	5	All	2,817
01	280	08	211	10	03	386	20	MISSISSIPPI	
02	958	09	221	10	04	661	30	01	131
03	481	10	313	15	05	192	10	02	337
04	460	11	294	15	06	604	25	03	147
All	2,178	12	743	45	07	220	10	04	725
ARIZONA		13	709	40	All	2,286	105	05	231
01	426	14	1,708	100	LOUISIANA		All	1,573	100
02	237	15	822	45	01	601	30	MONTANA	
03	292	16	459	25	02	985	50	01	121
04	938	17	422	20	03	302	20	02	211
05	809	18	1,473	85	04	815	15	All	352
All	2,702	19	1,070	70	05	257	15	NEW JERSEY	
CALIFORNIA		20	311	20	06	413	20	01	167
01	259	01	250	15	07	308	15	02	210
02	128	02	204	10	08	4,012	205	03	604
03	270	03	249	15	MASSACHUSETTS		04	294	15
04	246	04	424	20	01	229	15	05	890
05	216	05	1,435	85	02	177	10	06	175
06	1,176	06	117	10	03	284	15	07	1,001
07	1,881	07	223	15	04	1,135	85	08	419
08	1,082	08	93	5	05	1,220	85	09	662
09	178	09	191	10	06	557	40	10	156
10	98	All	3,279	190	07	470	15	11	1,141
11	1,229	HAWAII		08	1,165	70	12	1,107	65
12	862	01	435	25	09	1,444	90	13	328
13	173	02	72	5	10	521	15	All	7,310
14	232	All	506	30	11	189	15	NEW MEXICO	
15	369	IDAHO		01	129	5	01	441	30
16	327	01	129	5	02	171	5	02	484
17	186	All	100	10	All	100	10	03	117
18	430	ILLINOIS		01	220	10	All	1,261	85
19	625	01	274	15	02	185	10	NEVADA	
20	264	02	40	5	03	360	15	01	723
21	331	03	136	10	04	154	10	02	574
22	1,080	04	171	10	05	152	10	All	1,297
23	5,677	05	54	5	06	527	10	NEW YORK	
24	1,344	06	319	15	All	3,460	205	01	240
25	794	07	2,978	150	MAINE		02	159	15
26	585	08	124	10	01	505	30	01	1,784
27	1,556	09	1,006	60	02	191	10	04	465
28	447	10	2,497	140	All	695	40	05	518
29	99	11	222	15	MICHIGAN		06	84	5
30	188	12	236	15	01	61	5	07	254
31	138	13	567	30	02	426	15	08	547
32	147	14	233	15	03	167	10	09	133
33	265	15	64	5	04	246	10	10	137
34	180	16	153	70	05	670	30	11	65
35	197	17	144	5	06	284	15	12	20
36	332	18	164	10	07	78	5	13	252
37	446	19	113	5	08	257	10	14	160
38	264	20	221	10	09	101	5	15	10,746
39	422	21	116	5	10	86	5	16	286
40	1,520	22	212	10	11	69	5	17	5,516
41	965	23	9,984	555	12	53	5	18	47
42	754	24	107	5	13	364	15	19	99
43	637	25	200	10	14	254	10	20	1,772
44	144	26	287	15	15	70	5	21	300
45	356	27	181	10	16	60	5	22	473
All	29,398	28	80	5	17	253	15	23	155
CONNECTICUT		29	447	20	18	824	50	24	77
01	767	30	176	10	19	50	25	25	62
02	295	31	145	10	All	4,322	220	26	64
03	394	32	47	5	MINNESOTA		27	131	10
04	2,289	All	1,908	100	01	179	10	28	210
05	312	01	200	5	02	106	10	29	153
06	454	02	96	5	03	1,143	80	30	121
All	4,512	03	161	5	04	613	40	31	280
COLORADO		04	182	10	05	747	45	32	117
01	1,903	05	80	5	06	567	30	33	188
02	192	06	447	20	07	60	5	34	92
03	299	07	176	10	All	2,219	140	All	2,219
04	145	08	145	10	MISSOURI		01	946	60
05	305	09	47	5	02	344	20	02	623
06	1,026	10	238	10	03	517	25	03	124
All	3,874	All	1,908	100	04	646	25	04	75
CONNECTICUT		INDIANA		KANSAS		KENTUCKY		LOUISIANA	
01	767	01	107	5	01	171	10	01	601
02	295	02	200	10	02	344	20	02	985
03	394	03	287	15	03	517	25	03	302
04	2,289	04	181	10	04	646	25	04	815
05	312	05	80	5	05	137	5	05	257
06	454	06	447	20	06	604	25	06	413
All	4,512	07	176	10	07	220	10	07	311
CONNECTICUT		ILLINOIS		KANSAS		KENTUCKY		LOUISIANA	
01	767	01	274	15	01	171	10	01	601
02	295	02	40	5	02	344	20	02	985
03	394	03	136	10	03	517	25	03	302
04	2,289	04	171	10	04	646	25	04	815
05	312	05	54	5	05	137	5	05	257
06	454	06	319	15	06	604	25	06	413
All	4,512	07	2,978	150	07	220	10	07	311
CONNECTICUT		INDIANA		KANSAS		KENTUCKY		LOUISIANA	
01	767	01	107	5	01	171	10	01	601
02	295	02	200	10	02	344	20	02	985
03	394	03	287	15	03	517	25	03	302
04	2,289	04	181	10	04	646	25	04	815
05	312	05	80	5	05	137	5	05	257
06	454	06	447	20	06	604	25	06	413
All	4,512	07	176	10	07	220	10	07	311

Iron firms, investment bankers, trade associations, unions, and accounting firms. Even the top 100 companies include many real estate and law firms that would be well known only at local levels. Nevertheless, these reports offer much food for thought as to corporate interest in candidates and campaigns. For example, it is noteworthy that many candidates received direct contributions from individuals associated with large companies over and beyond what they received from company PAC's.

Another interesting aspect of the corporate concentration of political contributions is the fact that while each congressional district has an equal number of residents, amounting to two-tenths of one percent of the total population, 20 percent of all contributions (about \$50 million) come from the top 10 Congressional Districts in New York, California, Illinois, Texas and the District of Columbia.

### CONTRIBUTIONS OF PERSONS ASSOCIATED WITH THE TOP 100 COMPANIES

COMPANY NAME	Dollar amount in thousands	COMPANY NAME	Dollar amount in thousands	COMPANY NAME	Dollar amount in thousands
1 Salomon Brothers	575	35 Amway	90	69 Freeport McMoran	61
2 Bear Stearns	391	36 Atlanta Richfield	83	70 Oppenheimer and Co.	61
3 Goldman Sachs	322	37 Coca Cola	82	71 Sunrock Oil	60
4 Citicorp Meritline	312	38 E. I. DuPont	81	72 First Boston	59
5 Morgan Stanley	296	39 Equifax Financial Group	81	73 First Jersey Securities	59
6 General Electric	268	40 First City Bank of Texas	79	74 Skadden Arps et al.	59
7 Lehman Bros Kuhn, Loeb	249	41 Lasker Stone and Stern	78	75 Trump Organization	59
8 Integrated Resources	224	42 Laclede Corp.	76	76 Williams D. Jensen	58
9 Merrill Lynch	167	43 Batcher and Singer	75	77 Sedco	57
10 Peat Marwick	159	44 E. and J. Gallo Winery	74	78 Stephens	57
11 Alon, Gump, Strauss et al.	158	45 Tyson Foods	73	79 Hughes Aircraft	57
12 Philip Morris	154	46 Harshbarger and Quist	72	80 Wertheim and Co.	56
13 Prudential Bache	149	47 Thomas and Nettleton	72	81 Vinsco and Elkos	56
14 Wine Dine	149	48 Warner Bros.	71	82 SC Johnson and Son	56
15 William Blair	148	49 H.B. Zachry Co.	70	83 Rickle and Brown	56
16 J.F. Rothschild, Unterberg	141	50 Touche Ross	70	84 Dart and Kraft	56
17 Trammel Crow	135	51 Aydin	70	85 Apex Marine	56
18 Archer Daniels Midland	128	52 Dean Witter Reynolds	69	86 Ragan and Masari	55
19 Federated Investors	120	53 Allen and Co.	69	87 United Technologies	54
20 Waste Management	118	54 Barnett and Alago	69	88 American International Corp	54
21 Thompson McKinnon	114	55 Charles E. Smith	69	89 Rose Schmidt Dixon Hanley	53
22 Mobil	114	56 Int'l Assoc. of Machinists	69	90 Melvin Simon and Assoc.	53
23 Bechtel Group	110	57 Bass Brothers	68	93 Patton Boggs and Blow	53
24 Smith Barney	109	58 Shoney's	68	92 Condon NRC	53
25 Marriot	107	59 Creative Display	67	93 Deloitte Haskins and Sells	53
26 Home Interiors and Gifts	101	60 Beneficial Corp.	66	94 Hunt Energy	52
27 Best Effort	100	61 Shearson Lehman Arner Exp	66	95 JMB Realty	52
28 Diesel, Burnham Lambert	100	62 Finley Kuntze Wagner et al.	65	96 AGNUSA	52
29 Adolph Coors	99	63 Wachell Lipton et al.	65	97 Schulman Mgt.	51
30 Donaldson, Lufkin, Jenrette	97	64 American Express	64	98 Panhandle Eastern	50

9 8 0 4 3 7 2 5 5 3 8

Data Access, Inc. (PDA) has produced 1,135 separate information reports on contributions to congressional candidates and political action committees in the 84 election cycle, based on FEC tapes. In the first reports, a total of some 250,000 contributions of \$100 or more have been allocated to each congressional district. In the second set of 700 reports, the contributions are broken down by individuals associated with 700 companies are distributed in two sets of reports, the names of individuals are listed alphabetically. These reports are designed to illuminate the political associations of large contributors (acting as individuals or as associates or employees of companies) to the candidates and political action committees. The 1,135 reports contain some 25,000 pages in total, in which the name of the contributor or is linked with the candidate or PAC to whom the contribution was made and the dollar amount. To maximize the public dissemination of these reports without incurring distribution losses, PDA will offer a group of reports at a per-page cost running between 80 cents and 85 cents, with a 525 minimum order. Individual reports cost less than \$25.00 and many cost as little as \$5.00, while the company reports average about 50 cents each. Any user will be custom tailored to the particular information requested, with the user's name appearing on the cover of the requested reports, along with the standard disclaimer that the information cannot be copied or sold for any other use or for the solicitation of funds. Data Access is a new company, largely owned by Data Access, Inc., organized to make data in federal government files accessible to the public, particularly in areas of public interest such as environmental and public health information. PDA has undertaken the task of making FEC data available to use Gramm-Rudman pressures have forced FEC to release distribution of data on individual contributors. In the future, PDA plans to turn the distribution of data on individual contributors to FEC, PDA has offered to turn the computer programs necessary to run these reports over to FEC, PDA is ready to assume the labor of distribution of reports equal to or less than those of PDA. PDA's reports are consistent both with the current Administration's goal to get the government out of business and with the Federal Election Commission's mandate by the Supreme Court to make information on political contributions a public record. PDA is exploring the possibility of putting all 1,135 reports on 5.25 inch floppy diskettes, which will multiply the amount of data available at a given cost.

**Value of the Reports**

Understand that under the FEC regulations the use of money for fund raising is strictly forbidden, and that

reported usage. PDA has left all records unchanged, except for the fact that thousands of errors in matching ZIP codes to cities have been corrected, and all corporate names have been disciplined with respect to spelling.

The reports are most useful to the extent to which they show how political contributions support the current political superstructure, particularly with respect to the advantage enjoyed by incumbents.

The chief virtue of the reports is that they facilitate research into the reasons why contributors, both as individuals and on behalf of their affiliated companies, favor one candidate over another, particularly in light of their congressional committee assignments.

There are several areas of further research that should be done. It will be noted that individuals often make contributions, sometimes to the same candidate under a variety of occupational descriptions, sometimes along with other family members, raising the question as to what is the true total contribution for that individual or family or for the associated company if any. A contributor has the option of characterizing his occupation in any way he wishes. A truer estimate of company contributions would take into account not only family members but also company officers and directors, who may be reporting contributions from home addresses without indicating company affiliation. But the most important area of speculation would relate to the reasons for particular associations.

The primary research goal posed by the FEC data is the truly disturbing question as to what extent are congressional elections decided now by the financial contributions of a relatively small number of individuals, including family members, and the companies with which they are associated. Local political analysts are best suited for such a research task.

**Company Reports**

We list below the top 100 companies whose associates contributed the largest amounts of political contributions, totalling over \$10 million for these companies. For the 700 leading companies the total comes to \$24 million. Remember, this total is quite different from the data on corporate PAC contributions, which is of much greater magnitude. The data PDA provides includes only contributors of \$500 or more who chose to associate themselves with one of the 700 companies. PDA's corporate totals are all very much understated because most of the individuals generally make their contributions from their homes and do not always report their corporate association. An intensive examination of the CD reports to account for all such contributions (including those of family members, corporate officials and directors) would probably result in a great increase in the company totals for the number and amount of contributors.

Even this would not account for the vast sums that flow

PRICE LIST (Continued)											
CD	Amount (\$1000)	Price \$	CD	Amount (\$1000)	Price \$	CD	Amount (\$1000)	Price \$	CD	Amount (\$1000)	Price \$
N CAROLINA			S DAKOTA			TENNESSEE			VERMONT		
01	123	20	01	703	45	01	121	5	01	121	5
02	134	20	02	97	5	02	277	15	02	142	10
03	265	15	03	231	10	03	425	20	03	109	5
04	657	15	04	220	10	04	124	10	04	72	5
05	425	20	05	145	10	05	1,142	75	05	159	10
06	488	25	06	211	10	06	517	50	06	100	10
07	252	15	07	1,375	80	07	222	15	07	104	5
08	236	15	OREGON			08	84	5	08	86	5
09	751	45	PENNSYLVANIA			09	315	20	09	346	20
10	286	15	01	621	30	All	3,227	215	All	1,361	75
11	359	25	02	752	45	TEXAS			WISCONSIN		
All	4,377	250	03	138	10	01	356	15	01	209	10
N DAKOTA			04	159	5	02	291	15	02	101	5
01	134	10	05	343	15	03	5,423	200	03	68	5
NEBRASKA			06	77	5	04	538	30	04	151	10
01	211	10	07	512	25	05	3,254	150	05	203	10
02	418	20	08	415	20	06	781	50	06	94	5
03	90	10	09	158	10	07	3,458	175	07	104	5
All	759	40	10	126	10	08	212	10	08	86	5
NEW HAMPSHIRE			11	130	5	09	499	25	09	346	20
01	562	45	12	41	5	10	1,832	100	All	1,361	75
02	356	20	13	1,703	100	11	676	40	WEST VIRGINIA		
All	918	65	14	763	30	12	1,121	75	01	183	10
OHIO			15	261	15	13	1,316	80	02	243	15
01	965	45	16	139	5	14	485	25	03	249	10
02	104	5	17	144	5	15	298	15	04	81	5
03	173	10	18	299	10	16	499	25	All	757	40
04	50	5	19	91	5	17	461	20	WYOMING		
05	99	5	20	62	5	18	3,125	150	01	412	20
06	85	5	21	100	5	19	717	50	TOTAL		
07	46	5	22	112	5	20	1,160	60	US	243,010	10,000
08	109	5	23	108	5	21	2,545	125			
09	182	10	All	7,253	375	22	1,925	100			
10	67	5	RHODE ISLAND			23	250	10			
11	182	10	01	280	15	24	274	15			
12	647	35	02	221	15	25	841	40			
13	72	5	All	501	30	26	485	25			
14	230	10	S. CAROLINA			27	937	45			
15	138	20	01	315	15	All	34,161	1,670			
16	212	5	02	322	15	UTAH					
17	447	20	03	79	5	01	91	5			
18	69	5	04	421	20	02	308	15			
19	904	50	05	123	5	03	86	5			
20	468	20	OKLAHOMA			All	466	25			
21	332	20									
22	468	20									
23	332	20									
All	5,783	300									

**Order Blank for Congressional District and Company Reports**

1. Please circle the desired Congressional District reports, and include the desired company reports, or indicate the "Top 20" or "Top 100" companies.
2. The CD report cost is indicated on the chart; any of the company reports are \$15 each. The top 10 companies are \$100; the top twenty are \$150; the top 100 are \$180; all 700 are \$350.
3. Total cost: \_\_\_\_\_ CD reports \_\_\_\_\_ Company reports (no. co's ordered \_\_\_\_\_) Total: \_\_\_\_\_
4. Please fill out clearly:

Name \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

5. Payment:  Bill me  Payment Enclosed  Credit Card

Visa  MC  Card number \_\_\_\_\_ Exp date \_\_\_\_\_

Authorizing Signature \_\_\_\_\_

**MAJOR POLITICAL CONTRIBUTORS**  
**NEW YORK CONGRESSIONAL DISTRICT 15 REPRESENTED BY HON. S. WILLIAM GREEN (REP.)**

CONTRIBUTORS LISTED ALPHABETICALLY

PAGE 193

SAMPLE

FROM: CONTRIBUTORS NAME OCCUPATION	CITY ST ZIP	TO: RECIPIENT PARTY	AMOUNT
GORDON, PETER A SALOMON BROTHERS	NEW YORK NY 10028	NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS REP	1,000
GORDON, PETER A SALOMON BROTHERS INC	NEW YORK NY 10028	BOB QUINN FOR CONGRESS COMMITTEE REP	1,000
GORDON, PETER A SALOMON BROTHERS INC	NEW YORK NY 10028	SALOMON BROTHERS INC POLITICAL ACTION COMMITTEE	3,000
GORDON, WENDY NRDC	NY NY 10021	CITIZENS FOR BETTY LALL DEM	500
GOREN, JAMES G SOS	NEW YORK NY 10021	MID MANHATTAN POLITICAL ACTION COMMITTEE (MID PAC)	1,000
GOROG, WILLIAM F MAGAZINE PUBLISHERS ASSOCIATION	NEW YORK NY 10022	MICHEL FOR CONGRESS COMMITTEE	500
GOSDEN, LINDA WARNER AMEX CABLE COMMUNICATIONS IN	NEW YORK NY 10021	WARNER AMEX CABLE COMMUNICATIONS INC PAC	1,000
GOSLET, FRANCIS	NEW YORK NY 10022	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS • REP	5,000
GOTTHOFFER, LANCE WENDER MURASE & WHITE	NEW YORK NY 10162	INOUYE FOR US SENATE DEM	1,000
GOTTHOFFER, LANCE WENDER, MURASE & WHITE	NEW YORK NY 10162	CAMPAIGN AMERICA	1,000
GOTTHOFFER, LANCE WENDER MURASE & WHITE	NEW YORK NY 10162	FRIENDS OF ALBERT GORE JR DEM	1,000
GOTTHOFFER, LANCE WENDER, MURASE & WHITE	NY NY 10162	CONGRESSMAN JAMES R JONES ELECTION COMMITTEE	1,000
GOTTLIEB, JERROLD J WALKER THOMPSON	NEW YORK NY 10021	ROUNDTABLE POLITICAL ACTION COMMITTEE	500
GOTTSEGEN, PETER M SALOMON BROTHERS	NEW YORK NY 10021	BILL BRADLEY FOR U S SENATE '84 DEM	1,000
GOTTSEGEN, PETER M SALOMON BROTHERS INC	NEW YORK NY 10021	BOB QUINN FOR CONGRESS COMMITTEE REP	2,000

FEDERAL LAW PROHIBITS THIS REPORT'S SALE OR USE BY ANY PERSON FOR THE PURPOSE  
OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE

DATES OF INVOICES

08/13/86	09/24/86
08/13/86	09/24/86
08/13/86	08/01/86
08/15/86	08/28/86
08/18/86	08/21/86
08/21/86	08/20/86
08/21/86	08/27/86
08/22/86	08/26/86
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09/05/86	08/07/86
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09/04/86	10/03/86
09/21/86	12/23/86
08/13/86	10/03/86
08/21/86	10/10/86
09/03/86	/ /
08/27/86	02/10/87
08/22/86	05/20/87
09/04/86	03/10/87
09/24/86	
09/24/86	

(Continued)

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EXH. D

**Public Data Access, Inc.**

9th Floor  
30 Irving Place  
New York, New York 10003

(212) 420-1133

June 24, 1986

Mr. Bradley Litchfield  
Asst. General Counsel  
Federal Election Commission  
999 E Street NW  
Washington, D.C. 20463

Dear Mr. Litchfield:

In response to your letter of March 28, 1986, the following are the answers to various questions which you raised regarding our request (letter of March 21, 1986) for an approval letter for sale of data derived from the FEC election contribution database.

1) Background on Public Data Access and its Ownership

Public Data Access (PDA) was incorporated in January, 1986 as a for-profit company. Copies of its articles and bylaws are attached.

It is jointly owned by its employees, private investors, and non-profit organizations. Those holding more than 2% of the stock are Benjamin A. Goldman, Dr. Jay M. Gould, Alexander Stewart and Dr. Michael Tanzer. One non-profit shareholder, the Council on Economic Priorities (CEP), owns one-quarter of the firm. CEP "is a public service research organization, dedicated to accurate and impartial analysis of some of the most vital issues facing our country today; CEP is non-aligned and independent." None of the stockholders is active in partisan politics, political consulting, or fundraising.

As our name indicates, our mandate is to serve the public interest by providing ready access to government information that is nominally open for public inspection, but often hard to use in its original form. We seek to expand use of this information by collecting and organizing that information in accessible, affordable, and easy-to-use packages. In providing increased access to publicly available Federal Election Commission data, PDA's fundamental aim is the encouragement of research into political linkages shown by that information.

PDA's principal personnel, Dr. Jay M. Gould, Benjamin A. Goldman, and Dr. Michael Tanzer are database experts, skilled in the processing of computerized government information for public use. The most recent book by Dr.

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Gould, founder of PDA, entitled Quality of Life in American Neighborhoods, provides data from the U.S. Census and private sources that indicate the relation between concentration of toxic waste and public health. Benjamin Goldman's recent book, Hazardous Waste Management: Reducing the Risk, uses data from the U.S. Environmental Protection Agency, U.S. Department of Transportation, U.S. Occupational Safety and Health Administration, and many other public sources to rate the performance of firms in the commercial hazardous waste management industry. Dr. Michael Tanzer's numerous books use data from the U.S. Department of Energy and congressional sources to document the impact of the oil industry on the economy.

2) Availability of Individual Contributor Data

Contribution information reported to the FEC and open for public inspection will be compiled by Congressional districts and employer as reported by the donor. These compilations will be listed in books and their computer equivalents.

Addresses of individual contributors will not be collected from the information obtained from FEC public inspection files and therefore will not be included in PDA's publications. Individual contributors therefore will be identified in PDA's materials by name, employer (as reported to the FEC) and the congressional district of the address reported.

Our publications in the form of books and other compilations will be available to all who wish to buy them. In practice, we expect public interest groups with a focus on research and education on public policy to be the principal customers for our reports. Hence the low price: most congressional district reports cost less than \$25.

Since addresses will not be included in our compilations, it would not be practical to use them for solicitations. In any event, we will explicitly and forcefully inform buyers and users of our reports of the statutory ban on any use of FEC-derived individual contributor information contained in our compilations for any solicitation of contributions or any commercial purposes. To that end, each page of every report will state using the precise language of the FECA: "THIS REPORT MAY NOT BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE."

3) Basis for PDA's Charges

In general, the price for our materials will be set at a level to cover costs only. To date, PDA has invested

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about \$35,000 for the FEC tapes and the programming required to facilitate the research into political linkages described below. We have set our charges for various reports according to two general principles. First, since we hope to recover our investment costs, we have allocated these costs among the various reports roughly in proportion to the number of pages in each report. Second, and modifying this somewhat, since we wish to insure that these reports are accessible to public interest groups wishing to use them as research tools, we have set the prices low enough as to be affordable by such non-profit organizations. Thus, while we hope eventually to recover all our costs, if anything we have erred on the side of pricing too low.

#### 4) Joint Research Ventures

PDA itself plans to use the data base for research on election contributions and linkages. Its research usually will be in conjunction with local non-profit groups who will supply personnel and help with funding.

PDA will not normally control the results of such joint research efforts. Indeed, PDA will make its material available free of charge (or, if necessary at reduced charges) to any non-profit, non-partisan group proposing a serious academic or public education project, without imposing any ideological or policy tests. We will not do so for any candidate or political committee.

#### 5) Future FEC Reports

PDA would very much like to continue to provide this public service in the future. So long as individual contributions data from future election cycles remain in the public domain, as we strongly believe they should, we will continue to facilitate access to this data with our special reports.

#### 6) Purpose of PDA FEC Reports

As stated above, our purpose in publishing compilations of information on individual contributions to congressional campaigns reported to the FEC and open to public inspection is to advance knowledge of patterns of political contributions and, in particular, to generate research that may disclose undue (and possibly illegal) political influence by particular individuals and corporations. These computerized files of the Federal Election Commission offer new insights into political contributions from both Americans and foreigners.

Although within the public domain, this data is not available from the FEC in PDA's accessible format. Our

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file, which contains a complete alphabetic listing of each of 250,000 contributions, speeds up identification of any particular person with respect to his/her political contributions.

Much of the information accessible from PDA's data base is not related to individual contributions. For example, ten congressional districts, accounting for only 2 percent of the Nation's population and centered in the business sections of New York, Chicago, Washington, D.C., Dallas, and Houston, accounted for the addresses on 20 percent of all contributions. Just one district, New York's 15th CD represented by Bill Green, accounted for 8,876 contributions totalling \$11 million!

This information requires further investigation to reveal its true significance. PDA's reports provide a starting point for investigative reporters and public interest researchers to ascertain the meaning of these potentially troubling findings of concentration of contributions.

\* \* \*

In sum, the purpose of PDA's publications, in book and equivalent form, is to advance understanding of patterns of political giving in the U.S. -- precisely the purpose of making FEC reports public -- not to communicate information listed on the reports for purposes of soliciting contributions or other commercial purposes. An important practical guarantee of this purpose is that individual contributions will be identified only by name and employer; their addresses will not be given. Further, users of our compilations will be warned of the statutory ban on solicitations or commercial use.

The obvious purpose of requiring that contributor information reported to the FEC be subject to public inspection is to permit public scrutiny of who is giving to what candidates. PDA's compilations will facilitate that purpose and will be entirely consistent with the use restrictions.

The FEC has stated that "the principal, if not the sole purpose of restricting the use of information compiled from reports was to protect individual contributors from using their names for commercial purposes, or for inclusion on contribution lists that are used for commercial purposes." Consistent with that position, the FEC has permitted use of FEC-derived lists of names and addresses even for communicating with a candidate's opponents, so long as contributions were not solicited. AO 1981-5 [CCM Elec. Camp. Fin. Guide Part 5590]. In addition, the FEC's regulations explicitly permit use of information copied from

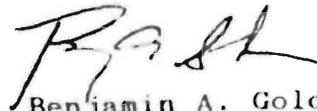
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Bradley Litchfield/page 5

FEC reports in newspapers, books, and similar communications, so long as the principal purpose is other than contributor solicitation or other commercial purposes. Here PDA's compilations will be prepared for (and in a format only suitable for) a use far removed from solicitation or other commercial use -- namely as a basis for research and analysis of who contributes to what candidates, a major purpose of the reporting requirement.

Accordingly, we request an advisory opinion that the sale by PDA of books and equivalent materials summarizing and compiling data from FEC reports (without individual contributor addresses) and accompanied by a warning against use of the information in violation of the FECA, will not violate any provision of the FECA and specifically that such publication is consistent with the use restrictions embodied in Section 438(a) (4) of the FECA and 11 CFR Section 104.15.

Sincerely,



Benjamin A. Goldman  
Executive Vice President

cc: Walter Slocombe  
enc.

BAG/kr

96043720845

EXECUTIVE SESSION  
SEP 15 1987

CONFIDENTIAL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Political Contributions Data, Inc. ) MUR 2291  
 )

RECEIVED  
FEDERAL ELECTION COMMISSION  
SECRETARIAT  
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GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 10, 1987, the Commission found reason to believe that Political Contributions Data, Inc. ("PCD") violated 2 U.S.C. § 438(a)(4) by selling or using for commercial purposes contributor information and lists copied from reports filed with the Commission. At the same time, the Commission voted to approve and send questions attached to the General Counsel's report dated March 2, 1987, "subject to amendment of the questions by expanding Question 6 to ask specifically to whom the lists were sold." Consequently, on March 18, 1987, a series of questions was sent to PCD, including the following question: "6 ... d). Please state the name of each purchaser of the information compilations." On May 19, 1987, the Commission voted to issue an order directing PCD's president, Dr. Michael Tanzer, to answer the aforesaid questions. That order, dated May 22, 1987, was mailed to Dr. Tanzer on May 26, 1987.

On June 9, 1987, this Office received respondent's response to the questions. In answer to question 6(d), Mr. Tanzer stated in part:

Respondent declines to reveal the names of specific purchasers because they constitute confidential trade secret information and because confidentiality is sometimes requested or expected by those for whom respondent acts as a consultant in providing specific

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analysis in response to particular questions. Indeed, insofar as use of this information is not commercial but constitutes the type of political expression protected by the First Amendment, the names of purchasers may well be constitutionally protected. Respondent also questions the relevance of the specific names of its customers to this investigation, since respondent may only be held responsible for its use of said lists, and not for a purchaser's subsequent use. In light of the questionable relevance of such names, the First Amendment interest should prevail.

Attachment 1, p. 8 (emphasis in original). It appears, therefore, that the information the Commission specifically directed this Office to obtain will not be provided voluntarily by respondent.

## II. ANALYSIS

It should be stated at the outset that respondent has not applied to the Commission to quash or modify the subpoena pursuant to the procedure set forth at 11 C.F.R. § 111.15. Accordingly, respondent has failed to exhaust its administrative remedies with respect to this matter.

Respondent's refusal to answer question 6(d) is based on four grounds: 1. the identity of the purchasers of the information is a trade secret; 2. the information requested is not relevant to the investigation; 3. the information is confidential, since PCD acted as a consultant to these purchasers; 4. the information requested is "political expression

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protected by the First Amendment." Each of these points will now be dealt with in turn.

Respondent claims the identity of its customers is a trade secret. It has been held that a customer list may be considered a trade secret if such list has not been created by means other than business operations, if such list has independent economic value from not being generally known or ascertainable by competitors, and if the owner had made reasonable efforts to keep it secret. Kozuch v. CRA-MAR Video Center, Inc., 478 N.E. 2d 110, 114; Zoecon Industries, A Div. of Zoecon Corp. v. American Stockman Tag Co., 713 F.2d 1174 (5th Cir. 1983). But even if respondent could establish that the information in question is a trade secret, it should be stressed that a trade secret is not necessarily protected from discovery. "As with most evidentiary and discovery privileges recognized by law, 'there is no absolute privilege for trade secrets and similar confidential information'.... [citations omitted] 'The courts have not given trade secrets automatic and complete immunity against disclosure; but have in each case weighed their claim to privacy against the need for disclosure. Frequently, they have been afforded a limited protection.'" Federal Open Market Committee of the Federal Reserve System v. Merrill, 443 U.S. 340, 362, 99 S.Ct. 2800, 2813, 61 L.Ed. 2d 587 (1979). According to the U.S. District Court for the District of Maine,

In order to resist discovery of a trade secret, a party must first establish that the information sought is indeed a

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trade secret and then demonstrate that its disclosure might be harmful ... Once these requirements are met, the burden shifts to the other party to establish that the discovery of the trade secrets is relevant and necessary to the action.... The district court then must balance the need for protection of the trade secrets against the claim of inquiry resulting from disclosure.... Discovery should be denied if proof of relevancy or need is not established, but if relevancy and need are shown, the trade secret must be disclosed.

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Cutler v. Lewiston Daily Sun, 105 F.R.D. 137, 140 (U.S.D.C. D. Maine 1985). See also Centurion Industries, Inc. v. Warren Steurer and Associates, 665 F.2d 323, 325 (10th Cir. 1981); Coca-Cola Bottling Co. v. Coca-Cola Co., 107 F.R.D. 288 (U.S.D.C. D. Delaware 1985).

In our view, Respondent has made no showing that the information sought is a trade secret or that its disclosure would be harmful. Assuming such a showing were made, we would consider, under the foregoing analysis, whether the information is necessary and relevant, which was also the second point raised by respondent. The identity of the purchasers is relevant and necessary to the investigation, since such data may be needed to determine whether the information copied from F.E.C. reports was used for the prohibited purposes of soliciting contributions or for other commercial purposes. 2 U.S.C. § 438(a)(4). The regulations do provide an exemption where information copied from F.E.C. reports is used for "newspapers, magazines, books or other

similar communications." 11 C.F.R. § 104.15(c). See National Republican Congressional Committee v. Legi-Tech Corp. 795 F.2d 190, 193 (D.C. Cir. 1986). Thus, the information sought was, in our view, both relevant and necessary to the inquiry and not privileged as a trade secret.

Respondent's third point is that it acts as a consultant to its customers, to whom it provides "specific analysis in response to particular questions." Attachment 1, P. 8. Respondent cites no authority for the existence of such a privilege; and new privileges are not readily recognized by the courts. In the Matter of International Horizons, Inc., 689 F.2d 996 (11th Cir. 1982); FED. R. EVID. 501. Assuming such a privilege exists, as a species of the "professional/client" privilege, Smith v. B+O Railroad, 473 F. Supp. 572 (D. Md. 1979), it should be emphasized that "The privilege only protects disclosure of communications; it does not protect disclosure of the underlying facts by those who communicated with the professional." Upjohn Co. v. United States, 449 U.S. 383, 395, 66 L.Ed. 584, 101 S. Ct. 677, 685 (1981). Accordingly, no such privilege would bar disclosure of the identity of respondent's customers, nor would it subsequently prevent the propounding of relevant questions to such customers.

Fourth, respondent contends that the First Amendment protects the identity of these customers as a "type of political expression." This argument is inapposite, as no "expression," political or otherwise, is the subject of this inquiry. It may be added that disclosure of the identity of these customers would

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not be precluded on the grounds that such disclosure would adversely affect their ability "to pursue their collective effort to foster beliefs which they admittedly have the right to advocate," because their association with respondent is based on contract and commerce, and not on advocacy or belief. Respondent has not alleged that its customers would be subject to harassment if their names were disclosed. Compare NAACP v. Alabama, 357 U.S. 449, 462-463 (1958).

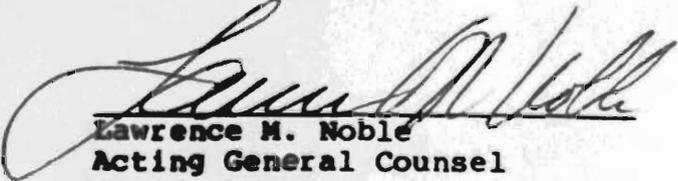
In summary, question 6(d) seeks the disclosure of relevant information, necessary for this investigation, and not protected by any privilege. In light of respondent's refusal to answer the questions, this Office recommends that the Commission authorize an enforcement suit against Political Contributions Data, Inc. and Dr. Michael Tanzer in the appropriate U.S. District Court.

**III. RECOMMENDATION**

Authorize the Office of the General Counsel to institute a civil action, pursuant to 2 U.S.C. § 437d(b), seeking subpoena enforcement in the United States District Court against Political Contributions Data, Inc. and Dr. Michael Tanzer.

Date

9/2/57

  
Lawrence M. Noble  
Acting General Counsel

**Attachments**

1. Response of Michael Tanzer
2. Subpoena and Order

96043720851

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2291  
Political Contributions Data, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 15, 1987, do hereby certify that the Commission decided by a vote of 6-0 to authorize the Office of General Counsel to institute a civil action, pursuant to 2 U.S.C. § 437d(b), seeking subpoena enforcement in the United States District Court against Political Contributions Data, Inc. and Dr. Michael Tanzer.

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

Attest:

9-16-87

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION COMMISSION

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SENSITIVE

In the Matter of )  
Political Contributions Data, Inc. )

MUR 2291

EXECUTIVE SESSION  
JUN 07 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 10, 1987, the Commission found reason to believe that Political Contributions Data, Inc. ("PCD") violated 2 U.S.C. § 438(a)(4) by selling or using for commercial purposes contribution information and lists copied from reports filed with the Commission. At that time, the Commission also propounded a series of interrogatories. Because respondent declined to answer one of these questions, the Commission, on September 15, 1987, authorized the Office of General Counsel to initiate a civil action seeking subpoena enforcement. On February 12, 1988, this Office received the answer to the questions, pursuant to a stipulation and protective order approved by the U.S. District Court for the District of Columbia on February 4, 1988.

The response set forth the names of persons or organizations that had purchased from PCD contributor information, derived from reports filed with the Commission.\*/ Respondent had itself

\*/ The Stipulation and Protective Order, that concluded the subpoena enforcement action, states in part, "The Commission shall make a good faith effort to restrict access to the listing [of PCD customers] within the Commission to only those personnel involved in the processing of MUR 2291." The agreement further states that all copies of the listing shall be numbered and destroyed upon the closing of the MUR. (See Attachment 1.) In order to assure compliance with the foregoing order, no copy of the complete listing is attached to this report. The full listing is available for review in the General Counsel's Office.

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originally obtained this information by purchasing computer tapes from the Commission. The identity of the purchasers was considered necessary to a determination of whether respondents violated 2 U.S.C. § 438(a)(4). That statute states, in pertinent part, that any information copied from reports or statements filed with the Commission "may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes ...." 2 U.S.C. § 438(a)(4). This prohibition is qualified under the Commission's regulations, as follows:

The use of information, which is copied or otherwise obtained from reports filed under 11 C.F.R. Part 104, in newspapers, magazines, books or other similar communications is permissible as long as the principal purpose of such communications is not to communicate any contributor information listed on such reports for the purpose of soliciting contributions or for other commercial purposes.

11 C.F.R. § 104.15(c). Accordingly, the purpose for which the contributor information obtained from reports filed with the Commission is critical to the determination of whether a violation of 2 U.S.C. § 438(a)(4) has occurred. This Office therefore, recommends further investigation focussing on the specific purpose for which respondents marketed contributor information.

Attached for the Commission's approval is a set of interrogatories directed to selected purchasers of contributor information from respondent. In view of the fact that there were

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approximately one hundred such purchasers and as it appears appropriate to avoid the unnecessary cost in time and money of contacting all of them, this Office has randomly selected ten PCD customers to be witnesses in this matter. The questions are intended to discover the purposes for which PCD marketed the contributor information and the purposes for which the information was in fact used.

II. RECOMMENDATIONS

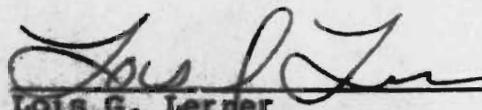
1. Authorize the attached subpoena and questions to Hal Kilshaw, Linda Davis, Samuel M. Gilman, Terry Casey, Dennis McConnell, William G. Vowteras, Claudia Lushch, Richard A. Brown, Fred Baier, Jr., and David Carney.
2. Approve the attached letters.

Lawrence M. Noble  
General Counsel

Date

5/18/84

BY:

  
Lois G. Lerner  
Associate General Counsel

Attachments

1. Court Order
2. Subpoenas/Questions (10)
3. Letters (10)

Staff Person: Charles Snyder

96043720855

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2291  
Political Contributions Data, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 7, 1988, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in MUR 2291:

1. Authorize the subpoena and questions to the following witnesses, as recommended in the General Counsel's report dated May 18, 1988: Hal Kilshaw, Linda Davis, Samuel M. Gilman, Terry Casey, Dennis McConnell, William G. Vowteras, Claudia Lushch, Richard A. Brown, Fred Baier, Jr., and David Carney.
2. Approve and send the letters attached to the General Counsel's report dated May 18, 1988.

Commissioners Elliott, Josefiak, McDonald, and Thomas voted affirmatively for the decision; Commissioner Aikens dissented; Commissioner McGarry was not present at the time of the vote.

Attest:

6/8/88  
Date

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

96043720856



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Samuel M. Gilman, Treasurer  
Friends of Lane Evans  
P.O. Box 5263  
Rock Island, Illinois 61204

RE: MUR 2291

Dear Mr. Gilman:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

This information is being sought as part of an investigation being conducted by the Commission. Pursuant to 2 U.S.C. § 437g(a)(12)(A), the Commission's investigations are confidential.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information under oath within 15 days of your receipt of this subpoena.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

96043720857

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 2291

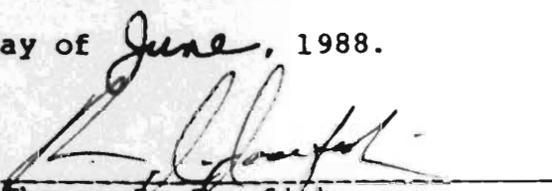
SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Samuel M. Gilman, Treasurer  
Friends of Lane Evans  
P.O. Box 5263  
Rock Island, Illinois 61204

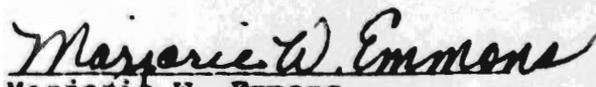
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Order. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Commission along with the requested documents within 15 days of your receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this *9th* day of *June*, 1988.

  
Thomas J. Josefiak  
Chairman  
Federal Election Commission

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

9604372058



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Linda Davis  
Creative Campaign Consultants  
230 G Street, N.E.  
Washington, D.C. 20002

RE: MUR 2291

Dear Ms. Davis:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

This information is being sought as part of an investigation being conducted by the Commission. Pursuant to 2 U.S.C. § 437g(a)(12)(A), the Commission's investigations are confidential.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information under oath within 15 days of your receipt of this subpoena.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

  
By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

96043720059

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 2291

SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Linda Davis  
Creative Campaign Consultants  
230 G Street, N.E.  
Washington, D.C. 20002

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Order. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Commission along with the requested documents within 15 days of your receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 9th day of June, 1988.

  
Thomas J. Josefiak  
Chairman  
Federal Election Commission

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

9604372060



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard A. Brown, Treasurer  
Committee to Re-Elect Congressman  
Charles B. Rangel  
2030 Allen Place, N.W.  
Washington, D.C. 20009

RE: MUR 2291

Dear Mr. Brown:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

This information is being sought as part of an investigation being conducted by the Commission. Pursuant to 2 U.S.C. § 437g(a)(12)(A), the Commission's investigations are confidential.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information under oath within 15 days of your receipt of this subpoena.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

9604372083

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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) MUR 2291  
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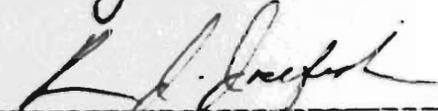
SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Richard A. Brown, Treasurer  
Committee to Re-Elect Congressman  
Charles B. Rangel  
2030 Allen Place, N.W.  
Washington, D.C. 20009

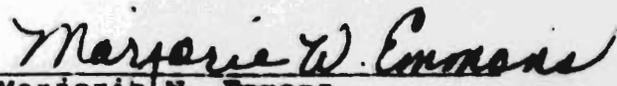
Pursuant to 2 U.S.C. § 437d(a) (1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Order. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Commission along with the requested documents within 15 days of your receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 9<sup>th</sup> day of June, 1988.

  
\_\_\_\_\_  
Thomas J. Josefiak  
Chairman  
Federal Election Commission

ATTEST:

  
\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1988

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Hal Kilshaw  
Louisiana Democratic Party  
3050 Teddy Drive, Suite B  
Baton Rouge, LA 70809

RE: MUR 2291

Dear Mr. Kilshaw:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

This information is being sought as part of an investigation being conducted by the Commission. Pursuant to 2 U.S.C. § 437g(a)(12)(A), the Commission's investigations are confidential.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information under oath within 15 days of your receipt of this subpoena.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

960437208

plum

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 ) MUR 2291  
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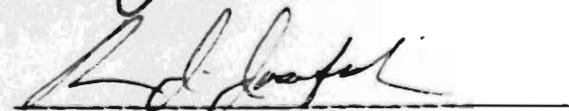
SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Hal Kilshaw  
Louisiana Democratic Party  
3050 Teddy Drive, Suite B  
Baton Rouge, Louisiana 70809

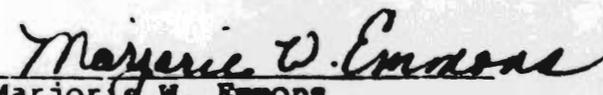
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Order. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Commission along with the requested documents within 15 days of your receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 9<sup>th</sup> day of June, 1988.

  
Thomas J. Josefiah  
Chairman  
Federal Election Commission

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

96043720864



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Fred Baier, Jr., Treasurer  
Friends of Ed Jones  
Box 173  
Yorkville, TN 38389

RE: MUR 2291

Dear Mr. Baier:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

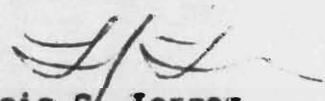
This information is being sought as part of an investigation being conducted by the Commission. Pursuant to 2 U.S.C. § 437g(a)(12)(A), the Commission's investigations are confidential.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information under oath within 15 days of your receipt of this subpoena.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

96043720865

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 2291

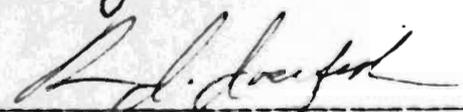
SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Fred Baier, Jr., Treasurer  
Friends of Ed Jones  
Box 173  
Yorkville, TN 38389

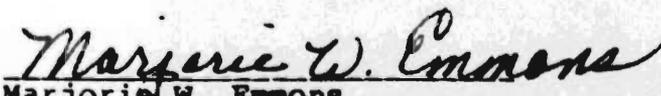
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Such answers must be submitted under oath and must be forwarded to the Commission along with the requested documents within 15 days of your receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 9th day of June, 1988.

  
\_\_\_\_\_  
Thomas J. Josefiak  
Chairman  
Federal Election Commission

ATTEST:

  
\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

960437208666



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Claudia Lushch  
Iowans for Jim Leach  
1101 State Street  
Bettendorf, IA 52722

RE: MUR 2291

Dear Ms. Lushch:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

This information is being sought as part of an investigation being conducted by the Commission. Pursuant to 2 U.S.C. § 437g(a)(12)(A), the Commission's investigations are confidential.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information under oath within 15 days of your receipt of this subpoena.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

96043726867

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
) MUR 2291  
)  
)

SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Claudia Lushch  
Iowans for Jim Leach  
1101 State Street  
Bettendorf, IA 52722

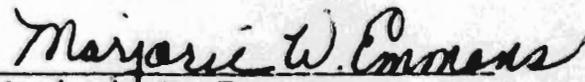
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 9th day of June, 1988.

  
\_\_\_\_\_  
Thomas J. Josefiah  
Chairman  
Federal Election Commission

ATTEST:

  
\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

9 6 0 4 3 7 2 9 6 5 8



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

June 13, 1988

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William G. Vowteras, Treasurer  
Dwyer for Congress  
P.O. Box 2130  
Edison, NJ 08818

RE: MUR 2291

Dear Mr. Vowteras:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

This information is being sought as part of an investigation being conducted by the Commission. Pursuant to 2 U.S.C. § 437g(a)(12)(A), the Commission's investigations are confidential.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information under oath within 15 days of your receipt of this subpoena.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

  
By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

9 6 0 4 3 7 2 0 8 6 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)  
) MUR 2291  
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SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: William G. Vowteras, Treasurer  
Dwyer for Congress  
P.O. Box 2130  
Edison, NJ 08818

Pursuant to 2 U.S.C. § 437d(a) (1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Order. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

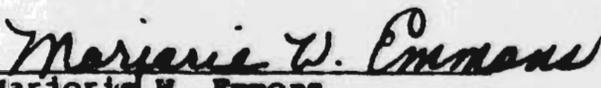
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 9<sup>th</sup> day of June, 1988.



Thomas J. Josefiak  
Chairman  
Federal Election Commission

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Request (1 page)

96043720870



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

David Carney  
Sununu Committee  
Fort Eddy Road  
Concord, NH 03301

RE: MUR 2291

Dear Mr. Carney:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

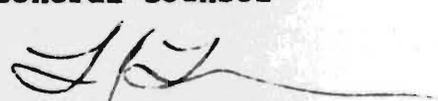
This information is being sought as part of an investigation being conducted by the Commission. Pursuant to 2 U.S.C. § 4347g(a)(12)(A), the Commission's investigations are confidential.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information under oath within 15 days of your receipt of this subpoena.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

96043720871

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 2291

SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: David Carney  
Sununu Committee  
Fort Eddy Road  
Concord, NH 03301

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Order. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals.

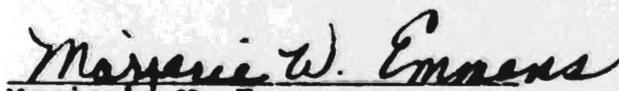
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 9<sup>th</sup> day of June, 1988.



Thomas J. Josefiak  
Chairman  
Federal Election Commission

ATTEST:

  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

96043720872



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 13, 1988

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Terry Casey  
WTVT-TV  
3213 W. Kennedy Blvd.  
Tampa, FL 33622

RE: MUR 2291

Dear Mr. Casey:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

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If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

96040720873

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 2291

SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Terry Casey  
WTVT-TV  
3213 W. Kennedy Blvd.  
Tampa, FL 33622

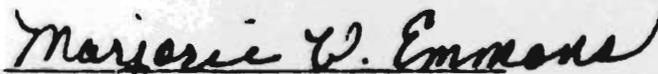
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\_\_\_\_\_  
Thomas J. Josefiah  
Chairman  
Federal Election Commission

ATTEST:

  
\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

96043720374



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 13, 1988

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Dennis McConnell  
University of Maine  
Orono, ME 04469

RE: MUR 2291

Dear Mr. McConnell:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena which requires you to provide certain information, in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

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If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
Subpoena  
Questions

96043720875

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)  
) MUR 2291  
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SUBPOENA TO PRODUCE DOCUMENTS  
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Dennis McConnell  
University of Maine  
Orono, ME 04469

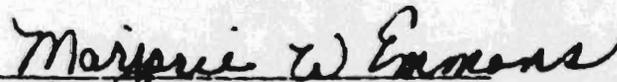
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand on this 9th day of June, 1988.

  
\_\_\_\_\_  
Thomas J. Josefiak  
Chairman  
Federal Election Commission

ATTEST:

  
\_\_\_\_\_  
Marjorie W. Emmons  
Secretary to the Commission

Attachments  
Questions and  
Document Requests (1 page)

96043720876

BCC#9560

RECEIVED  
FEDERAL ELECTION COMMISSION

WTVT Television, P.O. Box 22013, Tampa, Florida 33622, Telephone (813) 876-1313

88 JUN 20 AM 10:25

A CBS AFFILIATE



CLARENCE V. MCKEE, Esq.  
Chairman  
President  
Chief Executive Officer  
HARRY M. APEL  
Vice President  
General Manager

June 17, 1988

Federal Election Commission  
Washington, D.C. 20463

Attn: Mr. Charles Snyder

Dear Mr. Snyder:

Per our phone conversation today, I am returning the letter and attachments directed to Terry Casey, Re: MUR 2291.

As advised, Mr. Casey has not been with WTVT since February 27, 1987. He is currently employed at WCBD-TV, 210 W. Coleman Blvd, Mt. Pleasant, S.C. 29464. The phone # is (803) 884-2222.

As I also mentioned, Mr. Casey is on vacation this week, per a co-worker at WCBD. We are unable to determine if Mr. Casey was, in fact, involved in the purchase or lease of any of the documents in question, and, if so, for what purpose.

As agreed, I am therefore returning the letter and enclosures.

Sincerely,

Evelyn Valdes  
News Department

ev  
Enc.

RECEIVED  
FEDERAL ELECTION COMMISSION  
88 JUN 21 AM 10:46

9 5 0 4 3 1 2 0 5 1 7

QCCA#9618

Committee to Re-elect Representative Charles B. Rangel  
2030 Allen Place, N.W., Washington, D.C. 20009

Richard A. Brown  
Treasurer

June 22, 1988

TO: Federal Election Commission  
ATTN: Lawrence M. Noble, Lois G. Lerner

FR: Richard A. Brown, Treasurer  
Committee to Re-elect Cong. Charles B. Rangel

RE: MUR 2291

1. I purchased the list of contributors to Congressional election campaigns by residents of the 16th Congressional District of New York out of curiosity.

The solicitation from Public Data Access was for that purpose and was quite inexpensive (\$25.00).

Since the Congressman's District is a poor one (mostly Harlem and East Harlem) I thought it would be interesting to see what else our few local big contributors were into.

2. I did not retain the solicitation material and cannot recall whether I kept the report. So far, a search of my old files has not uncovered anything.

3a. I had no intention of using the material for fundraising purposes. It was only curiosity with the outside possibility of learning something more about our own contributors.

3b. I did not add any of the names (if there were any new ones) to our solicitation lists.

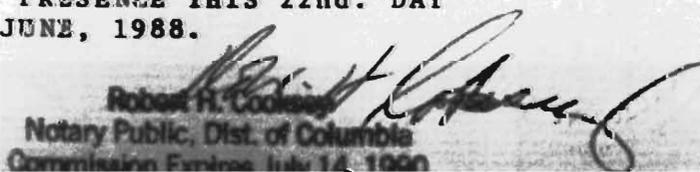
3c. No use of any sort was made of the list. This 16th C.D. report was paid for by check #3499 dated August 11, 1986.



RICHARD A. BROWN  
Treasurer

CITY OF WASHINGTON  
DISTRICT OF COLUMBIA

SWORN TO AND SUBSCRIBED IN  
MY PRESENCE THIS 22nd. DAY  
OF JUNE, 1988.



Notary Public, Dist. of Columbia  
Commission Expires July 14, 1990

RECEIVED  
FEDERAL ELECTION COMMISSION  
88 JUN 29 AM 11:37

RECEIVED  
FEDERAL ELECTION COMMISSION  
88 JUN 27 AM 9:08

96043720570

6CC#9632

88 JUN 29 11:15

**FRIENDS OF ED JONES  
P.O. Box 173  
Yorkville, Tennessee 38389**

I, Fred Baier, Jr., Secretary and Treasurer of Friends of Ed Jones Committee, do hereby declare that the attached written statement is given under oath and is correct and true to the best of my knowledge and belief. There is one page of statements.

6-24-88  
Date

Fred Baier, Jr.  
Fred Baier, Jr.

I, Notary Public, for the State of Tennessee and County of Gibson, do declare that Fred Baier, Jr. did personally appear before me, the undersigned, and under oath executed the enclosed statement for the purposes requested in your certified letter dated June 13, 1988 and received by Mr. Baier on 6-16-88.

6-24-88  
Date

Bettye McCaffrey  
Bettye McCaffrey

MY COMMISSION EXPIRES:

3-13-90

88 JUN 29 11:15:35

FEDERAL ELECTION COMMISSION RECEIVED

96043720879

**FRIENDS OF ED JONES  
P.O. Box 173  
Yorkville, Tennessee 38389**

June 24, 1988

Mr. Lawrence M. Noble  
General Counsel  
Federal Election Commission  
Washington, D. C. 20463

Dear Mr. Noble:

RE: MUR 2291

I am responding to the Subpoena requesting documents and written answers to questions in an investigation being conducted by the Commission.

These are my written answers to your questions:

#1. The purchases of compilations from PUBLIC DATA ACCESS were made to determine who had given more than \$1000.00 to candidates in the 5th, 7th, 8th and 9th Congressional Districts of Tennessee.

#2. Two copies of invoices that were received are enclosed. These are the only written materials that we received.

#3. A. The lists would have been used to solicit money for future campaigns.

B. The compilations were not used to solicit any name on the list that was purchased because there was not a major campaign and fund raising was not necessary after the list were received in August 1986.

C. N/A

D. The list was not used for any other purpose.

Sincerely,

*Fred Baier, Jr.*  
Fred Baier, Jr.

Secretary and Treasurer

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C. 20463.

96043720880

**RPA PUBLIC DATA ACCESS**

INVOICE

INVOICE NO  
**09358**

30 Irving Place  
New York, NY 10003  
(212) 529-0890

SOLD TO

Mr. Fred Baier Jr.  
Friends of Ed Jones

SHIP TO

Box 173  
Yorkville, TN 38389

CUSTOMER'S ORDER	SALESMAN	TERMS	SHIPPED VIA	FOB	DATE
EECC08	KR	—	POSTAL/1		8/2/86
1	TH CD 07 Printed			15 <sup>00</sup>	
1	TH CD 08 Printed			5 <sup>00</sup>	
1	TH CD 09 Printed			20 <sup>00</sup>	
Pd 8-20-86					
			Sub-total	40 <sup>00</sup>	
			Shipping	1 <sup>00</sup>	
			<b>TOTAL DUE</b>		41 <sup>00</sup>

REDIFORM 75724  
POLY PAK (50 SETS) 7P724

carbonless



**HAND DELIVERED**

600#9654

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

88 JUN 30 AM 10:40



**JIM LEACH**

June 29, 1988

Mr. Lawrence M. Noble  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 2291

Dear Mr. Noble:

As campaign manager for Jim Leach, I represent the committee Iowans for Jim Leach in 1988 as I did in 1986.

Attached is our response to your letter of June 13, 1988.

Sincerely,

Debby Stafford  
Campaign Manager

DS:rl

Enclosure

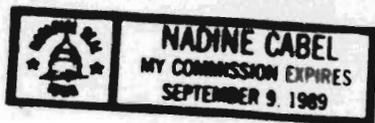
RECEIVED  
FEDERAL ELECTION COMMISSION  
88 JUN 30 PM 3:33



I, Deborah Stafford, being first duly sworn on oath, do swear that I have read the foregoing Response, know the contents thereof and that the statements therein made are true as I verily believe.

*Deborah Stafford*  
Deborah Stafford

Subscribed in my presence and sworn to before me by the said Deborah Stafford this 29th day of June, 1988.



*Nadine Cabel*  
Nadine Cabel, Notary Public  
Scott County, Iowa

96043720834

Response to Letter Dated  
June 13, 1988 to Claudia Lushch

Ms. Lushch is neither present nor knowledgeable, having moved out of the state, and thus she cannot respond. This response is made by Debby Stafford, who was at the time in question and is at present Campaign Chairman for the Iowans for Jim Leach Committee.

In August, 1986, the Iowans for Jim Leach Committee purchased a state-wide list of all Iowa contributors of \$500 or more to federal candidates and Political Action Committees (PACs) for \$35 from Public Data Access (PDA).

The list was used by staff primarily for opposition research.

Our candidate does not accept PAC monies, contributions of more than \$500 per election cycle, or out-of-state contributions, so our interest in the list was rather casual. The list, in fact, proved to be of so little interest to us that it was thrown away within several days of receipt.

Needless to say, Iowans for Jim Leach did not use the purchased list to solicit any person named for any contribution. We did not bother to file the list, but we have found in our files copies of other material received from PDA (two brochures, a solicitation letter and a sample list) which are enclosed.

96043720895

60649702



RECEIVED  
FEDERAL ELECTION COMMISSION

88 JUL -5 PM 2:21

REELECT FOR CONGRESS  
**BERNARD I. DWYER**  
P. O. BOX 2130, EDISON, NEW JERSEY 08818

June 29, 1988

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

Dear Mr. Noble:

In response to your letter of June 13, 1988, the following information is provided in response to the questions and requests for production of documents as requested in the Commission's subpoena of June 9, 1988, in the matter of MUR 2291.

1. The material was purchased for the sole purpose of gathering political information through the review of large contributors to other campaigns.
2. Copies enclosed.
3. (a) As stated in response to question 1, the material was purchased for the sole purpose of gathering political information through the review of large contributors to other campaigns.
  - (b) No.
  - (c) Not applicable.
  - (d) The material was not used for solicitations. As stated in response to questions 1 and 3 (a), the sole purpose was to gather political information through the review of large contributors to other campaigns.

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

Very truly yours,  
  
William G. Vowteras  
Treasurer

WGV/pmd  
Encs:

Paid for by Dwyer for Congress Committee

88 JUL -9 AM 11:29  
FEDERAL ELECTION COMMISSION

93043720356

# 1051

for 153

**FDA PUBLIC DATA ACCESS**

AUG 05 1986

30 Irving Place  
New York, NY 10003  
(212) 529-0890

"A unique analysis of political giving. PDA reports are required reading for any informed campaign, PAC, researcher or journalist".

The Hon. Bernard Dwyer  
404 Cannon House Off. Bldg.  
Washington D.C., 20515

Alan Baron, Editor  
The Baron Report

Dear Political Observer:

Public policy analysis, lobbying, understanding campaigns and political influence. To do each well requires expert knowledge of who gives what to whom.

For the first time ever, Federal Elections Commission data are available on individual contributors for each congressional district in the nation: 250,000 records of all \$500+ contributors to all congressional campaigns, PACs, and federal committees, from the most recent two-year election cycle.

In the comprehensive reports described in the enclosed brochure, Public Data Access offers district-by-district listings of all \$500+ contributions, identifying individual contributors, their zip codes, occupation, and the names of the recipients of their contributions.

Anywhere in the country -- from the 8,888 contributions generated in New York's 15th CD to the 444 in Iowa's 6th CD -- PDA reports provide a unique profile of the contributions from each area.

In addition, PDA has sorted the quarter of a million records according to the occupation of the donor, providing complete listings of the "private" giving of persons associated with specified firms. Look at the listing in the brochure -- the results may surprise you.

We are certain you'll find these reports to be an invaluable tool at an extremely modest price. The minimum order is only \$25 and, for an additional charge, overnight express service is available by calling 212-529-0890.

Sincerely  
*Michael Tanzer*

*Benjamin A. Goldman*

Dr. Michael Tanzer  
President

Benjamin A. Goldman  
Executive Vice President

Enclosures

96043720597

9 6 0 4 3 7 2 0 8 8 8

**Important Note**

The minimum order for all PDA materials is only \$25.

PRICE LIST FOR CONGRESSIONAL DISTRICT REPORTS														
CD	Amount \$1000	Price \$	CD	Amount \$1000	Price \$	CD	Amount \$1000	Price \$	CD	Amount \$1000	Price \$			
<b>ALABAMA</b>														
01	184	10	01	184	10	02	205	10	03	294	20			
<b>ALABAMA</b>														
01	86.2	55	01	1,010	55	01	773	10	02	746	60			
02	472	25	<b>FLORIDA</b>		02	344	20	03	623	35	03	124	10	
03	37	5	01	387	15	01	517	25	04	75	5	04	171	10
04	171	10	02	168	10	04	646	25	05	407	25	05	218	10
05	218	10	03	514	25	05	137	5	06	136	10	06	961	50
06	961	50	04	454	25	AR	1,801	85	07	136	10	07	225	15
07	225	15	05	532	30	08	79	10	08	96	10	08	1,015	170
08	1,015	170	06	150	10	09	2,286	105	09	96	10	09	1,015	170
09	1,015	170	07	407	20	01	128	5	AR	2,817	175	01	280	15
01	280	15	08	284	10	02	90	5	02	950	60	02	950	60
02	950	60	09	221	10	03	386	20	03	481	25	03	481	25
03	481	25	10	311	15	04	661	30	04	460	20	04	460	20
04	460	20	11	294	15	05	192	10	05	2,178	100	05	2,178	100
05	2,178	100	12	743	45	06	604	25	06	2,178	100	06	2,178	100
06	2,178	100	13	709	40	07	220	10	07	2,178	100	07	2,178	100
07	2,178	100	14	700	100	08	2,286	105	08	2,178	100	08	2,178	100
08	2,178	100	15	622	45	09	331	15	09	2,178	100	09	2,178	100
09	2,178	100	16	459	25	10	413	20	10	2,178	100	10	2,178	100
10	2,178	100	17	422	20	11	681	30	11	2,178	100	11	2,178	100
11	2,178	100	18	417	15	12	965	50	12	2,178	100	12	2,178	100
12	2,178	100	19	1,070	50	13	302	15	13	2,178	100	13	2,178	100
13	2,178	100	20	11,056	615	14	815	35	14	2,178	100	14	2,178	100
14	2,178	100	21	250	15	15	257	15	15	2,178	100	15	2,178	100
15	2,178	100	22	284	10	16	331	15	16	2,178	100	16	2,178	100
16	2,178	100	23	249	15	17	413	20	17	2,178	100	17	2,178	100
17	2,178	100	24	424	20	18	308	15	18	2,178	100	18	2,178	100
18	2,178	100	25	415	15	19	4,812	205	19	2,178	100	19	2,178	100
19	2,178	100	26	117	10	20	360	15	20	2,178	100	20	2,178	100
20	2,178	100	27	223	15	21	229	15	21	2,178	100	21	2,178	100
21	2,178	100	28	93	5	22	177	10	22	2,178	100	22	2,178	100
22	2,178	100	29	94	5	23	204	15	23	2,178	100	23	2,178	100
23	2,178	100	30	94	5	24	1,135	85	24	2,178	100	24	2,178	100
24	2,178	100	31	2,279	100	25	1,220	85	25	2,178	100	25	2,178	100
25	2,178	100	32	407	20	26	157	10	26	2,178	100	26	2,178	100
26	2,178	100	33	1,065	70	27	1,065	70	27	2,178	100	27	2,178	100
27	2,178	100	34	588	30	28	1,446	80	28	2,178	100	28	2,178	100
28	2,178	100	35	1,099	55	29	1,099	55	29	2,178	100	29	2,178	100
29	2,178	100	36	7,293	495	30	7,293	495	30	2,178	100	30	2,178	100
30	2,178	100	37	129	5	31	129	5	31	2,178	100	31	2,178	100
31	2,178	100	38	388	10	32	185	10	32	2,178	100	32	2,178	100
32	2,178	100	39	300	10	33	360	15	33	2,178	100	33	2,178	100
33	2,178	100	40	274	15	34	154	10	34	2,178	100	34	2,178	100
34	2,178	100	41	152	10	35	152	10	35	2,178	100	35	2,178	100
35	2,178	100	42	136	10	36	527	30	36	2,178	100	36	2,178	100
36	2,178	100	43	111	10	37	256	10	37	2,178	100	37	2,178	100
37	2,178	100	44	54	5	38	1,625	100	38	2,178	100	38	2,178	100
38	2,178	100	45	339	15	39	1,466	95	39	2,178	100	39	2,178	100
39	2,178	100	46	2,913	180	40	2,913	180	40	2,178	100	40	2,178	100
40	2,178	100	47	124	10	41	240	15	41	2,178	100	41	2,178	100
41	2,178	100	48	1,035	60	42	1,035	60	42	2,178	100	42	2,178	100
42	2,178	100	49	2,497	140	43	505	30	43	2,178	100	43	2,178	100
43	2,178	100	50	222	15	44	191	10	44	2,178	100	44	2,178	100
44	2,178	100	51	236	15	45	695	40	45	2,178	100	45	2,178	100
45	2,178	100	52	367	20	46	695	40	46	2,178	100	46	2,178	100
46	2,178	100	53	233	15	47	214	10	47	2,178	100	47	2,178	100
47	2,178	100	54	64	5	48	547	30	48	2,178	100	48	2,178	100
48	2,178	100	55	64	5	49	426	25	49	2,178	100	49	2,178	100
49	2,178	100	56	155	10	50	107	10	50	2,178	100	50	2,178	100
50	2,178	100	57	144	5	51	26	15	51	2,178	100	51	2,178	100
51	2,178	100	58	164	10	52	670	30	52	2,178	100	52	2,178	100
52	2,178	100	59	140	5	53	26	15	53	2,178	100	53	2,178	100
53	2,178	100	60	246	10	54	117	10	54	2,178	100	54	2,178	100
54	2,178	100	61	670	30	55	12	20	55	2,178	100	55	2,178	100
55	2,178	100	62	116	5	56	372	10	56	2,178	100	56	2,178	100
56	2,178	100	63	76	5	57	160	10	57	2,178	100	57	2,178	100
57	2,178	100	64	257	10	58	10,740	350	58	2,178	100	58	2,178	100
58	2,178	100	65	98	5	59	2,178	100	59	2,178	100	59	2,178	100
59	2,178	100	66	3,988	255	60	3,988	255	60	2,178	100	60	2,178	100
60	2,178	100	67	89	5	61	89	5	61	2,178	100	61	2,178	100
61	2,178	100	68	51	5	62	51	5	62	2,178	100	62	2,178	100
62	2,178	100	69	384	15	63	384	15	63	2,178	100	63	2,178	100
63	2,178	100	70	254	10	64	254	10	64	2,178	100	64	2,178	100
64	2,178	100	71	103	5	65	103	5	65	2,178	100	65	2,178	100
65	2,178	100	72	95	5	66	95	5	66	2,178	100	66	2,178	100
66	2,178	100	73	253	15	67	253	15	67	2,178	100	67	2,178	100
67	2,178	100	74	82	5	68	82	5	68	2,178	100	68	2,178	100
68	2,178	100	75	4,323	280	69	4,323	280	69	2,178	100	69	2,178	100
69	2,178	100	76	89	5	70	89	5	70	2,178	100	70	2,178	100
70	2,178	100	77	51	5	71	51	5	71	2,178	100	71	2,178	100
71	2,178	100	78	106	10	72	106	10	72	2,178	100	72	2,178	100
72	2,178	100	79	1,141	80	73	1,141	80	73	2,178	100	73	2,178	100
73	2,178	100	80	613	40	74	613	40	74	2,178	100	74	2,178	100
74	2,178	100	81	747	45	75	747	45	75	2,178	100	75	2,178	100
75	2,178	100	82	170	10	76	170	10	76	2,178	100	76	2,178	100
76	2,178	100	83	106	10	77	106	10	77	2,178	100	77	2,178	100
77	2,178	100	84	1,141	80	78	1,141	80	78	2,178	100	78	2,178	100

**P**ublic Data Access, Inc. (PDA) has produced 1,135 separate information reports on contributions to congressional candidates and political action committees in the 1983-84 election cycle, based on FEC tapes. In the first set of 435 reports, a total of some 250,000 contributions of \$500 or more have been allocated to each congressional district (CD). In the second set of 700 reports, the contributions of individuals associated with 700 companies are displayed; in both sets of reports, the names of individuals are arrayed alphabetically. These reports are designed to illuminate the political associations of large contributors (acting as individuals or as associates or employees of companies) to the various candidates and political action committees. The 1,135 reports cover some 25,000 pages in total, in which the name of a contributor is linked with the candidate or PAC to whom the contribution was made and the dollar amount.

In order to maximize the public dissemination of these reports without incurring distribution losses, PDA will offer any selected group of reports at a per-page cost running between 35 cents and 85 cents, with a \$25 minimum order. Most of the CD reports cost less than \$25.00 and many cost as little as \$5.00, while the company reports average about 50 cents each.

Reports for any user will be custom tailored to the particular set of reports requested, with the user's name appearing on every page of the requested reports, along with the standard FEC injunction that the information cannot be copied or sold for commercial use or for the solicitation of funds.

Public Data Access is a new company, largely owned by non-profit agencies, organized to make data in federal computer files easily accessible to the public, particularly in areas of political sensitivity such as environmental and public health problems. PDA has undertaken the task of making FEC data available because Gramm-Rudman pressures have forced FEC to curtail distribution of data on individual contributors. In reporting its distribution plans to FEC, PDA has offered to turn over to FEC all the computer programs necessary to run these reports whenever FEC is ready to assume the labor of distributing them at a cost equal to or less than those of PDA. PDA feels that this is consistent both with the current Administration's desire to get the government out of business and with the intent of the Federal Election Commission's mandate by Congress to make information on political contributions a matter of public record.

PDA is also exploring the possibility of putting all 1,135 reports on personal computer diskettes, which will multiply greatly the volume of data available at a given cost.

#### Research Value of the Reports

Users must understand that under the FEC regulations the use of FEC data for fund raising is strictly forbidden, and that the FEC records are probably "seeded" to detect such unwar-

ranted usage. PDA has left all records unchanged, except for the fact that thousands of errors in matching ZIP codes to cities have been corrected, and all corporate names have been disciplined with respect to spelling.

The reports are most useful to the extent to which they show how political contributions support the current political superstructure, particularly with respect to the advantage enjoyed by incumbents.

The chief virtue of the reports is that they facilitate research into the reasons why contributors, both as individuals and on behalf of their affiliated companies, favor one candidate over another, particularly in light of their congressional committee assignments.

There are several areas of further research that should be done. It will be noted that individuals often make contributions, sometimes to the same candidate under a variety of occupational descriptions, sometimes along with other family members, raising the question as to what is the true total contribution for that individual or family or for the associated company if any. A contributor has the option of characterizing his occupation in any way he wishes. A truer estimate of company contributions would take into account not only family members but also company officers and directors, who may be reporting contributions from home addresses without indicating company affiliation. But the most important area of speculation would relate to the reasons for particular assignments.

The primary research goal posed by the FEC data is the truly disturbing question as to what extent are congressional elections decided now by the financial contributions of a relatively small number of individuals, including family members, and the companies with which they are associated. Local political analysts are best suited for such a research task.

#### Company Reports

We list below the top 100 companies whose associates contributed the largest amounts of political contributions, totalling over \$10 million for these companies. For the 700 leading companies the total comes to \$24 million. Remember, this total is quite different from the data on corporate PAC contributions, which is of much greater magnitude. The data PDA provides includes only contributors of \$500 or more who chose to associate themselves with one of the 700 companies. PDA's corporate totals are all very much understated because most of the individuals generally make their contributions from their homes and do not always report their corporate association. An intensive examination of the CD reports to account for all such contributions (including those of family members, corporate officials and directors) would probably result in a great increase in the company totals for the number and amount of contributors.

Even this would not account for the vast sums that flow through the hands of conduits as indicated by the surprising

PRICE LIST (Continued)											
CD	Amount (\$)	Price	CD	Amount (\$)	Price	CD	Amount (\$)	Price	CD	Amount (\$)	Price
<b>NEW CAROLINA</b>											
01	123	80	02	200	15	06	176	40	01	140	15
02	230	30	03	211	15	07	1,420	70	02	165	15
03	265	15	04	600	30	08	1,000	100	03	165	25
04	537	35	05	600	30	09	250	10	04	67	5
05	475	20	10	1,000	100	10	1,000	100	05	66	5
06	405	25	<b>Tennessee</b>								
07	337	25	<b>OREGON</b>								
08	236	15	01	705	45	01	121	5	07	427	20
09	751	46	02	97	5	02	277	15	08	607	30
10	206	15	03	230	10	04	124	10	09	167	10
11	390	25	04	145	10	05	1,142	75	10	1,326	150
AR	4,277	250	05	271	10	06	517	30	11	4,630	265
<b>IN DELAWARE</b>											
01	134	10	02	222	15	03	222	15	04	222	15
<b>PENNSYLVANIA</b>											
01	134	10	02	115	20	03	115	20	04	121	5
<b>NEBRASKA</b>											
01	231	10	02	752	45	03	752	45	04	281	15
02	418	30	03	130	10	04	350	25	05	122	10
03	90	10	04	150	5	06	201	15	06	109	5
04	750	40	05	343	15	07	201	15	07	72	5
<b>NEW HAMPSHIRE</b>											
01	62	45	02	413	20	03	3,273	160	04	139	10
02	154	30	04	126	10	05	1,300	70	05	160	10
AR	918	65	11	130	5	06	212	10	06	470	25
<b>OHIO</b>											
01	965	45	12	41	5	00	400	25	07	200	10
02	104	5	13	1,701	100	10	1,832	100	08	200	10
03	171	10	14	763	30	11	676	30	09	501	5
04	50	5	15	261	13	12	1,321	75	10	60	5
05	92	5	16	130	5	13	1,310	60	11	151	10
06	83	5	17	144	5	14	483	25	12	103	10
07	40	5	18	200	10	15	200	15	13	204	5
08	109	5	19	91	5	16	400	25	14	104	5
09	162	10	20	62	5	17	461	25	15	86	5
10	67	5	21	112	5	18	717	30	16	240	20
11	162	10	22	100	5	19	1,100	50	17	1,301	75
12	647	35	AR	7,251	375	20	2,245	125	18	1,301	75
13	72	5	<b>TEXAS</b>								
14	230	10	01	300	15	23	700	30	01	103	10
15	330	20	02	300	15	24	374	15	02	243	15
16	212	5	03	79	5	25	611	40	03	249	10
17	647	35	04	221	15	26	405	25	04	81	5
18	60	5	05	301	20	27	827	45	05	757	40
19	904	30	06	400	30	28	1,161	1,170	06	1,161	1,170
20	332	20	07	311	15	29	1,161	1,170	07	412	20
AR	1,781	200	08	322	15	30	91	5	AR	243,810	10,000
<b>OKLAHOMA</b>											
01	92	50	02	221	15	03	60	5	US	243,810	10,000
02	123	5	AR	500	25						

#### Order Blank for Congressional District and Company Reports

1. Please circle the desired Congressional District reports, and include a list of the desired company reports, or indicate the "top 20" or "top 100" etc. companies.
2. The CD report cost is indicated on the chart, any of the company reports are \$15 each. The top 10 companies are \$100, the top twenty are \$150, the top 100 are \$180, all 700 are \$350.
3. Total cost \_\_\_\_\_ CD reports \_\_\_\_\_ Company reports (no. co's ordered) \_\_\_\_\_ Total \_\_\_\_\_
4. Please fill out clearly.

Name \_\_\_\_\_  
 Organization \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Telephone \_\_\_\_\_

5. Payment:  Bill me  Payment Enclosed  Credit Card  
 Visa  MC  Card number \_\_\_\_\_ Exp date \_\_\_\_\_

Authorizing Signature \_\_\_\_\_

For overnight express service or information about special analysis and reports, please call 1-212-529-0890 or write to Public Data Access, Inc., 30 Irving Place, New York, NY 10017

0 6 8 0 2 4 8 7 0 9 6



BCCA# 9700

RECEIVED  
FEDERAL ELECTION COMMISSION

88 JUL -5 PM 1:46

LAW OFFICES OF  
**COYLE, GILMAN & STENDEL**  
305 FIRST NATIONAL BANK BUILDING  
ROCK ISLAND, ILLINOIS 61901-8751

FRANCIS J. COYLE (1899-1987)  
SAMUEL M. GILMAN  
FRANCIS J. COYLE, JR.\*  
WILLIAM R. STENDEL, JR.\*  
JERRY A. SOPER\*  
LORI S. PAULUS\*

AREA CODE 309  
TELEPHONE 788-0471

DAVID C. BAYNE, S. J.  
RICHARD STENDEL  
OF COUNSEL

\*ALSO ADMITTED TO  
PRACTICE IN IOWA

June 28, 1988

Federal Election Commission  
Washington, D.C. 20463

Gentlemen:

Re: MUR 2291

Pursuant to your subpoena enclosed please find my Affidavit answering the questions you have asked me.

Very truly yours,

*Samuel M. Gilman*  
Samuel M. Gilman

SMG/ms  
encls.

RECEIVED  
FEDERAL ELECTION COMMISSION  
88 JUL -6 AM 11:31

9604572000

BEFORE THE FEDERAL ELECTION COMMISSION

)  
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)

MUR 2291

AFFIDAVIT

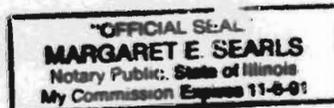
Samuel M. Gilman, on oath upon his information and belief, answers the questions asked by the Federal Election Commission under its subpoena dated June 9, 1988, as follows:

1. Opposition research as to who in the 17th Congressional District of Illinois had contributed to PACs which were presumably contributing to the opponent of Congressman Lane Evans.
2. The list received from Public Data Access, Inc. cannot be found.
3. (a) Same as 1 above.  
(b) No.  
(c) N/A  
(d) Same as 1 above.

*Samuel M. Gilman*  
\_\_\_\_\_  
Samuel M. Gilman

Subscribed and sworn to before me this 28<sup>th</sup> day of June, 1988.

*Margaret E. Searls*  
\_\_\_\_\_  
Notary Public



96043120335

600-9679

FEDERAL ELECTION COMMISSION

83 JUL -6 AM 8:52



July 1, 1988

Mr. Charles Snyder  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RE: MUR2291

Dear Mr. Snyder:

Enclosed please find copies of the brochures  
you requested.

I apologize for any inconvenience.

Sincerely,

Debby Stafford  
Campaign Manager

DS/bn  
Enc.

RECEIVED  
FEDERAL ELECTION COMMISSION  
88 JUL -6 AM 11:35





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FEC033  
IOWANS FOR JIM LEACH  
1101 STATE ST.  
BETTENDORF, IA

1949

PAID  
3

2-15-2998

1986

\$ 35.00

Public Dashed  
Thirty - five and 00/100

DOLLARS

DAVENPORT BANK  
AND TRUST COMPANY  
200 WEST THIRD STREET, DAVENPORT, IOWA 52001

Charles H. Leach

FOR #001949 #0739000270 GB 18 203# #0000003500#

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**FDA | PUBLIC  
DATA  
ACCESS**

30 Irving Place  
New York, NY 10003  
(212) 529-0890

"A unique analysis of political giving.  
PDA reports are required reading for  
any informed campaign, PAC, researcher  
or journalist".

Robert P Fritzsche  
Iowans for Jim Leach  
1101 State Street  
Bettendorf, IA 52722

Alan Baron, Editor  
The Baron Report

Dear Political Observer:

Public policy analysis, lobbying, understanding  
campaigns and political influence. To do each well  
requires expert knowledge of who gives what to whom.

For the first time ever, Federal Elections Commission  
data are available on individual contributors for each con-  
gressional district in the nation: 250,000 records of all \$500+  
contributors to all congressional campaigns, PACs, and federal  
committees, from the most recent two-year election cycle.

In the comprehensive reports described in the enclosed  
brochure, Public Data Access offers district-by-district listings  
of all \$500+ contributions, identifying individual contributors,  
their zip codes, occupation, and the names of the recipients of  
their contributions.

Anywhere in the country -- from the 8,888 contributions  
generated in New York's 15th CD to the 444 in Iowa's 6th CD --  
PDA reports provide a unique profile of the contributions from  
each area.

In addition, PDA has sorted the quarter of a million  
records according to the occupation of the donor, providing  
complete listings of the "private" giving of persons associated  
with specified firms. Look at the listing in the brochure -- the  
results may surprise you.

We are certain you'll find these reports to be an  
invaluable tool at an extremely modest price. The minimum order  
is only \$25 and, for an additional charge, overnight express  
service is available by calling 212-529-0890.

Sincerely,

*Michael Tanzer*

Dr. Michael Tanzer  
President

*Benjamin A. Goldman*

Benjamin A. Goldman  
Executive Vice President

Enclosures

*Mailed  
8-8-91*

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*2001-2002*

**MAJOR POLITICAL CONTRIBUTORS**

**NEW YORK CONGRESSIONAL DISTRICT 15 REPRESENTED BY HON. S. WILLIAM GREEN (REP.)**

CONTRIBUTORS LISTED ALPHABETICALLY

**SAMPLE**

FROM: CONTRIBUTORS NAME OCCUPATION	CITY ST ZIP	TO: RECIPIENT PARTY	AMOUNT
GORDON, PETER A SALOMON BROTHERS	NEW YORK NY 10028	NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS REP	1,000
GORDON, PETER A SALOMON BROTHERS INC	NEW YORK NY 10028	BOB QUINN FOR CONGRESS COMMITTEE REP	1,000
GORDON, PETER A SALOMON BROTHERS INC	NEW YORK NY 10028	SALOMON BROTHERS INC POLITICAL ACTION COMMITTEE	500
GORDON, WENDY NRDC	NY NY 10021	CITIZENS FOR BETTY LALL DEM	500
GOREN, JAMES G SGS	NEW YORK NY 10021	MID MANHATTAN POLITICAL ACTION COMMITTEE (MID PAC)	1,000
GOROG, WILLIAM F MAGAZINE PUBLISHERS ASSOCIATION	NEW YORK NY 10022	MICHEL FOR CONGRESS COMMITTEE	500
GOSDEN, LINDA WARNER AMEX CABLE COMMUNICATIONS IN	NEW YORK NY 10021	WARNER AMEX CABLE COMMUNICATIONS INC PAC	1,000
GOSLET, FRANCIS	NEW YORK NY 10022	NATIONAL REPUBLICAN SENATORIAL COMMITTEE - CONTRIBUTIONS • REP	5,000
GOTTHOFFER, LANCE WENDER MURASE & WHITE	NEW YORK NY 10182	INDUVE FOR US SENATE DEM	1,000
GOTTHOFFER, LANCE WENDER, MURASE & WHITE	NEW YORK NY 10182	CAMPAIGN AMERICA	1,000
GOTTHOFFER, LANCE WENDER MURASE & WHITE	NEW YORK NY 10182	FRIENDS OF ALBERT GORE JR DEM	1,000
GOTTHOFFER, LANCE WENDER, MURASE & WHITE	NY NY 10182	CONGRESSMAN JAMES R JONES ELECTION COMMITTEE	1,000
GOTTLIEB, JERROLD J WALKER THOMPSON	NEW YORK NY 10021	ROUNDTABLE POLITICAL ACTION COMMITTEE	800
GOTTSEGEN, PETER M SALOMON BROTHERS	NEW YORK NY 10021	BILL BRADLEY FOR U S SENATE '84 DEM	1,000
GOTTSEGEN, PETER M SALOMON BROTHERS INC	NEW YORK NY 10021	BOB QUINN FOR CONGRESS COMMITTEE REP	2,000

FEDERAL LAW PROHIBITS THIS REPORT'S SALE OR USE BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE

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**Important Note**  
The minimum order for all  
PDA materials is only \$25.



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## STRUCTURE OF PDA

■ PDA is majority-owned by its principals and employees, with CEP and other non-profit organizations holding a substantial equity position. Thus, PDA employees are highly motivated and PDA has connections to many public interest organizations which use its services.

## PDA DATABASES

### (HIGHLIGHTS of FILES)

#### ■ Major Political Contributors Database

- Name of contributor
- City
- State
- Zip code
- Occupation or Company Affiliation
- Amount of contribution
- Recipient Candidate or Committee
- Report of Contributions by C.D.
- Report of Contributions by Occupation/Company Affiliation.

#### ■ Socio-Economic Database

- 35,000 Zip code neighborhoods
- Income levels
- Ethnic and minority populations
- Home Values
- Toxic Waste Generation
- 20,000 toxic waste sites

#### ■ Database of Offsite Waste Management (DOWM)

- Over 300 waste facilities
- Location
- Permit status
- Treatment, storage and disposal capacities
- Waste streams processed
- Inspections and enforcement history
- Ground water monitoring and insurance
- Spills

#### ■ Hazardous Waste Information System (HWIS)

- Over 5000 hazardous waste generators
- Onsite hazardous waste treatment
- Waste streams processed onsite
- Establishment Standard Industrial Classification (SIC)
- Company ownership
- Compliance and permit status
- Responsibility for Super Fund Sites

#### Sample PDA printout.

Key Demographic and Environmental Indicators in Selected 5 Digit Areas								
Zip Code	PO Place Name	Pop. (Th.)	Blks Th.	Hh. Inc (th.5)	Fast Mo.) 5	Home Value th.5	Toxic Waste Sites	Toxic Generated (Th.)
70051	Caryville	2.7	.8	19.9	136	66.2	1	19.3
70066	La Place	10.2	3.4	33.8	320	106.1	2	74.3
70079	Plaquemine	4.4	1.4	29.0	256	86.6	6	81.3
70057	Maharville	3.0	1.0	29.0	314	94.3	6	151.8
70070	Luling	9.3	3.0	36.9	325	112.7	1	13.3
70037	Belle Chasse	9.9	2.8	29.5	360	118.0	5	33.3
70040	Braithwaite	1.2	.4	23.2	270	76.9	1	3.8
70043	Chalmette	33.6	11.1	28.7	302	101.5	4	13.4
70047	Coritola	7.1	2.1	32.9	313	106.6	1	.0
70046	Deviot	1.4	.3	19.8	53	38.5	0	.0
70083	Port Sulphur	4.3	1.3	23.2	186	63.7	1	6.1
70030	Empire	1.3	.4	21.2	147	70.1	0	.1
70041	Itzora	5.2	1.6	26.7	302	72.3	0	.0
70036	Boothville	.6	.2	26.6	137	29.2	0	.0
70091	Venice	1.7	.5	26.4	185	64.6	1	5.2
<b>Total</b>		<b>104.3</b>	<b>32.3</b>	<b>29.9</b>	<b>343</b>	<b>97.8</b>	<b>29</b>	<b>401.8</b>

For further information  
call or write to



30 Irving Place  
New York, NY 10003  
(212) 529-0890

**Need  
Access to  
Public Data?  
PDA Is The  
Answer.**

## What We Do

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Public Data Access, Inc. (PDA) provides unpublished government data of public interest through on-line databases, diskettes, electronic publishing, and consulting services. Our files are obtained from such agencies as the Census Bureau, the Environmental Protection Agency, the Federal Election Commission and the National Institute of Health, through Freedom of Information Act Requests. PDA presently has federal files equivalent to over one million pages, in various forms including magnetic tape, microfiche and printed matter.

## Our Product

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By interfacing these files with special programming techniques, PDA can generate informative reports illuminating the economic, political, social, demographic, environmental and public health characteristics of every region, state, congressional district, county and Zip code neighborhood in the nation. This data can then be distributed in the form of special computer printouts, personal computer diskettes, and via online databases.

## How We Work

---

- PDA offers standardized modules of data for specific variables and geographic areas.
- Upon request PDA can tailor other modules to meet the specific needs of organizations.
- PDA offers a service bureau function, for non-profit as well as for profit organizations, with services ranging from helping an organization determine what data are needed and available to providing the data, analyzing it and preparing final reports.

## 9 Examples of Our Work 9 0 2

### Available Now

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■ A standardized environmental database, based on EPA data, constructed for each of the eight largest commercial handlers of hazardous wastes in the United States. This database covers some 350 variables useful for evaluating each of the companies, and is available online through Chemical Information Systems—a leader in the rapidly expanding field of electronic publishing.

■ Computer-generated reports containing information on all contributors of \$500 or more to federal candidates and political action committees during the 1983/84 federal election cycle. Standardized modules consist of separate reports for each of the nation's 435 congressional districts and for the 700 firms whose employees are the leading contributors, and are being marketed by PDA through direct mail.

### Future Databases

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■ Creation of a comprehensive environmental database for the thousands of plants which generate most of the nation's hazardous waste. This database will be disseminated in the form of industry and company reports, to be marketed by one of the leading companies in this specialized publishing field, as well as through diskettes and online databases.

### Service Bureau Work

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■ PDA is preparing for a leading non-profit organization a comprehensive study of the relationship between the location of toxic waste generation sites and treatment facilities, and the residential neighborhoods of minorities. PDA is working with the organization to help define the relevant variables for the study, as well as providing extensive computer printouts and a final analytical report.

## Who We Are

### Founders of PDA

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■ Dr. Jay M. Gould, Research Director of the Council of Economic Priorities (CEP) and Chairman of PDA, brings to it a highly successful record in developing computer-generated publications and online databases. He founded Economic Information Systems which launched one of the most profitable online databases in the United States.

■ Benjamin A. Goldman developed at the Council of Economic Priorities the PDA database for major commercial handlers of hazardous wastes. His experience in securing and unraveling needed governmental data, and expertise in the hazardous waste field, gives PDA a good headstart on developing its comprehensive environmental databases.

■ Dr. Michael Tanzer, President of PDA, has worked as an economic consultant for over twenty years, during which his many empirical studies familiarized him with the technical and corporate structure of the U.S. economy, particularly the energy and mineral areas. He also has more than 15 years experience operating his own consulting firm.

### Some Other Key Personnel

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■ Warren Barnett is a highly skilled COBOL programmer with many years of experience in generating electronic publications and online databases from mainframe computers.

■ Kenneth E. Tanzer is a veteran market researcher with a strong background in the chemical industry and much experience with microcomputers and systems analysis.

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importance, as political contributors, of law firms, public relations firms, investment bankers, trade associations, unions, and accounting firms. Even the top 100 companies include many real estate and law firms that would be well known only at local levels. Nevertheless, these reports offer much food for thought as to corporate interest in candidates and campaigns. For example, it is noteworthy that many candidates received direct contributions from individuals associated with large companies over and beyond what they received from company PAC's.

Another interesting aspect of the corporate concentration of political contributions is the fact that while each congressional district has an equal number of residents, amounting to two-tenths of one percent of the total population, 20 percent of all contributions (about \$50 million) come from the top 10 Congressional Districts in New York, California, Illinois, Texas and the District of Columbia.

**CONTRIBUTIONS OF PERSONS ASSOCIATED WITH THE TOP 100 COMPANIES**

COMPANY NAME	Dollar amount (in thousands)	COMPANY NAME	Dollar amount (in thousands)	COMPANY NAME	Dollar amount (in thousands)
1 Salomon Brothers	575	15 Amway	80	69 Freeport Mc Moran	51
2 Bear Stearns	193	16 Atlantic Richfield	83	70 Oppenheimer and Co.	61
3 Goldman Sachs	122	17 Coca Cola	82	71 Scunlark Oil	60
4 Chicago Mercantile	112	18 E.I. DuPont	81	72 First Boston	59
5 Morgan Stanley	296	19 Equitic Financial Group	81	73 First Jersey Securities	59
6 General Electric	268	40 First City Bank of Texas	79	74 Skadden Arps et al	59
7 Lehman Bros (Luhn, Loeb)	249	41 Lasker Stone and Stern	78	75 Trump Organization	59
8 Integrated Resources	234	42 Lada Corp.	76	76 Williams D Jensen	58
9 Merrill Lynch	167	43 Batcher and Singer	75	77 Seidco	57
10 Peat Marwick	159	44 E. and J. Gallo Winery	74	78 Stephens	57
11 Alan, Gump, Straus, et al	158	45 Tyson Foods	71	79 Hughes Aircraft	57
12 Philip Morris	154	46 Hambrecht and Quist	72	80 Weitzman and Co.	56
13 Prudential Bache	149	47 Lomas and Nettleton	72	81 Vinson and Elkins	56
14 Winn Dixie	148	48 Warren Bros.	71	82 SC Johnson and Son	56
15 William Blair	146	49 H.B. Zachry Co.	70	83 Huddle and Brown	56
16 L.F. Rothschild, Unterberg	143	50 Touche-Ross	70	84 Dart and Kraft	56
17 Trane Inc.	135	51 Aydin	70	85 Apex Marine	56
18 Archer Daniels Midland	128	52 Dean Witter Reynolds	69	86 Ragan and Mueser	55
19 Federated Investors	120	53 Allen and Co.	69	87 United Technologies	55
20 Waste Management	118	54 Barnett and Alaga	69	88 American International Corp	55
21 Thompson McKinnon	114	55 Charles E. Smith	69	89 Rose Schmidt Duncan Lewis	55
22 Mobil	114	56 Int'l Assoc. of Machinists	69	90 Mohr Simon and Assoc.	55
23 Bechtel Group	110	57 Bass Brothers	68	91 Patton Boggs and Blow	55
24 Smith Barney	109	58 Sherrys	68	92 Corcoran NRC	55
25 Marriot	107	59 Creative Display	67	93 DeLoitte Hudson and Sells	55
26 Home Interiors and Gifts	101	60 Beneficial Corp.	66	94 Hunt Energy	55
27 Best Buy	100	61 Shearson Lehman Alex Exp	66	95 BMB Realty	55
28 Donald Burnham Lambert	100	62 Finley Cumble Wagner et al	65	96 MCA/UA	55
29 Adolph Coors	99	63 Macmillan Lipton et al	65	97 Schulman Nap	55
30 Donaldson Lufkin Jenette	97	64 American Express	64	98 Panhandle Eastern	55
31 Occidental Petroleum	96	65 Drummond Coal	64	99 Texas Oil and Gas	50
32 Arthur Andersen and Co.	94	66 Warner Communications	63	100 Brown Forman	50
33 Kalleh Brodeur	92	67 Eris and Whites	62		
34 NCA	91	68 Sullivan and Cromwell	61	Total	5,746



# ANNOUNCING NEW REPORTS ON POLITICAL CONTRIBUTIONS



**FPA PUBLIC DATA ACCESS**

30 Irving Place  
New York, NY 10003  
(212) 529-0890

Public Data Access, Inc. (PDA) has produced 1,135 separate information reports on contributions to congressional candidates and political action committees in the 1983-84 election cycle, based on FEC tapes. In the first set of 435 reports, a total of some 250,000 contributions of \$500 or more have been allocated to each congressional district (CD). In the second set of 700 reports, the contributions of individuals associated with 700 companies are displayed; in both sets of reports, the names of individuals are arrayed alphabetically. These reports are designed to illuminate the political associations of large contributors (acting as individuals or as associates or employees of companies) to the various candidates and political action committees. The 1,135 reports cover some 25,000 pages in total, in which the name of a contributor is linked with the candidate or PAC to whom the contribution was made and the dollar amount.

In order to maximize the public dissemination of these reports without incurring distribution losses, PDA will offer any selected group of reports at a per-page cost running between 35 cents and 85 cents, with a 525 minimum order. Most of the CD reports cost less than \$25.00 and many cost as little as \$5.00, while the company reports average about 50 cents each.

Reports for any user will be custom tailored to the particular set of reports requested, with the user's name appearing on every page of the requested reports, along with the standard FEC injunction that the information cannot be copied or sold for commercial use or for the solicitation of funds.

Public Data Access is a new company, largely owned by non-profit agencies, organized to make data in federal computer files easily accessible to the public, particularly in areas of political sensitivity such as environmental and public health problems. PDA has undertaken the task of making FEC data available because Gramm-Rudman pressures have forced FEC to curtail distribution of data on individual contributors. In reporting its distribution plans to FEC, PDA has offered to turn over to FEC all the computer programs necessary to run these reports whenever FEC is ready to assume the labor of distributing them at a cost equal to or less than those of PDA. PDA feels that this is consistent both with the current Administration's desire to get the government out of business and with the intent of the Federal Election Commission's mandate by Congress to make information on political contributions a matter of public record.

PDA is also exploring the possibility of putting all 1,135 reports on personal computer diskettes, which will multiply greatly the volume of data available at a given cost.

### Research Value of the Reports

Users must understand that under the FEC regulations the use of FEC data for fund raising is strictly forbidden, and that the FEC records are probably "seeded" to detect such unwar-

ranted usage. PDA has left all records unchanged, except for the fact that thousands of errors in matching ZIP codes to cities have been corrected, and all corporate names have been disciplined with respect to spelling.

The reports are most useful to the extent to which they show how political contributions support the current political superstructure, particularly with respect to the advantage enjoyed by incumbents.

The chief virtue of the reports is that they facilitate research into the reasons why contributors, both as individuals and on behalf of their affiliated companies, favor one candidate over another, particularly in light of their congressional committee assignments.

There are several areas of further research that should be done. It will be noted that individuals often make contributions, sometimes to the same candidate under a variety of occupational descriptions, sometimes along with other family members, raising the question as to what is the true total contribution for that individual or family or for the associated company if any. A contributor has the option of characterizing his occupation in any way he wishes. A truer estimate of company contributions would take into account not only family members but also company officers and directors, who may be reporting contributions from home addresses without indicating company affiliation. But the most important area of speculation would relate to the reasons for particular associations.

The primary research goal posed by the FEC data is the truly disturbing question as to what extent are congressional elections decided now by the financial contributions of a relatively small number of individuals, including family members, and the companies with which they are associated. Local political analysts are best suited for such a research task.

### Company Reports

We list below the top 100 companies whose associates contributed the largest amounts of political contributions, totalling over \$10 million for these companies. For the 700 leading companies the total comes to \$24 million. Remember this total is quite different from the data on corporate PAC contributions, which is of much greater magnitude. The data PDA provides includes only contributors of \$500 or more who chose to associate themselves with one of the 700 companies. PDA's corporate totals are all very much understated because most of the individuals generally make their contributions from their homes and do not always report their corporate association. An intensive examination of the CD reports to account for all such contributions (including those of family members, corporate officials and directors) would probably result in a great increase in the company totals for the number and amount of contributors.

Even this would not account for the vast sums that flow through the hands of conduits as indicated by the surprising

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There are several areas of further research that should be done. It will be noted that individuals often make contributions, sometimes to the same candidate under a variety of occupational descriptions, sometimes along with other family members, raising the question as to what is the true total contribution for that individual or family or for the associated company if any. A contributor has the option of characterizing his occupation in any way he wishes. A truer estimate of company contributions would take into account not only family members but also company officers and directors, who may be reporting contributions from home addresses without indicating company affiliation. But the most important area of speculation would relate to the reasons for particular associations.

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Even this would not account for the vast sums that flow through the hands of consultants as indicated by the congressional

CD	Amount (\$1000)	Price \$	CD	Amount (\$1000)	Price \$	CD	Amount (\$1000)	Price \$	CD	Amount (\$1000)	Price \$
<b>N. CAROLINA</b>											
01	121	20	02	259	15	06	176	10	<b>VERMONT</b>		
02	134	20	04	113	15	All	1,438	70	01	248	
03	265	15	05	211	10	<b>S. DAKOTA</b>			02	262	
04	657	35	06	492	20	01	252	15	03	542	
05	425	20	All	3,168	160	<b>TENNESSEE</b>			04	87	
06	488	25	<b>OREGON</b>			<b>VERMONT</b>			05	25	
07	252	15	01	703	45	01	121	5	06	215	
08	236	15	02	97	5	02	277	15	07	427	
09	751	45	03	230	10	03	425	20	08	607	
10	286	15	04	145	10	04	124	10	09	147	
11	359	25	05	211	10	05	1,142	75	10	1,826	
All	4,377	250	06	1,375	80	06	517	30	All	4,620	
<b>N. DAKOTA</b>											
01	134	10	<b>PENNSYLVANIA</b>			07	222	15	<b>VERMONT</b>		
<b>NEBRASKA</b>											
01	231	10	01	621	30	08	84	5	01	121	
02	438	20	02	752	45	09	315	20	<b>VERMONT</b>		
03	90	10	03	138	10	All	3,227	215	02	142	
All	759	40	04	159	5	<b>TEXAS</b>			03	109	
<b>OHIO</b>											
01	562	45	05	343	15	01	356	15	04	72	
02	356	20	06	77	5	02	291	15	05	159	
03	918	65	07	512	25	03	5,423	200	06	188	
<b>OKLAHOMA</b>											
01	562	45	08	415	20	04	538	30	07	841	
02	356	20	09	158	10	05	3,254	150	08	346	
03	918	65	10	126	10	06	783	30	09	1,361	
<b>OREGON</b>											
01	965	45	11	130	5	07	3,458	175	All	1,361	
02	104	5	12	41	5	08	212	10	<b>WEST VIRGINIA</b>		
03	173	10	13	1,703	100	09	499	25	01	183	
04	50	5	14	763	30	10	1,832	100	02	243	
05	99	5	15	261	15	11	676	40	03	249	
06	85	5	16	139	5	12	1,321	75	04	81	
07	48	5	17	144	5	13	1,316	80	All	757	
08	109	5	18	299	10	14	485	25	<b>WISCONSIN</b>		
09	182	10	19	91	5	15	298	15	01	452	
10	67	5	20	62	5	16	499	25	<b>WYOMING</b>		
11	182	10	21	100	5	17	461	20	<b>UTAH</b>		
12	647	35	22	112	5	18	3,325	150	01	91	
13	72	5	23	108	5	19	717	30	02	308	
14	230	10	All	7,283	375	20	1,160	60	03	66	
15	338	20	<b>RHODE ISLAND</b>			21	2,545	125	04	466	
16	212	5	01	280	15	22	1,925	100	<b>UTAH</b>		
17	447	20	02	221	15	23	230	10	01	183	
18	69	5	03	501	30	24	274	15	02	243	
19	904	50	04	501	30	25	841	40	03	249	
20	468	20	<b>S. CAROLINA</b>			26	485	25	04	81	
21	332	20	01	315	15	27	937	45	All	757	
All	5,783	300	02	322	15	All	34,161	1,670	<b>WEST VIRGINIA</b>		
<b>OKLAHOMA</b>											
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02	322	15	04	421	20	02	308	15	<b>UTAH</b>		
03	79	5	05	123	5	03	66	5	02	243	
04	421	20	All	466	25	04	466	25	03	66	
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02	322	15	<b>VERMONT</b>			06	176	10	06	176	
03	79	5	<b>VERMONT</b>			07	222	15	07	222	
04	421	20	<b>VERMONT</b>			08	84	5	08	84	
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importance, as political contributors, of law firms, public relations firms, investment bankers, trade associations, unions, and accounting firms. Even the top 100 companies include many real estate and law firms that would be well known only at local levels. Nevertheless, these reports offer much food for thought as to corporate interest in candidates and campaigns. For example, it is noteworthy that many candidates received direct contributions from individuals associated with large companies over and beyond what they received from company PAC's.

Another interesting aspect of the corporate concentration of political contributions is the fact that while each congressional district has an equal number of residents, amounting to two-tenths of one percent of the total population, 20 percent of all contributions (about \$50 million) come from the top 10 Congressional Districts in New York, California, Illinois, Texas and the District of Columbia.

CONTRIBUTIONS OF PERSONS ASSOCIATED WITH THE TOP 100 COMPANIES

COMPANY NAME	Dollar amount (in thousands)	COMPANY NAME	Dollar amount (in thousands)	COMPANY NAME	Dollar amount (in thousands)
1 Salomon Brothers	575	35 Arway	90	69 Freepoint Mc Moran	63
2 Bear Stearns	391	36 Atlanta Richfield	83	70 Oppenheimer and Co.	61
3 Goldman Sachs	322	37 Coca Cola	82	71 Scurlock Oil	60
4 Chicago Mercantile	312	38 E.I. DuPont	81	72 First Boston	59
5 Morgan Stanley	296	39 Equities Financial Group	81	73 First Jersey Securities	59
6 General Electric	268	40 First City Bank of Texas	79	74 Skadden Arps et al	59
7 Lehman Bros Ruhn, Loeb	249	41 Lasker Stone and Stern	78	75 Trump Organization	59
8 Integrated Resources	224	42 Luchs Corp	76	76 Williams D Jensen	58
9 Merrill Lynch	167	43 Butcher and Singer	75	77 Seid	57
10 Real Warwick	159	44 E. and J. Gallo Winery	74	78 Stephens	57
11 Akon, Gump, Strauss, et al	158	45 Tyson Foods	73	79 Hughes Aircraft	57
12 Philip Morris	154	46 Hanesbrands and Co	72	80 Wertheim and Co	56
13 Prudential Bath	149	47 Lomas and Nettleton	72	81 Vinsten and Ellens	56
14 Winn Dixie	146	48 Warner Bros	71	82 SC Johnson and Sons	56
15 William Blair	146	49 H.B. Zachry Co	70	83 Riddle and Brown	56
16 L.F. Rothschild, Unterberg	143	50 Tourche Ross	70	84 Dart and Kraft	56
17 Trammel Crow	135	51 Aydin	70	85 Agos Marine	56
18 Archer Daniels Midland	128	52 Dean Witter Reynolds	69	86 Rajan and Mason	55
19 Federated Investors	120	53 Allen and Co	69	87 United Technologies	54
20 Waste Management	118	54 Barnett and Aluja	69	88 American International Corp	54
21 Thompson McKinnon	114	55 Charles J. Smith	69	89 Rose Schmidt Dixon Hales	53
22 Mobil	114	56 Int'l Assoc. of Machinists	68	90 Arthur Simon and Assoc	53
23 Bechtel Group	110	57 Bass Brothers	68	91 Patton Bugge and Blow	53
24 Smith Barney	109	58 Shoney's	68	92 Conduff NIRS	53
25 Marriott	107	59 Creative Display	67	93 Dietrich Haskins and Sells	53
26 Home Interiors and Co	101	60 Beneficial Corp	66	94 Hunt Energy	52
27 Best Buy	100	61 Shearson Lehman Amer Exp	66	95 IHB Realty	52
28 Diesel - Burnham Lambert	100	62 Finley Rumble Wagner et al	65	96 AECOM/EA	52
29 Adolph Coors	99	63 Wachter Upton et al	65	97 Schulman Agg	51
30 Donaldson, Lufkin, Jenrette	97	64 American Express	64	98 Panhandle Eastern	50
31 Occidental Petroleum	96	65 Drummond Coal	64	99 Texas Oil and Gas	50
32 Arthur Andersen and Co	94	66 Warner Communications	63	100 Brown Forman	50
33 Kitter Peabody	92	67 Ernst and Whinney	62		
34 AKA	91	68 Sullivan and Cromwell	61	Total	3,766

# ANNOUNCING NEW REPORTS ON POLITICAL CONTRIBUTIONS



FPA PUBLIC DATA ACCESS

40 Truitt New York, NY

600#9681

RECEIVED  
FEDERAL ELECTION COMMISSION

88 JUL -5 AM 9: 22

P.O. Box 432  
Concord, New Hampshire 03301  
June 30, 1988

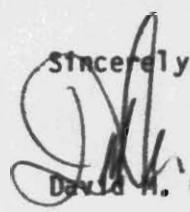
Lois G. Lerner, Esquire  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Dear Associate General Counsel Lerner:

In reference to your request of June 13, 1988, enclosed please find my responses to the interrogatories that you transmitted to me.

If I can provide any additional information, please feel free to contact me.

Sincerely yours,

  
David H. Carney

DMC:laj  
Enclosure

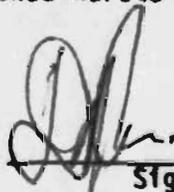
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FEDERAL ELECTION COMMISSION  
88 JUL -6 AM 11: 35

96043720907

RESPONSES TO INTERROGATORIES

1. Opposition Research
2. Enclosed please find copies of all documents in my possession that I received from Political Contributions Data, Inc., or Public Data Access, Inc.
- 3a. See Question #1 Above
- 3b. No
- 3c. N/A
- 3d. See Question #1 Above

I David M. Carney, being duly sworn depose and say that the information provided above are true responses, to the best of my knowledge, to the Questions and Requests for Production of Documents to David Carney, attached hereto and incorporated by reference.



Signature

Sworn to before me and subscribed in my presence this  
30<sup>th</sup> day of July, 1988.

  
Notary Public/Justice of the Peace

9604372090

**Questions  
and  
Requests for Production  
of Documents to  
David Carney**

1. For what purposes did you purchase or lease compilations from Political Contributions Data, Inc. or Public Data Access, Inc.?
2. Provide copies of all advertisements, letters, circulars, or other documents that you received from Political Contributions Data, Inc. or Public Data Access, Inc.
3.
  - (a) For what purposes did you intend to use the compilations you obtained from Political Contributions Data, Inc. or Public Data Access, Inc.?
  - (b) Did you use the above-referenced compilations to solicit any person named thereon for a contribution to any candidate for federal office or for a contribution to any political committee?
  - (c) If the answer to the preceding question is affirmative, state for what candidates or political committees you made such solicitations, and state the amount of money received in response to those solicitations. Attach copies of all solicitation letters that were issued to persons identified through the purchase or leasing of the above-referenced compilations. State the means by which you obtained the addresses of the persons who received the aforesaid solicitations.
  - (d) Apart from solicitations, state for what other purposes you used the above-referenced compilations.

96043720909

QCC# 9787

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

July 6, 1988

88 JUL -6 PM 4:36  
RECEIVED  
FEDERAL ELECTION COMMISSION

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

Re: MUR 2291

Dear Mr. Snyder:

Pursuant to your conversation today with Judith L. Corley of my office, this letter requests an extension of time of two weeks for Hal Kilshaw of the Louisiana Democratic Party to respond to the subpoena issued by the Commission in connection with the above-referenced MUR.

Mr. Kilshaw has requested that this law firm assist him in preparing the responses to the subpoena. Unfortunately, due to the logistics of transmitting the document from Louisiana to Washington, we did not receive a copy of the subpoena until just before the holiday weekend. In order to have adequate time to compile the necessary information and prepare the responses to the subpoena, we ask that the Commission grant an extension of time for responding until Wednesday, July 20.

Thank you for your consideration. If you have any questions, do not hesitate to contact me or Judy Corley.

Very truly yours,  
*Robert F Bauer*  
Robert F. Bauer

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 12, 1988

Robert F. Bauer, Esquire  
Perkins Cole  
1110 Vermont Avenue, N.W.  
Washington, D.C. 20005

RE: MUR 2291

Dear Mr. Bauer:

This is in response to your letter dated July 6, 1988, which we received on July 6, 1988, requesting an extension of 14 days until July 20, 1988 to respond to the Commission's interrogatories. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 20, 1988.

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

Sincerely,

Lawrence M. Noble  
General Counsel

*Lois G. Lerner*  
BY: Lois G. Lerner  
Associate General Counsel

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*plun*

flm



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 12, 1988

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Terry Casey  
WCBD-TV  
210 W. Coleman Blvd.  
Mt. Pleasant, S.C. 29464

RE: MUR 2291

Dear Mr. Casey:

The enclosed letter, subpoena, and questions were previously issued to you at your former place of employment. Now that your current address has been ascertained, we are forwarding these materials at this time. Please answer the questions, pursuant to the enclosed instructions and other documents, within 15 days of your receipt thereof.

If you have any questions, please direct them to Charles Snyder, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By: Lois G. Lerner  
Associate General Counsel

Enclosures  
Subpoena  
Questions

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6CC#9887



WCBD-TV

RECEIVED  
FEDERAL ELECTION COMMISSION

88 JUL 22 AM 9:40

July 18, 1988

Federal Election Commission  
Washington, D.C.  
20463

ATTENTION: Mr. Charles Snyder

Dear Mr. Snyder:

Please find enclosed response to questions on the part of the Federal Election Commission regarding MUR 2291.

RESPONSE:

1. Information was purchased from "Political Contributions Data, Inc. or Public Data Access, Inc." as purely informational as relates to my profession of broadcast journalism and in particular for background information for any pertinent political news coverage.
- 2.
- 3.a) Purposes of intended use of said firm's compilations are outlined in response to question 1, but to reiterate: information, if timely and pertinent, would have

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FEDERAL ELECTION COMMISSION

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WCBD-TV

been utilized in news story or stories to which subject material from said firm may have been deemed appropriate for inclusion.

b) None of the information received by me was used to solicit any person named thereon for a contribution to any candidate for federal office or for a contribution to any political committee.

c) N/A

d) Above-referenced compilations were used for no other purpose except as background information for a potential news story or stories, as previously described.

Each independent response contained on these two (2) pages is my own, prepared without consultation of or from any other individual. In addition, each independent response contained herein has been typed by me and completed at 5:25 p.m. EDT, on the 18 day of July 1988.

I trust this is satisfactory.

Signed,

*Terence Peter Casey*  
Terence Peter Casey

In the matter of MUR 2291

*Jo Ann Jarvey* (Notary Public for South Carolina)  
MY COMMISSION EXPIRES JUNE 16, 1997

96043720914

00049

# PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

August 4, 1988

Lawrence M. Noble, Esquire  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Room 657  
Washington, DC 20463

Re: MUR 2291

Dear Mr. Noble:

Mr. Hal Kilshaw through counsel responds herewith to the Subpoena to Produce Documents and Order to Submit Written Answers forwarded by the Commission to Mr. Kilshaw by cover letter dated June 13, 1988.

We regret the delay in this response. By letter dated July 6, 1988, referring to "the logistics of transmitting the document from Louisiana to Washington" and the pendency of the holiday weekend, counsel sought on behalf of Mr. Kilshaw an extension of time until Wednesday, July 20. This extension was granted by letter from you dated July 12, 1988.

Unfortunately, it was unanticipated that this extension, which would fall in the midst of the Democratic National Convention, would result in yet additional logistical problems in arranging for time for counsel to consult with Mr. Kilshaw. This consultation did not take place until this week. I have informed Mr. Charles Snyder of the circumstances surrounding this delay and I would like to convey my appreciation for his forbearance and the patience of the Commission.

Mr. Snyder answers the Commission's questions and request for Production of Documents as follows:

1. Having received a promotional brochure in the mail, Mr. Kilshaw imagined that this information, if indeed available in the form promised, might prove useful in support of the party's fundraising efforts. He did not focus precisely on how this would be done. Nevertheless, he noted that the contributor information offered by these firms was organized by congressional district, but included only contributors making donations in excess of \$200.

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FEDERAL ELECTION COMMISSION

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Lawrence M. Noble, Esquire  
August 4, 1988  
Page 2

The materials was received in hardcopy form and Mr. Kilshaw recalls that approximately 20 pages may have been provided for each Congressional District, totalling roughly 200 contributors per District. He recalls also that a disclaimer was included stating clearly that the material could not be used to solicit contributions from the individuals identified. It is further his recollection that none of the specific mailing addresses of these individuals was included; their city locations may have been provided, but on this point, too, he is unsure. Finally, because the information only involved contributors of \$500 or more, many of these large contributors were already known to the Party, and some of those not known were Republicans who could not be expected to provide funds to the Party. Certainly there were some whom the Party had not previously solicited nor received contributions from; but in the end Mr. Kilshaw made the decision not to utilize this information for solicitation purposes and the materials were not used in any way for this purpose.

- 2604320916
2. Mr. Kilsnaw and to his knowledge no other member of the staff of the Louisiana Democratic Party retained copies of any advertisements, letters, circulars, or other documents received from Political Contributions Data, Inc. or Public Data Access, Inc.
  3. (a) See Number 1.  
(b) No.  
(c) Not applicable, in view of the negative answer to Number 3(b).  
(d) None.

Following the determination that they would not be used, the material received from these firms was deposited in Committee files. A check of those files later in the campaign revealed no trace of them and Mr. Kilshaw does not now have any knowledge of their whereabouts.

Very truly yours,

  
Robert F. Bauer

RFB:smb

cc: Charles Snyder



UNIVERSITY OF MAINE

College of Business Administration

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

88 AUG 25 PM 12: 50

Stevens Hall, South  
Orono, Maine 04469-0158

207/581-1988

August 22, 1988

Mr. Charles Snyder  
Federal Election Commission  
Washington, DC 20463

Re: MUR 2291

Dear Mr. Snyder:

Attached to this letter are my responses to "Questions and Requests for Production of Documents to Dennis McConnell" which accompanied correspondence from your office, dated June 13, 1988.

I do apologize for my delayed response. We launched the boat in June, and have been sailing since that time. I hope this information arrives in time to be useful.

If you have questions, or need additional information, I have provided my mailing address below.

Best regards,

Dennis McConnell  
Finance Faculty

Mailing Address:

Dr. Dennis McConnell  
College of Business  
University of Maine  
Orono, Maine 04469

88 AUG 25 PM 2: 38

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

95043720917

August 22, 1988

Responses to "Questions and Requests for Production of Documents to Dennis McConnell"

1. For what purposes did you purchase or lease compilations from Political Contributions Data, Inc. or Public Data Access, Inc.?

**Response:** I purchased a list of Maine contributors to political candidates approximately two years ago. The purpose of the purchase was to collect information to be used in a research program examining the patterns of financial influence in Maine elections. As a member of the Issues Management Association, I have a continuing research interest in the role and impact of PACs and political contributions in the political process, particularly in the State of Maine.

As I recall, the format of the list at that time was not particularly interesting or helpful because the organizational affiliations of contributors were not identified in the listing. The list was subsequently discarded. In June of this year, I called the telephone number listed on the Public Data Access brochure to inquire about the availability and structure of current lists. To this date, I have received no response.

2. Provide copies of all advertisements, letters, circulars, or other documents that you received from Political Contributions Data, Inc. or Public Data Access, Inc.

**Response:** Enclosed is the brochure I received from Public Data Access, probably in 1986. The order form, which was attached to the brochure, was used to purchase the Maine list of contributors.

3. (a) For what purposes did you intend to use the compilations you obtained from Political Contributions Data, Inc. or Public Data Access, Inc.?

**Response:** Research on organizational (business and labor) financial influence in Maine elections.

- (b) Did you use the above-referenced compilations to solicit any person named thereon for a contribution to any candidate for federal office or for a contribution to any political committee?

**Response:** No

96043720918

- (c) If the answer to the preceding questions is affirmative, state for what candidates or political committees you made such solicitations, and state the amount of money received in response to those solicitations. Attach copies of all solicitation letters that were issued to persons identified through the purchase or leasing of the above-referenced compilations. State the means by which you received the addresses of the persons who received the aforesaid solicitations.

**Response:** Not applicable

- (d) Apart from solicitations, state for what other purposes you used the above-referenced compilations.

**Response:** None

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Public Data Access, Inc. (PDA) has produced 1,135 separate information reports on contributions to congressional candidates and political action committees in the 1983-84 election cycle, based on FEC tapes. In the first set of 125 reports, a total of some 250,000 contributions of \$500 or more have been allocated to each congressional district (CD). In the second set of 700 reports, the contributions of individuals associated with 700 companies are displayed; in both sets of reports, the names of individuals are arrayed alphabetically. These reports are designed to illuminate the political associations of large contributors (acting as individuals or as associates or employees of companies) to the various candidates and political action committees. The 1,135 reports cover some 25,000 pages in total, in which the name of a contributor is linked with the candidate or PAC to whom the contribution was made and the dollar amount.

In order to maximize the public dissemination of these reports without incurring distribution losses, PDA will offer any selected group of reports at a per-page cost running between 35 cents and 85 cents, with a 525 minimum order. Most of the CD reports cost less than \$25.00 and many cost as little as \$5.00, while the company reports average about 50 cents each.

Reports for any user will be custom tailored to the particular set of reports requested, with the user's name appearing on every page of the requested reports, along with the standard FEC injunction that the information cannot be copied or sold for commercial use or for the solicitation of funds.

Public Data Access is a new company, largely owned by non-profit agencies, organized to make data in federal computer files easily accessible to the public, particularly in areas of political sensitivity such as environmental and public health problems. PDA has undertaken the task of making FEC data available because Gramm-Rudman pressures have forced FEC to curtail distribution of data on individual contributors. In reporting its distribution plans to FEC, PDA has offered to turn over to FEC all the computer programs necessary to run these reports whenever FEC is ready to assume the labor of distributing them at a cost equal to or less than those of PDA. PDA feels that this is consistent both with the current Administration's desire to get the government out of business and with the intent of the Federal Election Commission's mandate by Congress to make information on political contributions a matter of public record.

PDA is also exploring the possibility of putting all 1,135 reports on personal computer diskettes, which will multiply greatly the volume of data available at a given cost.

### Research Value of the Reports

Users must understand that under the FEC regulations the use of FEC data for fund raising is strictly forbidden, and that the FEC records are probably "coded" to detect such use.

~~wanted usage.~~ PDA has left all records unchanged, except for the fact that thousands of errors in matching ZIP codes to cities have been corrected, and all corporate names have been disciplined with respect to spelling.

The reports are most useful to the extent to which they show how political contributions support the current political superstructure, particularly with respect to the advantage enjoyed by incumbents.

The chief virtue of the reports is that they facilitate research into the reasons why contributors, both as individuals and on behalf of their affiliated companies, favor one candidate over another, particularly in light of their congressional committee assignments.

There are several areas of further research that should be done. It will be noted that individuals often make contributions, sometimes to the same candidate under a variety of occupational descriptions, sometimes along with other family members, raising the question as to what is the true total contribution for that individual or family or for the associated company if any. A contributor has the option of characterizing his occupation in any way he wishes. A truer estimate of company contributions would take into account not only family members but also company officers and directors, who may be reporting contributions from home addresses without indicating company affiliation. But the most important area of speculation would relate to the reasons for particular associations.

The primary research goal posed by the FEC data is the truly disturbing question as to what extent are congressional elections decided now by the financial contributions of a relatively small number of individuals, including family members, and the companies with which they are associated. Local political analysts are best suited for such a research task.

### Company Reports

We list below the top 100 companies whose associates contributed the largest amounts of political contributions, totalling over \$10 million for these companies. For the 700 leading companies the total comes to \$24 million. Remember, this total is quite different from the data on corporate PAC contributions, which is of much greater magnitude. The data PDA provides includes only contributors of \$500 or more who chose to associate themselves with one of the 700 companies. PDA's corporate totals are all very much understated because most of the individuals generally make their contributions from their homes and do not always report their corporate association. An intensive examination of the CD reports to account for all such contributions (including those of family members, corporate officials and directors) would probably result in a great increase in the company totals for the number and amount of contributors.

Even this would not account for the vast sums that flow through the hands of conduits as indicated by the surprising

importance, as political contributors, of law firms, public relations firms, investment bankers, trade associations, unions and accounting firms. Even the top 100 companies include many real estate and law firms that would be well known only at local levels. Nevertheless, these reports offer much food for thought as to corporate interest in candidates and campaigns. For example, it is noteworthy that many candidates received direct contributions from individuals associated with large companies over and beyond what they received from company PAC's.

Another interesting aspect of the corporate concentration of political contributions is the fact that while each congressional district has an equal number of residents, amounting to two-tenths of one percent of the total population, 20 percent of all contributions (about \$50 million) come from the top 10 Congressional Districts in New York, California, Illinois, Texas and the District of Columbia.

**CONTRIBUTIONS OF PERSONS ASSOCIATED WITH THE TOP 100 COMPANIES**

COMPANY NAME	Dollar amount (in thousands)	COMPANY NAME	Dollar amount (in thousands)	COMPANY NAME	Dollar amount (in thousands)
1. Salomon Brothers	575	15. Amway	90	69. Freepoint McMoran	51
2. Bear Stearns	391	16. Atlantic Richfield	83	70. Oppenheimer and Co.	51
3. Goldman Sachs	322	17. Coca Cola	82	71. Scurlock Oil	50
4. Chicago Mercantile	312	18. E.I. DuPont	81	72. First Boston	49
5. Morgan Stanley	296	19. Equitic Financial Group	81	73. First Jersey Securities	49
6. General Electric	268	20. First City Bank of Texas	79	74. Sladden Arps et al.	49
7. Lehman Bros. Kuhn, Loeb	249	21. Lasker Stone and Stern	78	75. Trump Organization	49
8. Integrated Resources	224	22. Ldex Corp.	76	76. Williams D. Jensen	48
9. Merrill Lynch	167	23. Butcher and Singer	75	77. Sedco	47
10. PricewaterhouseCoopers	159	24. E. and J. Gallo Winery	74	78. Stephens	47
11. Akin, Gump, Strauss, et al.	158	25. Tyson Foods	73	79. Hughes Aircraft	47
12. Philip Morris	154	26. Hambrecht and Quindt	72	80. Wertheim and Co.	46
13. Prudential Bache	149	27. Lomas and Nettleton	72	81. Vinson and Elkins	46
14. Winn Dixie	148	28. Warner Bros.	71	82. SC Johnson and Son	46
15. William Blair	148	29. H.B. Zachry Co.	70	83. Riddle and Brown	46
16. J.F. Rothchild, Unterberg	143	30. Touche Ross	70	84. Dart and Kraft	46
17. Trammel Crow	135	31. Aydin	70	85. Apex Marine	46
18. Arthur D. Little	128	32. Dean Witter Reynolds	69	86. Ragan and Mason	45
19. Federated Investors	120	33. Allen and Co.	69	87. United Technologies	44
20. Waste Management	118	34. Barnett and Alaga	69	88. American International Grp	44
21. Thompson McKinnon	114	35. Charles E. Smith	69	89. Rose Schmidt Dixon Hawley	43
22. Mobil	114	36. Int'l Assoc. of Machinists	69	90. Melvin Simon and Assoc.	43
23. Bechtel Group	110	37. Bass Brothers	68	91. Patton Boggs and Blow	43
24. Smith Barney	109	38. Shoney's	68	92. Consultant HRSC	43
25. Marriott	107	39. Creative Display	67	93. Deloitte Haskins and Sells	43
26. Home Interiors and Gifts	101	40. Beneficial Corp.	66	94. Hunt Energy	42
27. Best Effort	100	41. Shearson Lehman Amet Exp	66	95. JMB Realty	42
28. Drexel, Burnham Lambert	100	42. Finley Kumble Wagner et al	65	96. MCM/UA	42
29. Adolph Coors	99	43. Wachtell Lipton et al	65	97. Schulman Mgt.	41
30. Donaldson, Lufkin, Jensen	97	44. American Express	64	98. Panhandle Eastern	40
31. Occidental Petroleum	96	45. Drummond Coal	64	99. Texas Oil and Gas	40
32. Arthur Andersen and Co.	94	46. Warner Communications	63	100. Brown Forman	40
33. Kidder Peabody	92	47. Ernst and Whitney	62		
34. MCA	91	48. Sullivan and Cromwell	61	Total	3,766



# ANNOUNCING NEW REPORTS ON POLITICAL CONTRIBUTIONS



**FPA** | PUBLIC  
DATA  
ACCESS

30 Irving Place  
New York, NY 10003  
(212) 529-0890

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20541

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In the Matter of )  
Political Contributions Data, Inc. )

MUR 2291

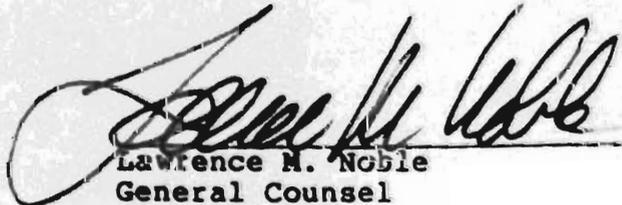
**SENSITIVE**

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Political Contributions Data, Inc., based on the assessment of the information presently available.

Date

10/28/88

  
Lawrence M. Noble  
General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 10, 1988

Joan S. Meier, Esquire  
Public Citizen Litigation Group  
2000 P Street, N.W.  
Suite 700  
Washington, D.C. 20036

RE: MUR 2291  
Political Contributions  
Data, Inc.

Dear Ms. Meier:

Based on a complaint filed with the Federal Election Commission on November 10, 1986, and information supplied by your client, the Commission, on March 10, 1987, found that there was reason to believe your client, Political Contributions Data, Inc., violated 2 U.S.C. § 438(a)(4), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

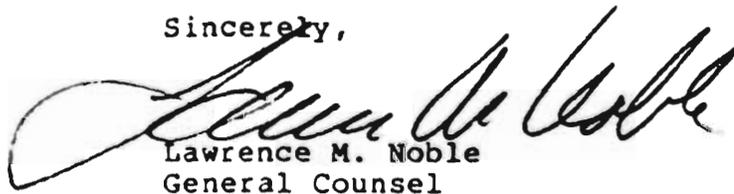
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Joan S. Meier, Esquire  
Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Brief

96043720904

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Political Contributions Data, Inc. ) MUR 2291  
 )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On November 10, 1986, the National Republican Congressional Committee ("NRCC") filed a complaint with the Commission alleging that Public Data Access, Inc. ("PDA") had violated 2 U.S.C. § 438(a)(4) by selling information copied from reports filed with the Commission by various political committees (including the NRCC). The response to the complaint was filed by Political Contributions Data, Inc. ("PCD"), which described itself as the wholly-owned subsidiary of PDA and the owner of all materials relating to political contributions obtained from the Commission. (This Office later learned that PCD is registered in New York State as a for-profit corporation, incorporated on September 17, 1986.) In their response to the complaint, Michael Tanzer and Benjamin A. Goldman (President and Vice-President, respectively, of PCD; they are both also officers of PDA) raised various procedural and substantive objections to the complaint, in particular that PDA/PCD had not used information copied from reports filed with the FEC to solicit any contributions. They did not deny, however, that PCD was marketing such contributor information.

Based upon the complaint and the response, the Commission, on March 10, 1987, found reason to believe that PCD violated

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2 U.S.C. § 438(a)(4), and an investigation of the matter ensued. In response to interrogatories, PCD stated that it had obtained individual contributor information from PDA, its parent corporation, on September 17, 1986 (the date PCD had been incorporated). PDA had received the contributor information on January 8, 1986, from the Council on Economic Priorities ("CEP") which had purchased the information (in the form of computer tapes) from the Commission. CEP is a 25% shareholder of PDA and a "non-profit public service research organization dedicated to accurate and impartial analysis of economic issues." (Response of PCD, June 8, 1987.) One hundred and four sales of contributor information were made during the period September, 1986 to June, 1987. Some sales had been made by PDA, but all checks received after September 17, 1986 were endorsed over to PCD. The price PCD/PDA charged their customers for contributor information ranged from \$5.00 for single "reports," to \$776.25 for a combination of "reports." By June, 1987, invoices totalling \$9,398.76 had been billed (hence the average price per sale was about \$90). Actual income received by PDA/PCD as of June, 1987 was \$4,544.73.

PDA/PCD "reports" took the form of printouts, listing the names of a series of contributors, as well as each contributor's occupation, city, state, zip code, the name of the committee(s) to which he or she contributed, and the amount of each contribution. At the bottom of each page, there appeared the following caveat: "This Report may not be used or sold by any

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person for the purpose of soliciting contributions or for any commercial purpose. A Public Data Access, Inc. (PDA) product. Copyright 1986 by Public Data Access, Inc. Unauthorized Reproduction is Prohibited." Contributors included in any "report" were grouped according to a variety of categories, such as congressional district, or corporate affiliation, or even narrower categories, such as listings of contributions by members of the Board of Directors of WedTech corporation.

On February 12, 1988, this Office received, pursuant to an Order of the U.S. District Court for the District of Columbia, a listing of purchasers of contributor information from PDA/PCD. This Office contacted certain of these purchasers to determine, among other things, the reasons they purchased the contributor information and the uses to which the information was put. Most stated they wanted the information for "research," a category that would encompass a variety of purposes such as an academic research program, background information for journalistic coverage of politics, or political campaigns' desire to gauge the fundraising efforts of opponents or to determine what other campaigns their own contributors were supporting. A minority (about 20% of the non-scientific sample) expressed an interest in using the information for solicitations; one of these stated, however, that the absence of street addresses, the limitation of the listing to large (\$500 or more) contributors whose identities

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in many cases were already well-known, and the disclaimer stating that the information "may not be used ... for the purpose of soliciting contributions ..." led to a decision not to use these reports for that purpose.

II. ANALYSIS

Under the Federal Election Campaign Act ("the Act"), the Commission shall make reports filed with it

available for public inspection, and copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

2 U.S.C. § 438(a)(4). In this case, it is undisputed that PCD (under the aegis of PDA and other related organizations) has obtained information copied from reports filed with the Commission and has sold such information to its various customers. The issue is whether such sales constitute the sale or use of information copied from reports filed with the Commission "for the purpose of soliciting contributions or for commercial purposes" in violation of 2 U.S.C. § 438(a)(4).

In the view of this Office, PDA's activities do constitute a violation of 2 U.S.C. § 438(a)(4). First, the materials sold by PCD could be used for solicitations. This point was previously addressed by the Commission when PDA submitted letters (in March and June, 1986) requesting an advisory opinion concerning its

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proposed sale of contributor information copied from reports filed with the Commission. PDA stated that the contributor information would include the contributor's name, city and state, as well as the name of the recipient and the amount of the contribution. Street addresses, however, would be omitted. Each PDA report would include a warning that it "may not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose." PDA also stated that its "purpose in publishing and selling these compilations is to advance knowledge of the patterns of political contributions and to generate research into these patterns." Compilations of contributor information would, in PDA's view, "provide a starting point for further research by investigative reporters and public interest researchers as well as by local citizen groups and nonprofit organizations." Advisory Opinion 86-25.

In analyzing the request, the Commission noted that PDA (like PCD, in the present matter) was a for-profit corporation, a status that created a "presumption of commercial purpose." PDA, moreover, failed to qualify for the exemption for "newspapers, magazines, books, or other similar communications," since use of contributor information for such communications is permitted only "as long as the principal purpose of such communications is not to communicate any contributor information listed on such reports for the purpose of soliciting contributions or for other commercial purposes." 11 C.F.R. § 104.15(c). PCD, like PDA, is

not a communication medium comparable to newspapers or the other media specified in the regulation and its principal purpose is to disclose the above-described contributor information. The Commission stated that, "PDA's intended use of contributor information is not merely incident to their sales but is the primary focus of PDA's activity." AO 86-25.

The Commission then considered the purposes for which PDA would market the contributor information. While taking into account PDA's statements that street addresses would not be included, that warnings against using the information for solicitations or for commercial purposes would be included, and that the facilitation of political research was the intent of the reports, the Commission did not view these statements as "determinative of the principal purpose requirement." The Commission concluded that

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lists that compile individual contributor information by congressional district and by employer will have commercial value to list owners, managers, brokers, and others, even though street addresses were omitted. The format and content of PDA's lists are essentially indistinguishable from those of a list broker used for soliciting contributions or for commercial purposes ....

Accordingly, the Commission concluded that PDA's proposed activity that involves the copying and selling of compilations comprised primarily of individual contributor names is prohibited by the Act.

Id.

In reaching the conclusion that PDA's proposed activity amounted in essence to list-brokering, and hence involved a "commercial purpose" under 2 U.S.C. § 438(a)(4), the Commission cited the case of FEC v. American International Demographic Services, Inc., 629 F. Supp. 317 (E.D. Va. 1986). In that case, it was held that the selling or renting to list brokers of contributor information, purchased from the Commission, constituted use for a commercial purpose under 2 U.S.C. § 438(a)(4). (See also AO 85-16.) Thus, in the present matter, PCD's sale of contributor information, which had been purchased from the Commission and which could be used for solicitations, constituted use for a commercial purpose, in violation of 2 U.S.C. § 438(a)(4). In short, PCD has done exactly what the Commission had already ruled in AO 86-25 that PDA could not do; for the reasons set forth in that Advisory Opinion, therefore, PCD violated 2 U.S.C. § 438(a)(4).

In addition, in the view of this Office, PCD violated 2 U.S.C. § 438(a)(4), regardless of whether the materials it sold were used, or lent themselves to be used, for solicitations, on the grounds that the sale of such contributor information constituted a use for a commercial purpose. The language of 2 U.S.C. § 438(a)(4) prohibits sale or use of materials copied from reports filed with the Commission "for the purpose of soliciting contributions or for commercial purposes ...." Emphasis added. Clearly, this statutory language creates two

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alternative bases for a finding of a violation. "[T]he word 'or' ... is a disjunctive particle signifying an alternative, and ... is often used with 'either' as a correlative. The correlative may be understood." International Mercantile Marine Co. v. Lowe, 19 F. Supp. 907, 909 (D.C.N.Y. 1937). Accordingly, sale or use for "commercial purposes" may be considered an alternative ground for a finding of a violation of 2 U.S.C. § 438(a)(4), regardless of whether the contributor information in question was sold or used for soliciting contributions.

The Commission addressed this point in AO 86-25, stating, "Since PDA is organized as a for-profit corporation, its sales of these lists are presumably made for commercial purposes. Its statement that it plans to sell these lists at cost or at a price to recover its investment costs does not negate this presumption of commercial purpose." Id. PCD is likewise organized as a for-profit corporation. Accordingly, it appears that PCD's sale of above-described contributor information had a "commercial purpose," and, therefore, resulted in a violation of 2 U.S.C. § 438(a)(4).

To be sure, the Commission has emphasized that the principal purpose of 2 U.S.C. § 438(a)(4), as shown in the legislative history, is to prevent the use for soliciting contributions of contributor information reported to the Commission. For example, the Commission has stated in Advisory Opinion 84-2 that,

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The proponents of 2 U.S.C. § 438(a)(4) focused on protecting the privacy of the "very public spirited citizens" who make contributions to campaigns. Thus, the purpose of this section was to protect contributor information and lists from being used for contribution solicitation or for commercial purpose. 117 Cong. Rec. 30057-58 (1971) (remarks of Senator Bellmon, amendment sponsor). Subsequent legislative history further reinforces this view. Specifically, the history of the 1979 Amendments to the Act indicates that a commercial vendor may compile information from FEC reports for the purpose of selling that information, but that the prohibition on copying and use of names and addresses of individual contributors is crucial and so was maintained. H.R. Rep. No. 422, 96th Cong., 1st Sess. 23 (1979). The purpose of 2 U.S.C. § 438(a)(4) is the prevention of list brokering, not the suppression of financial information. See Advisory Opinions 1983-44 [CCH] [¶5745], 1981-38 [¶5624], and 1980-78 [¶5530]. The prohibition is intended to prevent the use of contribution information taken from disclosure documents filed under the Act to make solicitations. It is not intended to foreclose the use of this information for other, albeit political, purposes, such as correcting contributor misperceptions. See Advisory Opinion 1981-5 [¶5590].

For similar reasons, the Commission has approved the use of information copied from reports filed with the FEC for a variety of purposes, not involving the solicitation of contributions; these purposes include: identifying and contacting political consultants and other, similar organizations in order to offer

them subscriptions to a newsletter (AO 81-38); to send statements of political views to contributors to opposing candidates (AO 81-5); and to inform contributors to an unauthorized committee purporting to support a candidate that said committee was in fact unauthorized, and to identify that candidate's authorized committee (AO 84-2). Similarly, the Commission has stated that "except for information identifying individual contributors, any of the information found in FEC documents or documents filed with the Commission may be used" in a directory for political action committees. AO 80-101. See also AO's 77-66 and 80-78.

In its consideration of said matters, however, the Commission has always treated sale or use for commercial purposes as an alternative to sale for use for soliciting contributions. Accordingly, the Commission may find that the sale by PCD, a for-profit corporation, of the contributor information was, by its nature, commercial. "Commercial" has been defined as "an interchange of goods, wares, productions, or property of any kind between nations or individuals, either by barter or by purchase and sale. Atlantic, Gulf & Pac. Co. v. State Dept. of Assessments and Taxation, 249 A. 2d 180, 184, 252 Md. 173." 7A Words and Phrases, "Commerce," 130. Thus, PCD's sale of the contributor information clearly had a "commercial purpose."

To the extent that certain of the above-cited Commission advisory opinions may be understood to limit the reach of 2 U.S.C. § 438(a)(4) to the sale or use of contributor

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information for the solicitation of contributions, respondent in this matter can not be said to have been prejudiced to any degree by a finding that 2 U.S.C. § 438(a)(4) was violated, notwithstanding the absence of any actual solicitation. PDA, PCD's parent corporation, made an advisory opinion request, presenting facts virtually identical to those involved in the present matter. The Commission stated in AO 86-25 that the proposed activity would violate 2 U.S.C. § 438(a)(4); respondent proceeded nonetheless to engage in that activity, in blatant disregard of the advisory opinion.

In summary, respondent, a for-profit corporation, sold individual contributor information copied from reports filed with the Commission. The information sold included the name, city, state, and zip code of individual contributors, as reported to the Commission by recipient committees. The format and content of PCD's reports were "essentially indistinguishable from those of a list broker used for soliciting contributions for commercial purposes." AO 86-25. Accordingly, respondent violated 2 U.S.C. § 438(a)(4). As an alternative ground for the same finding, the sales of contributor information by respondent, a for-profit corporation, presumptively and in fact constituted sales of contributor information for a commercial purpose. Id. Accordingly, there is probable cause to believe PCD violated 2 U.S.C. § 438(a)(4).

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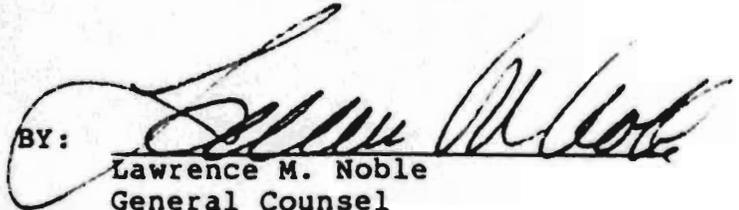
**III. GENERAL COUNSEL'S RECOMMENDATION**

Find probable cause to believe that Political Contributions Data, Inc. violated 2 U.S.C. § 438(a)(4).

Date

11/10/28

BY:



Lawrence M. Noble  
General Counsel

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RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE

PUBLIC CITIZEN LITIGATION GROUP  
SUITE 700  
2000 P STREET N.W.  
WASHINGTON, D. C. 20036  
(202) 785-3704

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November 21, 1988

By Hand

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, 6th Floor  
Washington, D.C. 20463

Re: Political Contributions Data, Inc., MUR 2291

Dear Mr. Noble:

The undersigned, counsel for Political Contributions Data, Inc. ("PCD"), hereby requests a twenty day extension of time within which to respond to the General Counsel's Brief to the Commission in the above-captioned Matter Under Review. Counsel for PCD received the General Counsel's Brief, dated November 10, 1988, on November 14, and hence PCD's Brief is presently due to be submitted to the Commission on November 29, 1988. With the requested extension, PCD's brief would be due on December 19, 1988.

Counsel request this extension to two principal reasons. First, PCD's principal attorney will be out of town during most of Thanksgiving week. Second, counsel for PCD have briefs due in several other pressing matters, and hence an extension is required to allow the orderly preparation of PCD's brief.

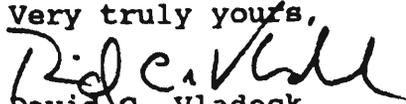
Given that this matter has been pending before the Commission for over two years, and that the General Counsel's office has had access to PCD's complete files for over nine months, there can simply be no claim that the General Counsel's Office or the Commission will be prejudiced by the brief delay sought by counsel for PCD.

Finally, I would request that all further communications regarding this matter be addressed to me. Your letter of November 10, 1988, was directed to Joan S. Meier, Esq., although your office has been on notice for nearly a year that Ms. Meier is no longer with our firm and that I am handling this matter for PCD.

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Lawrence M. Noble  
Federal Election Commission  
November 21, 1988

Thank you for your attention to this matter.

Very truly yours,  
  
David C. Vladeck  
Attorney for Political  
Contributions Data, Inc.

cc: Charles Snyder, Esq.  
Attorney  
Federal Election Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 1, 1988

David C. Vladeck, Esquire  
Public Citizen Litigation Group  
Suite 700  
2000 P Street, N.W.  
Washington, D.C. 20036

RE: MUR 2291  
Political Contributions Data,  
Inc.

Dear Mr. Vladeck:

This is in response to your letter dated November 21, 1988, which we received on November 21, 1988, requesting an extension of 20 days until December 19, 1988 to respond to the General Counsel's brief. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on December 19, 1988.

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

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

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OGC/386

PUBLIC CITIZEN LITIGATION GROUP  
SUITE 700  
2000 P STREET N.W.  
WASHINGTON, D. C. 20036  
(202) 788-3704

December 16, 1988

By Hand

Secretary  
Federal Election Commission  
999 E Street, N.W.  
Ninth Floor  
Washington, D.C. 20463

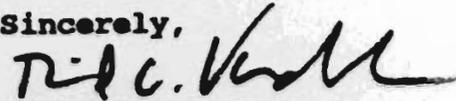
Re: Matter Under Review No. 2291

Dear Sir or Madam:

As counsel for Political Contributions Data, Inc., I hereby submit ten copies of our brief in response to that filed by the General Counsel in this matter on November 10, 1988. Three copies of the brief have today been served by hand on Charles Snyder, Attorney, Office of the General Counsel, Federal Election Commission. Please let me know if there are any questions in connection with this filing.

Thank you for your attention to this matter.

Sincerely,



David C. Vladeck  
Attorney for Political  
Contributions Data, Inc.

cc: Charles Snyder, Esq.  
Enclosure

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88 DEC 16 PM 12:45

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BEFORE THE  
FEDERAL ELECTION COMMISSION

In the Matter of )  
Political Contributions Data, Inc. ) MUR 2291

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BRIEF OF POLITICAL CONTRIBUTIONS DATA, INC.

Introduction

The General Counsel of the Federal Election Commission ("General Counsel") has asked the Commission to find probable cause to believe that Political Contributions Data, Inc. ("PCD"), violated the prohibition on using contributor data "for the purpose of solicitation contributions or for commercial purposes" set forth in 2 U.S.C. § 438(a)(4). The General Counsel's charges spring from PCD's distribution in 1986 and 1987 of reports analyzing contributions to political campaigns by congressional district and by corporate affiliation. PCD's reports were distributed to, inter alia, individuals, labor unions, universities, non-profit organizations, for-profit organizations, professors, newspapers, journals, libraries, lobbyists, and political campaigns, parties and committees. Although these reports contained listings of contributors, they did not disclose the home or mailing address or telephone number of any contributor, and each page of each report bore the warning that "THIS REPORT MAY NOT BE USED OR SOLD BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS FOR ANY COMMERCIAL PURPOSE." (capitalization in original).

In its brief, the General Counsel appears to acknowledge

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that at no time did PCD ever use the contributor data to solicit contributions for any commercial purpose. Nor has the General Counsel asserted that PCD sold its reports to any "list brokers," mail houses, or entities whose business is the marketing of lists. Rather, the General Counsel has asked the Commission to conclude that there is probable cause to believe that PCD violated 2 U.S.C. § 438(a)(4) solely because (a) the reports could conceivably be used by list-brokers, and (b) PCD, which is a for-profit corporation, sold its reports.

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The Commission should reject emphatically the General Counsel's position for two fundamental reasons. First, the General Counsel seeks to stretch the coverage of section 438(a)(4) well beyond its limits. Section 438(a)(4) was designed to protect contributors to federal political campaigns from an onslaught of commercial solicitations, not from public disclosure. The General Counsel's reading of section 438(a)(4) would require contributor data to languish in the Commission's reading room, available for public inspection, but nothing else. That result, we submit, is wholly incompatible with the overarching goal of the FECA -- to promote full disclosure of all campaign finance information.

The second flaw in the General Counsel's position is that it collides head-on with the First Amendment. Section 438(a)(4) directly regulates the exercise of PCD's First Amendment rights, and hence it is subject to the most rigorous and exacting scrutiny. But as interpreted by the General Counsel, section

438(a)(4) cannot survive, since it forbids the dissemination of information of undeniable public importance, without serving a compelling state interest. Thus, to avoid a constitutional confrontation over the reach of section 438(a)(4), the Commission should determine that there is no probable cause to believe that PCD violated section 438(a)(4).

#### Background

In order to understand fully the issues presented by this matter under review, it is necessary to describe briefly the reports published by PCD, as well as the history of this proceeding.

##### 1. PCD and the Reports at Issue.

PCD is a New York corporation that was organized on September 17, 1986, and is wholly owned by Public Data Access, Inc. ("PDA"), another New York corporation, which in turn is owned by its employees, private investors, and non-profit groups. As explained more fully below, although PCD is incorporated as a for-profit organization, its principal purpose is to serve the public interest by making FEC information readily available in a comprehensible fashion, and it has not engaged in any predominantly profit-making enterprise.

Indeed, as prior submissions to the Commission make clear, this is in keeping with PDA's purposes as well. As PDA has explained, one of its major goals is "to serve the public interest by providing ready access to government information that is nominally open for public inspection, but often hard to use in

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its original form." PDA "seek[s] to expand use of this information by collecting and organizing that information in accessible, affordable, and easy-to-use packages." Letter to Mr. Bradley Litchfield, Assistant General Counsel, Federal Election Commission from Benjamin A. Goldman, Executive Vice President, PDA, dated June 24, 1986. PDA staff members have published a number of books based on government data, including Quality of Life in American Neighborhoods, which used census data in analyzing the relation between toxic waste and public health, and Hazardous Waste Management: Reducing the Risk, which relied on data from a number of federal health and safety agencies in rating the performance of firms in the hazardous waste management industry. Id.

As PDA previously explained to the Commission, PDA founded PCD in order create an entity that would disseminate FEC data in a way that is both affordable and accessible to the public, and thus would help foster an informed debate over the role of campaign financing in the electoral process. Thus,

in general reports are most useful to the extent to which they show how financial political contributions support the current political superstructure, particularly with respect to the advantage enjoyed by incumbents over challengers. The chief virtue of the reports is that they facilitate research into the reason why contributors, both as individuals and on behalf of their affiliated companies, favor one candidate over another, particularly in the light of the congressional committee assignments.

Letter to Mr. Bradley Litchfield, Assistant General Counsel, Federal Election Commission from Benjamin A. Goldman, Executive

Vice President, PDA, dated March 21, 1986. Mr. Goldman also noted in his June letter that, "[i]n providing access to publicly available Federal Election Commission data, PDA's fundamental aim is the encouragement of research into political linkages shown by that information."

To implement these goals, PCD has produced two standard reports: the Congressional District Report and the Corporate Affiliation Contributor Report. Congressional District Reports list the names of major contributors (\$500.00 or more) for each congressional district, the contributor's occupation, the amount of each donation, and the recipient of each contribution. Corporate Affiliation Contributor Reports analyze the contributions made to all federal electoral candidates by those associated with a particular corporation.

PCD also produced a number of special study reports, undertaken either on request or at PCD's own initiative, to examine a specific issue. These reports include, for example, a preliminary list of contributors to the campaign of Lyndon LaRouche, a list of contributions made by the Board of Directors of the Wedtech Corporation, and lists of contributors to particular candidates. (Samples of PCD's reports were submitted as exhibits to PCD's Answers to Questions Propounded by the General Counsel, FEC, submitted in June, 1987) (hereinafter "PCD's Answers"). In addition, PCD participated in a joint venture with Award Publications, Inc., and Communications Services, Inc., to produce a book, the Washington Political Register, which contains two

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essays on issues concerning campaign financing, and a list of significant campaign donors in the District of Columbia. See PCD's Answers, ¶¶ 6(d) & 6(f).

From its inception, PCD recognized, and sought to adhere to, the anti-solicitation prohibition imposed by section 438(a)(4). Thus, in his March 1986 letter, Mr. Goldman stated that "[k]nowing of the concern that the data not be used for solicitation, we plan to include such a warning on each page of the report. We would appreciate help from the FEC in wording such an injunction in the strongest possible way." Although the FEC made no effort to assist Mr. Goldman, every page of every report issued by PCD has borne the following warning: "THIS REPORT MAY NOT BE USED OR SOLD BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS FOR ANY COMMERCIAL PURPOSE." (capitalization in original).

Moreover, PCD distributed its reports at or below cost, and never intended to make a profit on these reports. Thus, in March 1986 Mr. Goldman made it clear that "[t]o date, PDA has invested about \$35,000 for the FEC tapes and the programming required to facilitate the research into political linkages described below." Mr. Goldman went on to note that "the price for our materials will be set at a level to cover costs only." Indeed, PCD in fact kept its prices so low that its income never even approached the point where it could recapture its expenses. Generally, PDA charged only \$5.00 for single reports (though a number were distributed to non-profit organizations at no cost), and by June, 1987, although PDA had billed out a total of merely \$9,398.76 for

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its Congressional District and Corporate Affiliation contributor reports, its actual receipts were only \$4,544.73. Thus, contrary to the suggestion that runs through the General Counsel's brief, PCD never sought to make a profit on its dissemination of reports.

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Confirming PCD's believe that such reports are of interest solely to those who wish access to FEC contributor data for its intended purposes and not to list brokers, PCD's reports have been requested by a broad variety of organizations and individuals, including universities, non-profit advocacy groups, for-profit organizations, newspapers, television stations, journals, political parties and committees (representing Democratic, Republican, and minor party candidates), and political consultants. Insofar as PCD is aware, it has never distributed any of its reports to "list brokers," mail houses, or entities whose business is the marketing of lists. Nor is there an indication that any of the one hundred and four purchasers of PCD's reports ever used the contributor data to solicit contributions for any commercial purposes, a point which the General Counsel appears to acknowledge. See General Counsel's Br. at 3.

2. Prior Proceedings.

Before PCD began its operations, its parent corporation, PDA, submitted a request for an advisory opinion to the Commission. In seeking an opinion, PDA was attempting to enlist the Commission's assistance in charting the indistinct boundaries

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of conduct permitted and prohibited by section 438(a)(4). See generally National Republican Congressional Committee v. Legi-Tech Corp., 795 F.2d 190 (D.C. Cir. 1986). As PDA pointed out, the legislative history of that section and prior Commission advisory opinions make it clear that the principal, if not sole, thrust of section 438(a)(4) is to protect contributors to federal campaigns from a feared onslaught of commercial solicitations. And, as PDA emphasized in its submissions to the Commission, it has no interest in engaging in or facilitating solicitation activities. On the contrary, PDA's principal purpose in preparing and distributing its reports is to stimulate the use of contributor data to stimulate research and reporting on patterns of political contributions. PDA also stressed that, in its view, its reports would be essentially valueless to list-brokers and others, since, without addresses or telephone numbers, it would be impractical to use PDA's reports for solicitation purposes. Moreover, the salting of the contributor lists with pseudonyms would, in any event, make their use for solicitation purposes far too perilous.

In Advisory Opinion 1986-25 (August 15, 1986), the Commission determined that the distribution of PDA's report would be prohibited by the Act. The central reason cited by the Commission was that "[s]ince PDA is organized as a for-profit corporation, its sales of these lists are presumably made for commercial purposes. Its statement that it plans to sell these lists at cost or at a price to recover its investment costs does not

negate this presumption of commercial purpose." The Commission also examined the question of whether PDA's activities fell within the exception carved out by 11 C.F.R. 104.15(c) for use of contributor information in books, newspapers, and magazines, provided that the use is incident to the sale of such communications. However, the Commission concluded that "PDA's intended use of contributor information is not merely incident to their sales but is the primary focus of PDA's activity."

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Following the issuance of the Commission's Advisory Opinion, with which PCD and PDA disagreed for reasons to be stated in more detail below, PCD continued to distribute its reports. Barely three months later, on November 10, 1986, the National Republican Congressional Committee ("NRCC") filed a complaint with the Commission alleging that the distribution of PCD's reports violated section 438(a)(4). In its complaint, the NRCC relied almost exclusively on the rationale set forth in the Advisory Opinion. It did not point to a single instance in which a contributor received a solicitation attributable to a PCD report; nor has the NRCC provided any evidence to substantiate its fear that PCD reports might lead to such solicitation in the two years that have followed.<sup>1</sup> Instead, the complaint focused principally on the separate claim that the sale of PCD reports, which contain lists of contributors -- without their street or mailing addresses or telephone numbers -- constituted the use of

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<sup>1</sup> Presumably, given the salting provision of section 438(a)(4), if the NRCC had any evidence that linked a PCD report with an improper solicitation, it would have come forward with it.

contributor information for "commercial purposes" which was barred by 2 U.S.C. § 438(a)(4).

After the Commission notified PCD officials of the complaint, the matter lay dormant until March, 1987, when the Commission determined that there was reason to believe PDA violated 2 U.S.C. § 438(a)(4). An investigation by the Commission's General Counsel ensued, and finally, on November 10, 1988, the General Counsel formally recommended to the Commission that it find probable cause to believe that PDA violated 2 U.S.C. § 438(a)(4). This brief responds to the General Counsel's recommendation.

#### ARGUMENT

In recommending that the Commission determine that probable cause exists to believe that PCD violated section 438(a)(4), the General Counsel approaches this matter as if the only relevant question was one of statutory construction. Thus, the General Counsel's inquiry begins and ends with a cursory reading of a portion of section 438(a)(4), which, according to the General Counsel, prohibits PCD's conduct because the sale of PCD reports, which contain contributor information, violates the proscription against using contributor information "for commercial purposes" set forth in section 438(a)(4).

There are two related reasons why the General Counsel's arguments must be rejected. First, the General Counsel's stilted and formalistic reading of section 438(a)(4) fails to carry out Congress' purpose in FECA -- which was to protect contributors

from being harassed by mass solicitations, not to shield the identities of contributors from public light. Second, the General Counsel's argument overlooks the serious, and obvious, constitutional difficulties with imposing penalties on the distribution of public information. As construed by the General Counsel, section 438(a)(4) is plainly unconstitutional, since no compelling governmental interest is served by barring PCD from using contributor data in its reports. Accordingly, the Commission should reject the General Counsel's reading of section 438(a)(4), and thereby avoid a constitutional confrontation.

I. SECTION 438(a)(4) DOES NOT PROHIBIT THE DISSEMINATION OF PDA'S REPORTS.

The starting point for the Commission's analysis must be the language of the statute. Consumer Product Safety Commission v. GTE Sylvania, 447 U.S. 102, 108 (1980). Section 438(a)(4) is hardly a model of clarity. As the Supreme Court recognized in Buckley v. Valeo, 424 U.S. 1, 66-68, 78, 82 (1976) (per curiam), one of the principal purposes of FECA was to mandate public disclosure of all information relating to campaign finance, and thus section 438(a)(4)'s disclosure requirements lie at the heart of the statute. On the other hand, section 438(a)(4) also includes a proviso that states that the reports "may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes." What is critical to this case, however, is that the statute itself sheds no light on what

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Congress meant by the phrase "for commercial purposes."<sup>2</sup>

While the plain language of the provision is opaque, traditional tools of statutory construction confirm that Congress did not intend the "commercial purpose" language to do more than underscore the prohibition on solicitation. Indeed, the proviso's legislative history, although sparse, offers clear and irrefutable evidence that Congress' sole concern was to protect contributors from a feared onslaught of commercial solicitations. As proposed, FECA contained no proviso at all. Senator Bellmon, on the floor of the Senate, offered it as an amendment. The entire history of the proviso consists of a short colloquy on the floor of the Senate between Senator Bellmon and several other Senators. Senator Bellmon stated that the purpose of the proviso "is to protect the privacy of the generally very public-spirited citizens who make a contribution to a political campaign or a

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<sup>2</sup> We acknowledge that there is no ambiguity with regard to the prohibition on "soliciting contributions" (although we do not concede its constitutionality -- a point we address below). We are at a loss, however, to understand the General Counsel's assertion that PCD has violated this part of section 438(a)(4). Indeed, in making his argument, the General Counsel contends only that PCD reports "could be used for solicitations." Br. at 7 (emphasis supplied). While we disagree that PCD reports would be suitable for that purpose, the General Counsel never explains the relevance of his contention. Under this portion of the statute, the only relevant inquiry is whether PCD "sold" its reports "for the purpose of soliciting contributions", not whether the reports "could" conceivably be used for such purposes. But the General Counsel has never made, much less substantiated, the argument that PCD sold its reports for the purpose of soliciting contributions. Nor has the General Counsel contended that PCD sold its reports to list-brokers or mailers, who would in turn use the reports for solicitation purposes. Cf. FEC v. American International Demographic Services, Inc., 629 F. Supp. 317 (E.D. Va. 1986). Hence, in our view, this part of the statute is not relevant to the Commission's inquiry.

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political party." 117 Cong. Rec. 30057, col. 3 (1971). Senator Bellmon continued:

We all know how much of a business the matter of selling lists and list brokering has become. These names would certainly be prime prospects for all kinds of solicitations, and I am of the opinion that unless this amendment is adopted, we will open up the citizens who are generous and public spirited enough to support our political activities to all kind of harassment, and in that way tend to discourage them from helping out as we need to have them do.

Id. Senator Cannon, a co-sponsor of FECA, expressed the view that it would be difficult to enforce the provision, but he did not object to it. Id.

In response to a question by Senator Nelson, Senator Bellmon elaborated on the purpose of his amendment:

In the State of Oklahoma, our own tax division sells the names of new car buyers to list brokers, for example, and I am sure similar practices are widespread elsewhere. This amendment is intended to protect, at least to some degree, the man and woman who make contributions to candidates or political parties from being victimized by that practice.

117 Cong. Rec. 33058, col. 1. Senate discussion of the amendment concluded with this exchange:

MR. NELSON: Do I understand that the only purpose [of the amendment] is to prohibit the lists from being used for commercial purposes?

MR. BELLMON: That is correct.

MR. NELSON: The list is a public document, however.

MR. BELLMON: That is correct.

MR. NELSON: And newspapers may, if they wish, run lists of contributors and amounts.

MR. BELLMON: That is right; but the list brokers, under this amendment, would be prohibited from selling the list or using it for commercial purposes.

Id. The amendment was then approved by the Senate in a voice vote, id., and it was later included in the final legislation and codified in 2 U.S.C. § 438(a)(4). As is evident, this amendment was designed to address one specific problem -- the use of contributor lists by commercial "list-brokers" -- and nothing more.<sup>3</sup>

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Despite this unambiguous legislative history, the General Counsel nonetheless argues that any "commercial" use of contributor information is forbidden, with the sole exception of the use specifically identified in the legislative history, namely publication of contributor information by the media. General Counsel's Br. at 7-8. The Commission has promulgated a regulation expressly allowing "newspapers, magazines, books and other similar communications" to publish contributor information, with the limitation that publication is permitted only "as long as the principal purpose of such communications is not to communicate any contributor information listed on such reports for the purpose of soliciting contributions or for other

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<sup>3</sup> Congress' exclusive focus on commercial solicitation was underscored by the addition in 1980 of the "salting" provision, which authorizes the submitter of the lists to "submit 10 pseudonyms on each report . . . in order to protect against illegal use of names and addresses of contributors . . ." Pub. L. 96-187. Obviously, this provision is relevant only to the solicitation issue.

commercial purposes." 11 C.F.R. § 104.15(c). As we explain in Part II *infra*, any restriction on the use of contributor information beyond that for commercial solicitation is unconstitutional. However, even taking the General Counsel's argument at face value, there are several flaws with it.

To begin with, it is evident that the Commission's media exemption applies with full force to PCD's activities. Just like a newspaper or magazine, PCD reports were published for the purpose of revealing patterns of contributions that shed light on the course of political campaigns. That is why news organizations, including both television and newspapers, political scientists at several universities, and political consultants, were among PCD's principal customers. It is the height of irony to contend, as does the General Counsel, that the media organizations that used PCD reports as the focal point of a news story are protected by the Commission's regulation, but PCD, which prepared the report, violated the law.

In making this argument, the General Counsel cites the "principal purpose" test of the regulation, and claims that PCD fails because the purpose of its reports is "to communicate . . . contributor information listed on such [FEC] reports for . . . commercial purposes." The difficulty here, of course, is that this exception is circular -- PCD's activities fall outside of the protection of the regulation only if the Commission agrees with the General Counsel that PCD's reports were distributed principally for a "commercial purposes."

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On this score, we are mystified by the General Counsel's assertion, which is unsupported by the record, that PCD's "principal purpose" in distributing its reports was commercial. See, e.g., Gen. Counsel's Br. at 8, 10. The General Counsel argues that since PCD sold some of its reports, and is incorporated as a for-profit corporation, the distribution of its reports was presumptively for a commercial purpose. This argument, of course, completely ignores the standard dictionary definition of "commercial", namely "made or done for profit" (Webster's New World Dictionary, 1984 ed.) (emphasis added). Similarly, it overlooks the fact that many for-profit organizations, including PCD and PDA, engage in activities that are not intended to be profit-making.

What is more, the General Counsel's simplistic argument nowhere comes to grips with the facts in this case. All along, PCD has made it clear that it was not publishing its reports to make a profit. To the contrary, it has repeatedly emphasized that its pricing strategy was designed to, at most, cover its costs. And, as the statistics cited in the General Counsel's brief make clear, PCD has adhered to this strategy at an enormous price. Even though the initial investment in the FEC list and essential programming exceeded \$35,000, PCD has billed less than \$10,000 and recovered less than \$5,000. See General Counsel's Br. at 2. Thus, the record is completely at odds with the General Counsel's assertion that PCD's "principal purpose" in distributing its reports was commercial in nature. Indeed, on

this score, PCD is on far stronger footing than the newspapers it assisted, which were clearly engaged in a profit-making enterprise.

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In any event, regardless of whether PCD's activities fall within the literal terms of the Commission's regulation, the rationale underlying it applies. As the D.C. Circuit recently recognized in National Republican Congressional Committee v. Legi-Tech Corp., supra, 796 F.2d at 193, the task confronting the Commission in a case such as this is "determining what commercial activities fall within the proviso's prohibition (activity akin to that of a list broker) and what commercial activity is not proscribed (activity akin to that of a newspaper)." Here, it is clear that PCD's activities bear no resemblance to that of a list broker. Again, it bears emphasis, there has been no suggestion by the General Counsel that PCD engaged in solicitation, or sold its reports to list-brokers or mailers who promote solicitation, or indeed anyone else who engaged in solicitation. Rather, PCD's reports have been distributed to inform the public debate on campaign finance issues, which is plainly activity "akin to that of a newspaper." Hence, the Commission should determine that PCD's activities do not violate section 438(a)(4).

Finally, in construing section 438(a)(4), the Commission must be mindful that "[s]tatutory construction is a holistic endeavor." United Savings Ass'n of Texas v. Timbers of Inwood Forest Assocs., Ltd., 108 S. Ct. 626, 630 (1988); K Mart Corp. v. Cartier, Inc., 108 S. Ct. 1811, 1817 (1988). The main purpose of

section 438(a)(4), and indeed the Federal Election Campaign Act, is to promote public confidence in the integrity of the electoral process through broad disclosure of campaign finance information. Buckley v. Valeo, *supra*, 424 U.S. at 66-68, 78, 82. Thus, in construing the proviso, the Commission must assure that its construction does not swallow-up the general pro-disclosure mandate of FECA.

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The General Counsel's interpretation would significantly thwart disclosure of contributor information. Campaign finance information submitted to the Commission needs to be presented in a format that is comprehensible to the public. But the raw data in the Commission's files is hardly suitable for use by the general public. Unless some entity (like PCD) is willing to incur the expense (which, as this case illustrates, is substantial) of collecting, analyzing, and presenting the information in an organized and understandable fashion, the information is of little use to anyone. But, according to the General Counsel's theory, any entity undertaking such a task, and then attempting to sell its work-product to the public (even if only to defray expenses), violates section 438(a)(4) and may properly be subjected to civil and even criminal sanctions. As is evident, the General Counsel's reading of section 438(a)(4) dooms contributor information to a fate of simply languishing on the Commission's shelves gathering dust, until either scholars or the press sees fit to review it and present it to the public, albeit not with the help of PCD or any similar organization.

Because that result cannot be reconciled with Congress' goal in the Act, the Commission should reject the General Counsel's interpretation and determine that PCD did not violate 2 U.S.C. § 438(a)(4).

**II. THE GENERAL COUNSEL'S INTERPRETATION IS AT ODDS WITH THE FIRST AMENDMENT.**

Although there is no reference to the First Amendment in the General Counsel's brief, it is obvious that this case is fraught with serious constitutional problems. As Judge Wright warned in his concurrence in the Legi-Tech case, "the FEC should remain cognizant of the important and troubling First Amendment implications raised by any construction of the statute that bars the use of information at issue in this case by organizations such as Legi-Tech." 796 F.2d at 194.

By its terms, section 438(a)(4) directly forbids an entire category of expressive activity, and thus in any court challenge it would be subject to the exacting scrutiny demanded by the First Amendment. Citizens Against Rent Control/Coalition for Fair Housing v. City of Berkeley, 454 U.S. 290, 294 (1981). Here, that scrutiny would be particularly intense, since the financing of political campaigns is within "an area of the most fundamental First Amendment activities . . . '[I]t can hardly be doubted that the constitutional guarantee [of free speech] has its fullest and most urgent application precisely to the conduct of campaigns for public office." Buckley v. Valeo, *supra*, 424 U.S. at 14-15, quoting Monitor Patriot Co. v. Roy, 401 U.S. 265,

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272 (1971). Thus, in order to sustain the General Counsel's construction of the statute in the face of a First Amendment challenge, the Commission would be required to show that it serves a compelling governmental interest, and that it is as closely drawn as possible to avoid an unnecessary abridgement of First Amendment rights. Buckley v. Valeo, 424 U.S. at 25; First National Bank of Boston v. Bellotti, 435 U.S. 765, 786 (1978); Elrod v. Burns, 427 U.S. 347, 362 (1976) (plurality opinion).

As is evident from the legislative history cited above, the only interest identified by Congress at the time that it adopted the proviso was its concern that contributors be protected from the occasional nuisance of receiving (and perhaps having to throw away) unwanted solicitations. Assuming for the moment that this constitutes a substantial governmental interest, it is in no way implicated by this case. As we have emphasized throughout, here the General Counsel has not suggested that PCD engaged in solicitation or sold its reports to list-brokers or mailers who promote solicitation. Without an allegation to this effect -- and hard evidence to back it up -- the General Counsel is trying to cut the proviso in section 438(a)(4) completely loose from its constitutional mooring.

Moreover, even assuming that a PCD report had been used for solicitation purposes by a customer, that would still not justify a determination that PCD violated section 438(a)(4). Section 438(a)(4) forbids the use of contributor information "for the purpose of soliciting contributions," and that prohibition



pharmacist guilty of professional dereliction that actually endangers his customer will promptly lose his license." 425 U.S. at 768-69.

Similarly, in Village of Schaumburg v. Citizens for a Better Environment, 444 U.S. 620 (1980) the Court struck down an ordinance regulating door-to-door solicitation despite the Village's claim that the regulation helped protect its citizens against fraud. The Court said that "[t]he Village's legitimate interest in preventing fraud can better be served by measures less intrusive than a direct prohibition on solicitation. Fraudulent misrepresentation can be prohibited and the penal laws used to punish such conduct directly." 444 U.S. at 637. Most recently, in Shapiro v. Kentucky Bar Ass'n, 108 S. Ct. 1916 (1988), the Court invalidated a state bar rule forbidding lawyers from using targeted, direct-mail solicitations. In so ruling, the Court emphasized that the "State can regulate such abuses and minimize mistakes through far less restrictive and precise means," including "penaliz[ing] actual abuses." 108 S. Ct. at 1923.

In all four cases, the government had clearly explained the way in which the regulation of First Amendment rights served state interests. Yet, in each instance, the Supreme Court held that the strict enforcement of criminal or penal laws was the proper way of achieving those objectives. In this case, the government cannot conceivably show that strict enforcement of section 438(a)(4)'s prohibition against actual use of FEC lists

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for solicitation purposes would be inadequate to attain the objective that Congress has set, particularly in light of the "salting" provision of section 438(a)(4), which assists in identifying the entity engaging in the solicitation.

Finally, we are constrained to note that there is substantial doubt that the governmental interest underlying the proviso in section 438(a)(4) -- namely protecting contributors from unwanted solicitations -- constitutes a "compelling" governmental interest. In a number of decisions that post-date the enactment of FECA, the Supreme Court has found this interest insubstantial to justify, inter alia, restraints on direct-mail solicitation by lawyers, Shapiro v. Kentucky State Bar Ass'n, supra, on mail advertisements for contraceptives, Bolger v. Youngs Drug Products Corp., 463 U.S. 60 (1983), and bill inserts sent by utilities to discuss matters of public importance. Consolidated Edison Co. v. Public Service Comm'n, 447 U.S. 530 (1980); see also Lamont v. Commissioner of Motor Vehicles, 269 F. Supp. 880, 883 (S.D.N.Y.) aff'd, 386 F.2d 449 (2d Cir. 1967), cert. denied, 391 U.S. 915 (1968). And in Ryan v. Kirkpatrick, 669 S.W.2d 215 (Mo. 1984), the Supreme Court of Missouri, sitting en banc, unanimously struck down on First Amendment grounds a provision of the Missouri Campaign Finance Act, modelled on section 438(a)(4), which prohibited the use of contributor information for solicitation purposes. In light of these recent decisions, it is doubtful that the proviso in section 438(a)(4) would survive constitutional attack.

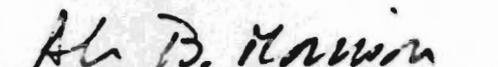
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CONCLUSION

For the reasons stated above, it is clear that the General Counsel's construction of section 438(a)(4) is inconsistent with congressional intent and riddled with constitutional flaws. Accordingly, we urge that the Commission reject the General Counsel's reading of section 438(a)(4), and determine that PCD's activities do not violate the statute.

Respectfully submitted,

  
David C. Vladeck

  
Alan B. Morrison (COW)

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Data, Inc.

December 16, 1988

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BEFORE THE FEDERAL ELECTION COMMISSION

EXECUTIVE SESSION

In the Matter of )  
Political Contributions Data, Inc. )

MUR 2291

APR 04 1989

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

This Matter was generated by a complaint filed by the National Republican Congressional Committee ("NRCC"), alleging that Public Data Access, Inc. ("PDA") had violated 2 U.S.C. § 438 (a)(4) by selling information copied from reports filed with the Commission by the NRCC and other political committees. Political Contributions Data, Inc. ("PCD") filed a response to the complaint, in which it identified itself as a wholly-owned subsidiary of PDA and as the owner of all materials obtained from the Commission, formerly owned or possessed by PDA, that related to political contributions. Consequently, PCD became the respondent in the present Matter.

Based upon the complaint and the response, the Commission found reason to believe on March 10, 1987 that PCD violated 2 U.S.C. § 438(a)(4), and instituted an investigation.

II. ANALYSIS

(See General Counsel's Brief, signed November 10, 1988.)

On December 16, 1988, respondent submitted a brief in this matter. (See Attachment 1.) That brief stated that PCD did not use the contributor information for what respondent calls "commercial solicitations." In support of this assertion, respondent argued that PCD did not actually solicit any

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contributions nor sell its materials to list brokers, and that there is no "indication that any of the one hundred and four purchasers of PCD's reports ever used the contributor data to solicit contributions for any commercial purposes...."

Respondent's Brief, p. 7. In addition, respondent would reject the characterization of its activities as "commercial" on the grounds that it did not make a profit from its sales of FEC contributor information.

Respondent's brief then makes two legal arguments. First, respondent asserts that 2 U.S.C. § 438(a)(4) only prohibits the sale or use of materials copied from reports filed with the Commission for solicitations, and that this prohibition does not apply to sale or use of such materials for any other commercial purposes. Second, PCD argues that if 2 U.S.C. § 438(a)(4) does prohibit sale or use of such materials for commercial purposes other than for solicitations, then that statutory provision is unconstitutional as violative of the First Amendment.

This Office has the following comments to make about the various arguments in respondent's brief. First, respondent's frequent references to "commercial solicitations" and "solicitations for commercial purposes" betray a confused reading of the relevant statute, which states that:

[A]ny information copied from ... reports or statements [filed with the Commission] may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

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2 U.S.C. § 438(a)(4). The statute unquestionably establishes two prohibitions respecting the sale or use of reports or statements filed with the Commission: (1) such materials cannot be sold or used for the purpose of soliciting contributions and (2) such materials cannot be used for commercial purposes. Respondent's frequent references to "commercial solicitations" only tend to blur this distinction.

Basic principles of statutory interpretation support this Office's reading of 2 U.S.C. § 438(a)(4). For example, it has been stated frequently that, to understand the meaning of a statute, one must focus upon the actual words of that statute. "It is elementary that the meaning of a statute must, in the first instance, be sought in the language in which the act is framed, and if the law is within the constitutional authority of the law-making body which passed it, the sole function of the courts is to enforce it according to its terms." Caminetti v. United States, 242 U.S. 470 (1917). In this instance, Congress placed in the relevant statute a prohibition on the sale or use of materials copied from reports filed with the Commission for "the purpose of soliciting contributions or for commercial purposes." 2 U.S.C. § 438(a)(4) (emphasis added). The use of the word "or" clearly indicates that the statutory prohibition applies to the sale or use of the materials in question for commercial purposes, as well as for solicitations. "The word 'or' ... is often used with 'either' as a correlative. The correlative may be understood." International Mercantile Marine Co. v. Lowe, 19 F. Supp. 907,909 (D.C.N.Y. 1937).

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In addition, it is not appropriate to infer exceptions to statutory provisions where such exceptions are not expressed in the statute itself. The statutory provision at issue here does make an exception to permit "using the name and address of any political committee to solicit contributions from such committee." The expression of this exception should be interpreted to mean Congress did not intend that other exceptions should be inferred. "Where Congress explicitly enumerates certain exceptions to a general prohibition, additional exceptions are not to be implied, in the absence of evidence of a contrary legislative intent." Andrus v. Glover Const. Co., 446 U.S. 608, 616-617 (1980).

In view of the fact that the meaning of the statute is clear and unambiguous, it is not appropriate to attempt to construe this provision based upon anything other than the words of the statute themselves. "The general rule is perfectly well settled that, where a statute is of doubtful meaning and susceptible upon its face of two constructions, the court may look into prior and contemporaneous acts.... But where the act is clear upon its face, and when standing alone it is fairly susceptible of but one construction, that construction must be given to it." Hamilton v. Rathbone, 175 U.S. 414 (1894). Thus legislative history should be used to construe an Act of Congress only where ambiguity makes it necessary to do so. Thus, it was stated with respect to another statutory provision, "The legislative history of this provision, and the successive alterations of its wording in both houses of Congress and in conference, to which we are referred, cannot affect its interpretation, since the language of the act as

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adopted is clear." Kuehner v. Irving Trust Co., 299 U.S. 445 (1937).

Respondent acknowledges that the legislative history of the statute is relevant only where the statute is ambiguous. (Respondent's Brief, pp. 11-12.) Despite the fact that the statute on its face plainly prohibits sale or use of the materials in question for "commercial purposes," respondent's counsel states that "the plain language of the provision is opaque," (Respondent's Brief, p. 12) and, without explaining where he finds this opacity, proceeds to analyze the statutory provision in light of its legislative history.

In fact, the legislative history of the statute fails to support respondent's arguments. The legislative history of 2 U.S.C. § 438 (a)(4) reflects the desire of Congress "to protect the privacy of the generally very public-spirited citizens who make a contribution to a political campaign...." (For more extensive excerpts and citations, see Respondent's Brief, pp. 12-14.) The statutory provision clearly shows that the means chosen to protect those public spirited citizens was to prohibit sale or use of the materials in question for commercial purposes, as well as for solicitations. The present matter is a good illustration of the need for the prohibition on sales for "commercial purposes" in order to protect contributors' privacy. Respondent's sale of contributor information has placed that information in general circulation, and thus greatly increased the likelihood that the individuals' privacy could be infringed. Apparently, Respondent does not think the prohibition on sale or

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use for "commercial purposes" necessary to achieve Congress's purpose; but Congress thought otherwise.\*/

Respondent further argues that it did not sell or use the FEC materials for commercial purposes, on the grounds that it did not make a profit. But PCD does not deny that it was a for-profit corporation. It failed to make a profit either because it did not charge enough for its product, or because its sales were too few. All profit-seeking enterprises must deal with such difficulties. Failure to realize a profit scarcely negates the presumption of "commercial purpose." See AO 86-25.

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Finally, respondent argues that its activity is protected by the First Amendment. As was stated above, Congress found it necessary to prohibit the sale or use of material copied from reports filed with the Commission in order to achieve the purposes of 2 U.S.C. §438(a)(4). No expression is stifled and no information is suppressed by this statute, since all the reports are made available to the public by the Commission in accordance with the Act. The statutory scheme established by Congress appears designed to balance the need for disclosure of information with concern for the privacy of individuals. There is ample authority, moreover, for the proposition that "administrative agencies, as such, do not determine constitutional issues and specifically do not determine the constitutionality of statutes or ordinances

\*/ Respondent asserts that this Office acknowledged that none of its customers used the PCD "reports" to make solicitations. This assertion is inaccurate. It was only stated that no evidence of any such solicitations was found, although some of the customers admitted that they had intended to make such solicitations. This Office also stated that such evidence of solicitations was not necessary to establish a violation.

under which they act, the validity of which is and must be assumed by them until a judicial declaration to the contrary." 1 AM. JUR. 2d Administrative Law § 185.

**III. DISCUSSION OF CONCILIATION AND PENALTY**

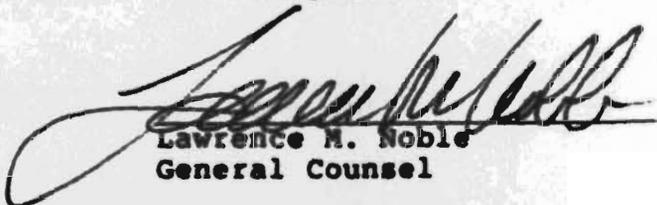
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**RECOMMENDATIONS**

1. Find probable cause to believe that Political Contributions Data, Inc. violated 2 U.S.C. §438(a)(4).
2. Approve the attached conciliation agreement and letter.

Date 3/16/89

  
Lawrence M. Noble  
General Counsel

**Attachments:**

1. Respondent's brief
2. Conciliation Agreement
3. Letter

Staff Assigned: Charles Snyder

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2291  
Political Contributions Data, Inc. )

CERTIFICATION

I, Hilda Arnold, recording secretary for the Federal Election Commission executive session on March 28, 1989, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2291:

1. Find probable cause to believe that Political Contributions Data, Inc. violated 2 U.S.C. § 438(a)(4).
2. Approve the conciliation agreement and letter as recommended in the General Counsel's report dated March 16, 1989.

Commissioners Aikens, Josefiak, McDonald, McGarry and Thomas voted affirmatively for this decision. Commissioner Elliott was not present.

Attest:

3/29/89

Date

Hilda Arnold

Hilda Arnold  
Administrative Assistant

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 30, 1989

David C. Vladeck, Esquire  
Public Citizens Litigation Group  
Suite 700  
2000 P Street, N.W.  
Washington, D.C. 20036

Re: MUR 2291  
Political Contributions Data, Inc.

Dear Mr. Vladeck:

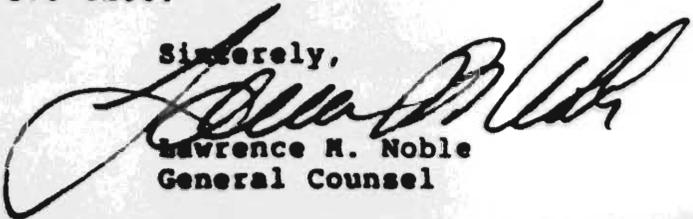
On March 28, 1989, the Federal Election Commission found that there is probable cause to believe that your client, Political Contributions Data, Inc., violated 2 U.S.C. § 438 (a) (4), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with its sale or use of information copied from reports filed with the Commission for solicitations or for commercial purposes.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

  
Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

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RECEIVED  
FEDERAL ELECTION COMMISSION  
ADMINISTRATIVE DIVISION

PUBLIC CITIZEN LITIGATION GROUP  
SUITE 700  
2000 P STREET N.W.  
WASHINGTON, D. C. 20038  
(202) 785-3704

89 APR 10 AM 9:14

April 5, 1989

89 APR 10 PM 12:10

Charles Snyder, Esquire  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W., 6th Floor  
Washington, D.C. 20463

Re: MUR 2291  
Political Contributions Data, Inc.

Dear Mr. Snyder:

I am in receipt of a letter dated March 30, 1989, addressed to me from the Commission's General Counsel Lawrence M. Noble, informing me that the Commission has found that there is probable cause to believe that Political Contributions Data, Inc. ("PCD"), violated the prohibition against the sale of contributor information for solicitation purposes set forth in the Federal Election Campaign Act of 1971. 2 U.S.C. § 438(a)(4). Mr. Noble's letter goes on to suggest that the parties attempt to resolve the matter through conciliation.

PCD has made it clear in its prior submissions to the Commission that it believes that the Commission's position is indefensible in light of the Act's language and purpose, and, in any event, is unconstitutional under the First Amendment. Accordingly, PCD disagrees with the Commission's finding.

For this reason, we doubt that there is any room for accomodation.

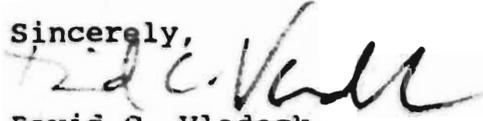
We recognize that the Commission is required by law to attempt to resolve cases through informal methods for a period of at least thirty days. 2 U.S.C. § 437g(4)(A)(i). However, in light of the fact that the parties have reached an impasse, PCD hereby expressly waives whatever rights it may have under section 437g(4)(A)(i), and would have no objection if the Commission determines to bring suit prior to the expiration of the thirty day period.

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Charles Snyder, Esq.  
April 5, 1989  
Page 2

Please let me know if you have any questions concerning this matter.

Sincerely,

  
David C. Vladeck  
Attorney for PCD

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2291  
Political Contributions Data, Inc. )

**SENSITIVE**  
**EXECUTIVE SESSION**  
**MAY 09 1989**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 28, 1989, the Commission found probable cause to believe that Political Contributions Data, Inc. ("PCD") violated 2 U.S.C. § 438(a)(4).



In view of the fact that the Commission has endeavored to resolve this matter through conciliation for over thirty days, and because it has become clear that further attempts to settle this matter through conciliation would be fruitless, this Office

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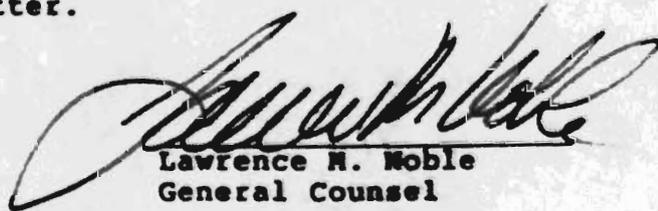
recommends that the Commission authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against PCD.

**II. RECOMMENDATIONS**

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Political Contributions Data, Inc.
2. Approve the attached letter.

Date

4/27/89

  
Lawrence H. Noble  
General Counsel

**Attachments**

1. PCD Response
2. Letter

**Staff Assigned: Charles W. Snyder**

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2291  
Political Contributions Data, Inc. )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session of May 9, 1989,  
do hereby certify that the Commission decided by a vote of  
6-0 to take the following actions in MUR 2291:

1. Authorize the Office of the General Counsel to file a civil suit for relief in United States District Court against Political Contributions Data, Inc.
2. Approve the letter attached to the General Counsel's report dated April 27, 1989.

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

Attest:

5-10-89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

May 12, 1989

David C. Vladeck, Esquire  
Public Citizens Litigation Group  
Suite 700  
2000 P Street, N.W.  
Washington, D.C. 20036

Re: MUR 2291  
Political Contributions Data, Inc.

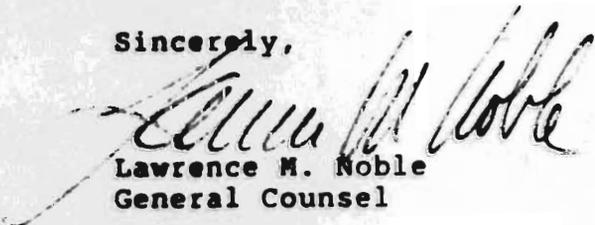
Dear Mr. Vladeck:

You were previously notified that on March 28, 1989, the Federal Election Commission found probable cause to believe that your client, Political Contributions Data, Inc., violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the captioned matter.

As a result of our inability to settle this matter through conciliation within the allowable time period, the Commission has authorized the General Counsel to institute a civil action for relief in the United States District Court.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Ivan Rivera, Assistant General Counsel, at (202) 376-8200, within five days of your receipt of this letter.

Sincerely,

  
Lawrence M. Noble  
General Counsel

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT

APR 4 10 21 AM '94

FEDERAL ELECTION COMMISSION,

Plaintiff,

v.

POLITICAL CONTRIBUTIONS DATA, INC.

Defendant.

89 Civ. 5238 (SWK)

JUDGMENT

24 APR - 11 PM 2:30

FINAL JUDGMENT

Judgment in this case is entered as follows: the plaintiff takes nothing; the action is dismissed; and the plaintiff shall pay defendant's attorneys' fees and other expenses in the amount \$54,609.67, payable to defendant's attorneys, Public Citizen Litigation Group.

*Shirley Walker*  
United States District Judge

3-31-94

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

FEDERAL ELECTION COMMISSION,	)	
	)	
Plaintiff,	)	
	)	89 Civ. 5238 (SWK)
v.	)	
	)	JOINT STIPULATION AND
POLITICAL CONTRIBUTIONS DATA, INC.,	)	MOTION FOR FINAL
	)	JUDGMENT ON REMAND
Defendant.	)	

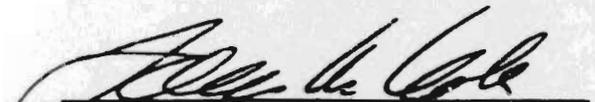
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SECTION

JOINT STIPULATION AND MOTION FOR ENTRY OF FINAL JUDGMENT  
ON REMAND

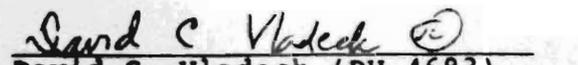
The undersigned counsel for the parties jointly stipulate that defendant Political Contributions Data, Inc. ("PCD"), has established that it is entitled to \$54,609.67 in attorneys' fees and other expenses compensable under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

Counsel further stipulate that plaintiff Federal Election Commission will arrange for the separate compensation of the sum that has already been awarded to PCD as appellate costs under Fed. R. App. P. 39 by the United States Court of Appeals for the Second Circuit, once the Commission receives a copy of that order.

Consistent with these joint stipulations, the parties jointly move that the Court enter judgment on remand in this case awarding defendant PCD \$54,609.67 in attorneys' fees and other expenses under the Equal Access to Justice Act.

  
Lawrence M. Noble (LN 6074)  
General Counsel

  
Richard B. Bader (RB 7968)  
Associate General Counsel

  
David C. Vladeck (DV 4683)  
Public Citizen Litigation  
Group  
2000 P Street, N.W., Suite 700  
Washington, D.C. 20038  
(202) 833-3000

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Vivien Clair  
Vivien Clair (VC 1722)  
Attorney

Attorneys for Plaintiff  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Anne C. Vladeck (JC)  
Anne C. Vladeck (AV 4857)  
Vladeck, Waldman, Elias &  
Engelhard  
1501 Broadway, Suite 800  
New York, NY 10036  
(212) 354-8330

Attorneys for Defendant  
Political Contributions Data

Date: March 24, 1994

So Ordered:

Shirley M. Walker  
United States District Court Judge  
for the Southern District of New York

~~3/25/94~~  
[Signature]

Date: March 31, 1994

Copies to:

Richard B. Bader,  
Associate General Counsel  
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Washington, D.C. 20038

Anne C. Vladeck, Esq.  
Vladeck, Waldman, Elias & Engelhard  
1501 Broadway, Suite 800  
New York, NY 10036

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2291

DATE FILMED 2/8/96 CAMERA NO. 4

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