



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2666^e

DATE FILMED 1/6/89 CAMERA NO. 4

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GCC # 34

88 AUG -8 AM 9:07

**BEFORE THE
FEDERAL ELECTION COMMISSION
999 E. STREET, N. W.
WASHINGTON, D. C. 20463**

Ohio Republican State Central and
Executive Committee
Suite 401
172 East State Street
Columbus, Ohio 43215-4387,

Complainant

-vs-

Dukakis for President Committee, Inc.
105 Chauncy Street
Boston, MA 02111

and,

Senator Lloyd Bentsen
Election Committee
P.O. Box 61202
Houston, Texas 77208

Respondents

COMPLAINT
M.U.R. # 2666

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COMES NOW THE COMPLAINANT, Ohio Republican State Central and Executive Committee (hereinafter referred to alternatively as "Ohio Republican Party" or as "Complainant,") by and through its counsel, Gordon M. Strauss, being duly cautioned and sworn, and for its Complaint states as follows:

1. This Complaint is filed pursuant to the provisions of 2 U.S.C. §437g, under the Federal Election Campaign Act of 1971, as amended (hereinafter "FECA") and 11 C.F.R. Part 111.
2. Complainant is the State Committee [as defined in 2 U.S.C. § 431(15)] of the Republican party in and for the State of Ohio.

3. The Dukakis for President Committee, Inc., (hereafter "the Dukakis Committee") is the authorized committee of the candidates of the Democratic Party for the election of President and Vice President of the United States; Lloyd Bentsen is the Democratic Vice Presidential Candidate. These terms are defined at 26 USC §§ 9002(1) and 9002(2), respectively.

4. Simultaneously with his candidacy for the Vice Presidency, Lloyd Bentsen is also running for another federal office, as the nominee of the Democratic party for the United States Senate from the state of Texas. The Senator Lloyd Bentsen Election Committee (hereafter "the Bentsen Senate Committee") is the committee authorized by the Lloyd Bentsen as his principal campaign committee. Upon Complainant's information and belief, the Bentsen Senate Committee alleges that its organization and operation comply with certain provisions in the FECA and the Commission's Regulations [Cf., 11 C.F.R. § 110.8(d)], requiring entirely separate operations for each campaign committee, and that it will keep the respective campaigns separate. Complainant submits that this consideration is moot.

5. Upon Complainant's information and belief, the Bentsen Senate Committee has raised more than \$5,000,000 to date, and has on hand, and proposes to spend, not less than \$3,000,000 of that sum for purposes of influencing the election of Lloyd Bentsen to the United States Senate.

6. Under both Texas and federal laws Lloyd Bentsen is equally a candidate for both offices. The Commission has

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previously recognized this, expressly, in Advisory Opinion 1975-11, CCH Federal Election Campaign Financing Guide §5118 ("AO 1975-11.") In that AOR, Senator Bentsen had asked the Commission to determine which of the former spending limits applied to a dual candidacy for President and Senator in the State of Texas. The resulting Advisory Opinion addressed the instant issue from the opposite perspective, to wit, where the expenditure limit was lower for the Senate race than for the Presidential one, and the Commission drew the following relevant conclusions :

- 1) expenditures in either election were presumed to influence both elections;
- 2) further, Senator Bentsen's incumbency could not be ignored, and the effect of this incumbency was to ameliorate some of the effect of a lower spending limit in the Presidential race;
- 3) therefore, Senator Bentsen could spend only the lower of the two limits applicable to the simultaneous statewide federal elections.

In AO 1975-11, the Commission acknowledged the prime reality: the two "candidates" are the same man, and expenditures for one help the other. Each dollar spent by either campaign committee influences both of his candidacies, directly and indirectly, as a matter of law and as a matter of fact.

The identical factors are present today: there are simultaneous candidacies, one of which has a lower spending limit

than the other. As the Vice Presidential candidate, Senator Bentsen will receive the benefit of both his Senatorial incumbency and the additional spending for his Senate race!

As it would have in in 1976, this spending will have immediate effect on the Presidential race -- directly in Texas, and indirectly in Ohio, to the extent the Dukakis Committee does not have to spend money in Texas because the Bentsen Senate Committee already spent it. The FECA makes no distinction between expenditures which influence elections "directly" and those which influence them "indirectly." This is proper. The practical effect of any expenditure by either Respondent is to enhance the recognition and electability of Lloyd Bentsen in the state of Texas. The secondary effect of any such expenditure by the Bentsen Senate Committee is to reduce the number of dollars the Dukakis Committee must spend there to accomplish the same result.

7. Notwithstanding its former holding in this case, the Commission has apparently elected to ignore this reality and voted to certify funds to the Dukakis Committee, on July 27, 1988. The effect of this vote was to reverse the Commission's holding in AO 1975-11, and to permit the Respondents to spend both public and private funds for purposes of electing the Democratic nominees for President and Vice President.

8. Complainant avers that every private dollar spent by the Bentsen Senate Committee in the state of Texas makes available a

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public dollar to be spent pro rata in the state of Ohio -- and in every other state in the Union. This provides a direct, quantifiable, and completely illegal advantage to the Dukakis Committee in Ohio and the other states. The Dukakis Committee's advantage poses a concomitant disadvantage to the Republican ticket for President and Vice President in Ohio, with a direct and deleterious effect on the elections of every other Republican candidate in the state.

Complainant further avers that the realities of this election will result in Ohio's Electoral College votes being of substantially more importance to the Dukakis Committee than the Electoral College votes of other, smaller states. Therefore, it is practically certain that the Dukakis Committee's additional expenditures will not be made pro rata, but rather concentrated in states like Ohio. Consequently, the realistic effect of the Dukakis Committee's advantage will be felt in Ohio far more than in most, if not all, the other states outside Texas.

9. Respondents' prior and anticipated spending of private funds in the state of Texas constitute violations of the Federal Election Campaign Act of 1971, as amended, and will benefit the Dukakis Committee unfairly in the state of Ohio. Therefore, Complainant requests the Commission to take one or more of the following actions:

a. Reconsider its decision to certify federal funds to the Dukakis Committee until such time as both

Respondents agree that neither of them will expend any private funds which would have a direct or indirect influence on the Presidential election, and withhold these funds until such agreement has been reached; and/or,

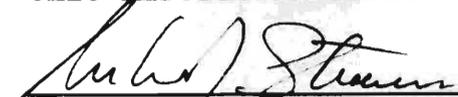
b. Declare that any expenditure by the Bentsen Senate Committee constitutes a contribution to the Dukakis Committee and violates the FECA, thereby effectively enjoining the Bentsen Senate Committee from making these illegal expenditures; and/or,

c. Reduce the amount of qualified campaign expenses the Dukakis Committee may spend, and for which it may be reimbursed by the U. S. Treasury, by an amount equal to the amount raised by the Bentsen Senate Committee.

d. Grant Complainant and any affected candidate all such other relief to which they or any of them shall be entitled, and as may be apparent from the results of the Commission's investigation into the within Complaint.

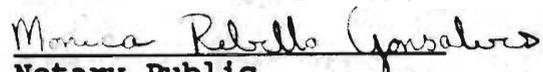
Respectfully submitted,

OHIO REPUBLICAN PARTY


GORDON M. STRAUSS
General Counsel

STATE OF OHIO)
COUNTY OF HAMILTON) S.S.

On this 4th day of August, 1988, Gordon M. Strauss, duly sworn and cautioned, acknowledged and signed the foregoing instrument before me.


Notary Public

MONICA REBELLO GONSALVES
Notary Public, State of Ohio
My Commission Expires June 11, 1990

89040730551



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 19, 1988

Gordon M. Strauss
General Counsel
Ohio Republican State
Central and Executive
Committee
Suite 401
172 S. State Street
Columbus, OH 43215-4387

RE: MUR 2666

Dear Mr. Strauss:

This letter acknowledges receipt of your complaint, received on August 8, 1988, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, and the Senator Bentsen Election Committee and H. Grant Taylor, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2666. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Petre Dixon, Booklet Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

89040730552



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 19, 1988

H. Grant Taylor, Treasurer
Senator Lloyd Bentsen Election
Committee
PO Box 61202
Houston, TX 77208

RE: MUR 2666
Senator Lloyd Bentsen
Election Committee and
and H. Grant Taylor,
as treasurer

Dear Mr. Taylor:

The Federal Election Commission received a complaint which alleges that the Senator Lloyd Bentsen Election Committee and you, as treasurer, 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 2666. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the Senator Lloyd Bentsen Election Committee in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 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 authorizing such counsel to receive any notifications and other communications from the Commission.

89040730553

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

Sincerely,

Lawrence M. Noble
General Counsel



By: Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: The Honorable Lloyd Bentsen
US Senate
703 Hart Senate Office Bldg.
Washington, DC 20510

89040730554



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 19, 1988

Daniel A. Taylor, Esquire
Hill & Barlow
One International Plaza
Boston, MA 02110

RE: MUR 2666
Dukakis/Bentsen Committee,
Inc. and Robert A.
Farmer, as treasurer

Dear Mr. Taylor:

The Federal Election Commission received a complaint which alleges that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, 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 2666. 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 Robert A. Farmer and the Dukakis/Bentsen Committee, Inc. in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 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 authorizing such counsel to receive any notifications and other communications from the Commission.

8904073055

If you have any questions, please contact George Rishel, the attorney assigned to this matter, at (202) 374-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel


By: Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
1. Procedures
1. Designation of Counsel Statement

cc: The Honorable Michael S. Dukakis
85 Perry Street
Brookline, MA 02146

89040730556



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 19, 1988

Carol G. Darr, Esquire
Dukakis/Bentsen Committee,
Inc.
105 Chauncy Street
Boston, MA 02111

RE: MUR 2666
Dukakis/Bentsen Committee,
Inc. and Robert A.
Farmer, as treasurer

Dear Ms. Darr:

The Federal Election Commission received a complaint which alleges that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, 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 2666. 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 Robert A. Farmer and the Dukakis/Bentsen Committee, Inc. in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 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 authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact George Rishel, the attorney assigned to this matter, at (202) 376-9200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel


By: Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: The Honorable Michael S. Dukakis
85 Perry Street
Brookline, MA 02146

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Senator Bentsen
Election Committee

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88 SEP -8 AM 9:01

September 1, 1988

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

RE: MUR 2666
Senator Lloyd Bentsen Election
Committee and H. Grant Taylor,
as Treasurer.

88 SEP -3 PM 3:37

Dear M. Noble:

I am herewith forwarding
a "Statement of
Designation" regarding MUR 2666, naming Robert F.
Bauer, Judith L. Corley, and P. Michael Hebert.

Please feel free to contact me if you have questions.

Sincerely,



H. Grant Taylor, Treasurer

encl.

89040730559

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2666

NAME OF COUNSEL:	Robert F. Bauer Judith L. Corley	P. Michael Hebert
ADDRESS:	PERKINS COIE 1110 Vermont Ave., N.W. Washington, D.C. 20005	MCGINNIS, LOCHRIDGE 919 Congress, #1300 Austin, Texas 78704
TELEPHONE:	202/887-9030	512/495-6015

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

Sept 1, 1988
Date


Signature

RESPONDENT'S NAME: H. Grant Taylor, Treasurer

ADDRESS: SENATOR LLOYD BENTSEN ELECTION
COMMITTEE
P.O. BOX 61202
Houston, Texas 77208

BUSINESS PHONE: 713/236-5530 OR 713/229-2595

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PERKINS COIE

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

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88 SEP 12 AM 10: 15

September 9, 1988

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

Re: MUR 2666 - Senator Bentsen Election Committee and
H. Grant Taylor, as Treasurer

Attention: George Rishel

Dear Mr. Noble:

The Senator Bentsen Election Committee ("Bentsen Committee") and H. Grant Taylor, as Treasurer ("Respondents"), hereby reply through counsel to the Commission's notification that a complaint has been filed against them by the Ohio Republican State Central and Executive Committee ("Complainant").

Complainant alleges that any spending by the Bentsen Committee for any purpose would per se constitute a violation of the federal campaign laws. Complainant seeks to prevent Senator Bentsen from doing what Texas law and federal law clearly permit: simultaneously conducting candidacies for the vice presidency and for the United States Senate. The remedies sought by Complainant would violate Senator Bentsen's constitutional right to advocate his election to the Senate and are contrary to established precedent. The Complaint must be dismissed.

Allegations

Complainant, has
alleged that any spending by the Bentsen Committee, Senator Bentsen's authorized committee for his reelection effort, will violate the federal campaign laws. Such spending, according to Complainants, will have an indirect effect on the presidential race in the State of Ohio. Expenditures by the Bentsen

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Committee in Texas would reduce the number of expenditures that might be made by the Dukakis/Bentsen Committee, the authorized committee of the Democratic presidential and vice presidential candidates, in Texas. As a result, Complainant alleges, the Dukakis/Bentsen Committee would be able to spend more money in Ohio than they might otherwise have spent, giving the Dukakis/Bentsen Committee a "completely illegal advantage" over the Republican ticket.

Complainant seeks to have the Commission reconsider its decision to certify federal funds to the Dukakis/Bentsen Committee until Respondents agree that they will not expend any private funds which would have a direct or indirect influence on the Presidential election. Complainant also seeks to have the Commission enjoin all expenditures by the Bentsen Committee as prohibited contributions to the Dukakis/Bentsen Committee. Finally, Complainant seeks to have the Commission reduce the amount of federal funds which the Dukakis/Bentsen Committee may spend by an amount equal to the funds raised by the Bentsen Committee. All these remedies have been rejected by the Commission, and should be rejected again.

Discussion

Complainant presents no facts whatsoever to support its allegations. There is no evidence of any current violation, nor any evidence of any intention to violate the law. Furthermore, Complainant ignores the clear precedent on this issue. The Commission has already ruled that Senator Bentsen may seek both the office of Senator from the State of Texas and the Vice Presidency at the same time and may spend funds to further both his candidacies. See Statement of Reasons of the Federal Election Commission on Denial of Petition requesting Denial of Certification of Public Funds at 7. See also, Brief of the Federal Election Commission in Opposition to Motion for Stay Pending Review of Certification and Supplemental Request for Emergency Relief at 9-10. Texas law, the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission regulations all provide for such a dual candidacy. Texas Election Code Ann. § 141.033 (Vernon 1986); 2 U.S.C. § 441a(a)(5)(C); 11 C.F.R. § 110.8(d).

There is nothing to reconsider in the Commission's decision to certify funds to the Dukakis/Bentsen Committee. The Commission's original decision to certify the full amount of the public grant was clearly the correct one. Complainant has offered no evidence which would meet the standard set forth in Re Carter-Mondale Re-election Committee, 642 F.2d 538 (1980), to justify such a reconsideration. The decision of the District of Columbia Court of Appeals, affirming

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Mr. Lawrence M. Noble
September 9, 1988
Page 3

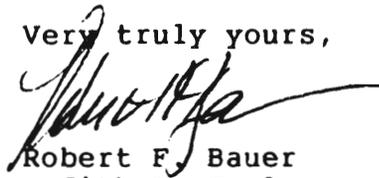
the Commission's decision to certify public funds to the Dukakis/Bentsen Committee, is compelling authority which Complainant cannot overcome. Honorable Beau Boulter, et al. v. Federal Election Commission, No. 88-1541, slip op. (D.C. Cir. Aug. 3. 1988).

The Commission has already ruled that the statute and its regulations clearly provide for dual candidacy. There is, therefore, no authority for the Commission to declare that any expenditures by the Bentsen Committee are per se contributions to the Dukakis/Bentsen Committee, nor any authority for a reduction in the amount of qualified campaign funds that the Dukakis/Bentsen Committee may spend based on the amount of funds raised by the Bentsen Committee.

Senator Bentsen and Governor Dukakis have both affirmed that they intend to comply with the statutory and regulatory provisions governing dual candidacies where one of the candidacies is publicly funded. This Complaint provides nothing to demonstrate that this commitment has not been kept. There is no evidence of any violation, past or planned, on which the Commission may act.

Respondents, therefore, respectfully request that the Commission dismiss this Complaint and take no further action.

Very truly yours,



Robert F. Bauer
Judith L. Corley
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, DC
(202) 887-9030
Special Counsel for the Senator
Bentsen Election Committee and
H. Grant Taylor as Treasurer

P. Michael Hebert
McGinnis, Lochridge & Kilgore
919 Congress Avenue
1300 Capitol Center
Austin, TX 78701
(512) 495-6015
General Counsel for the Senator
Bentsen Election Committee and
H. Grant Taylor as Treasurer

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SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107

(202) 371-7000

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TELEX: 904343
SKARBLAW-WASH
TELECOPIER:
(202) 393-5760
DIRECT DIAL
(202) 371-

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 736-3000
ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108
(617) 573-4800
ONE RODNEY SQUARE
WILMINGTON, DELAWARE 19801
(302) 651-3000
300 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071
(213) 687-5000
333 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60606
(312) 407-0700
18 FLOOR, NISHI CENTRAL BUILDING
1-2-9 NISHI SHINBASHI,
MINATO-KU, TOKYO 105, JAPAN
011-81-3-595-3850

September 9, 1988

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

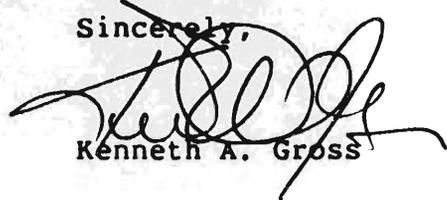
Attn: George F. Rishel, Esq.

Re: MUR 2666 Dukakis/Bentsen Committee, Inc.,
and Robert A. Farmer, as treasurer

Dear Mr. Noble:

Enclosed is the response of the Dukakis/Bentsen
Committee, Inc. and Robert A. Farmer, as treasurer. Also
enclosed are telecopies of designation of counsel forms.
The originals were sent to the Federal Election Commis-
sion under separate cover.

Sincerely,



Kenneth A. Gross

Enclosures

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RECEIVED
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF

Dukakis/Bentsen Committee, Inc.,

Senator Lloyd Bentsen Election
Committee

MUR 2666

RESPONSE OF DUKAKIS/BENTSEN COMMITTEE, INC. AND
ROBERT A. FARMER, AS TREASURER, TO COMPLAINT OF THE OHIO
REPUBLICAN STATE CENTRAL AND EXECUTIVE COMMITTEE

The Ohio Republican State Central and Executive Committee has filed a complaint alleging that Senator Bentsen's dual candidacy for the vice-presidency and for the Senate violates the federal election laws. The complaint alleges no facts except the obvious: that Senator Bentsen's Senate campaign will be spending money at the same time as funds are expended on behalf of the Dukakis/Bentsen ticket. The complaint contains no assertions, allegations, or even speculations to suggest that

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the dual candidacies are being operated in any improper manner.

This allegation of per se illegality has already been rejected by the Commission and by the United States Court of Appeals for the District of Columbia Circuit. When the Commission decided to certify federal funds to the Dukakis/Bentsen campaign, it ruled that "nothing in the campaign finance statutes or regulations requires Senator Bentsen to withdraw from the Senate race or prohibits him from using private contributions to further his Senatorial campaign." Statement of Reasons at 7. That Commission decision was summarily affirmed. See Honorable Beau Boulter, et al., v. Federal Election Commission, No. 88-1541 (D.C. Cir. Aug. 3, 1988).

Recognizing this earlier ruling, the complainant here is forced to ask that the Commission reconsider its prior ruling. That request should be speedily denied. The Commission's interpretation of federal law is exactly right. As we have demonstrated before, "federal law expressly contemplates dual candidacies," and any different view would run "afoul of the prerogative of the State of Texas to decide how it may choose its United States Senators." Response of Dukakis/Bentsen Committee Inc., to Complaint and First Supplemental Complaint of Congressman Beau Boulter and the National Republican

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Senatorial Committee at 5, 6. The authority relied upon by the complainant, a 1975 advisory opinion concerning Senator Bentsen, has been overturned by a Commission regulation, see 11 C.F.R. § 110.8(d), and as a matter of constitutional law. See Buckley v. Valeo, 424 U.S. 1, 54-58 (1976).

In addition, the time for reconsideration is past. The Commission's holding is now a binding precedent. That conclusion is not altered because the Commission applied a stringent burden of proof when it considered the complainants' factual allegations in the certification proceeding. See Statement of Reasons at 6 (quoting In re Carter-Mondale Reelection Committee, Inc., 642 F.2d 538, 551 (D.C. Cir. 1980)). The Commission's rejection of the per se theory is not a finding of fact, rather, it constitutes a legal ruling that controls the subsequent action of this agency and, by virtue of the D.C. Circuit's summary affirmance, the federal courts in that circuit. See Greater Boston Television Corporation v. Federal Communications Commission, 444 F.2d 841, 852 (D.C. Cir. 1970). The Commission has made its decision

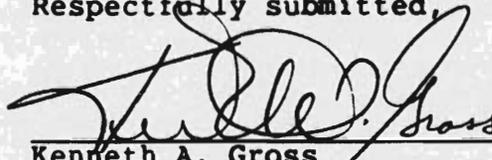
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and, in accord with its prior ruling must now dismiss this complaint.*

CONCLUSION

For the reasons stated herein, the Commission should conclude that there is no reason to believe that the Dukakis/Bentsen Committee or Robert A. Farmer, as treasurer, have engaged, or are about to engage, in any violation of the federal election laws.

Respectfully submitted,



Kenneth A. Gross
Douglas A. Rediker
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000



Scott Blake Harris
910 17th Street, N.W.
Washington, D.C. 20006
(202) 331-5000

* The complainant also lacks standing to challenge the dual candidacies in court. The complainant argues that the Dukakis/Bentsen campaign might spend less money in Texas than it would if Senator Bentsen were not a Senate candidate there, and that less money in Texas might translate into more money spent in Ohio. That unsubstantiated speculation is wholly insufficient to establish a risk of injury from the challenged action, especially in the political arena where the "endless number of diverse factors contributing to the outcome" of a presidential election "forecloses any reliable conclusion that voter support of a candidate is 'fairly traceable' to any particular event." Winpisinger v. Watson, 628 F.2d 133, 139 (D.C. Cir.) (per curiam), cert. denied, 446 U.S. 929 (1980); see Antosh v. Federal Election Commission, 631 F. Supp. 596, 599 (D.D.C. 1986).

8 9 0 4 0 7 3 0 5 6 8

Jonathan B. Sallet by KAC
Jonathan B. Sallet
2655 M Street, N.W., Suite 500
Washington, D.C. 20037
(202) 293-6400

Daniel A. Taylor by KAG
Daniel A. Taylor
Carol Darr
Neal Goldberg
Dukakis/Bentsen Committee, Inc.
105 Chauncy Street
Boston, Mass. 02111
(617) 451-2480

Attorneys for the Dukakis/Bentsen
Committee, Inc. and Robert A.
Farmer, as Treasurer

September 9, 1988

89040730569

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2666

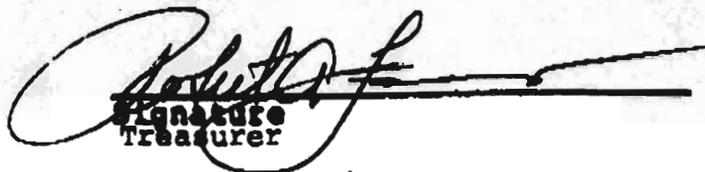
NAME OF COUNSEL: Kenneth A. Gross Scott Blake Harris
Skadden, Arps, Slate Williams & Connolly
ADDRESS: Meagher & Flom 839 17th Street, N.W.
1440 New York Ave., N.W. Washington, D.C. 20006
Washington, D.C. 20005-2107

TELEPHONE: (202) 371-7007 (202) 331-5000

*Please send duplicate copies

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, with respect to MUR 2666.

September 9, 1988
Date



Signature
Treasurer

RESPONDENT'S NAME: Dukakis/Bentsen Committee, Inc.

ADDRESS: 105 Chauncy Street
Boston, MA 02111

HOME PHONE: _____

BUSINESS PHONE: (617) 451-2480

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2666

NAME OF COUNSEL: Neal Goldberg

ADDRESS: Dukakis/Bentsen Committee, Inc.
105 Chauncy Street
Boston, MA 02111

TELEPHONE: (617) 451-2480

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, with respect to MUR 2666

September 9, 1988
Date


Signature
Treasurer

RESPONDENT'S NAME: Dukakis/Bentsen Committee, Inc.
ADDRESS: 105 Chauncy Street
Boston, MA 02111

BOMB PHONE: _____
BUSINESS PHONE: (617) 451-2480

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

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR 2666
DATE COMPLAINT RECEIVED
BY OGC: August 11, 1988
DATE OF NOTIFICATION TO
RESPONDENTS: August 19, 1988
STAFF MEMBER: Kenneth Kellner

COMPLAINANT: Ohio Republican State Central and
Executive Committee

RESPONDENTS: Dukakis/Bentsen Committee, Inc., and Robert A.
Farmer, as treasurer

Senator Lloyd Bentsen Election Committee, and
H. Grant Taylor, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441a(5)(c)
§ 441a(b)
26 U.S.C. § 9003.2(b)(2)
11 C.F.R. § 110.8(d)
§ 106.1(a)
§ 9002.11(b)(3)
§ 9003.2(a)(2)
Advisory Opinion 1975-11
Texas Election Code Ann. § 141.033
(Vernon 1986)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On August 11, 1988, the Ohio Republican State Central and
Executive Committee ("Complainant") by and through its counsel,
Gordon M. Strauss, filed a complaint against the Dukakis/Bentsen
Committee, Inc., and Robert A. Farmer, as treasurer
("Dukakis/Bentsen Committee"), and the Senator Lloyd Bentsen
Election Committee, and H. Grant Taylor, as treasurer ("Bentsen
Committee"). The complaint alleges that because of Senator

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Lloyd Bentsen's dual candidacy for the Senate and Vice Presidency, the expenditures of the Bentsen Committee in Texas will benefit the Dukakis/Bentsen Committee unfairly in the State of Ohio. On August 19, 1988, the Respondents were notified of the complaint. The Bentsen Committee filed its response on September 12, 1988. The Dukakis/Bentsen Committee filed its response on September 14, 1988.

II. FACTUAL AND LEGAL ANALYSIS

A. Background

Governor Michael Dukakis and Senator Lloyd Bentsen, the nominees of the Democratic Party for the office of President and Vice President in the 1988 general election, have designated the Dukakis/Bentsen Committee (formerly the Dukakis For President General Election Committee), as their principal campaign committee. On July 26, 1988, the Dukakis/Bentsen Presidential campaign was certified by the Federal Election Commission ("the Commission") as eligible for public financing. Subsequently, the Secretary of the Treasury transferred \$46.1 million in funds to the Dukakis/Bentsen Committee's account on July 27, 1988. Senator Bentsen is also seeking reelection to the United States Senate from the State of Texas in the 1988 general election. Dual candidacies, such as Senator Bentsen's in the instant case, are explicitly permitted by Texas law. Texas Election Code Ann. § 141.033 (Vernon 1986). The Bentsen Committee is Senator Bentsen's designated principal campaign committee for his Senate campaign.

The Complainant is the State Committee of the Republican

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Party of the State of Ohio. The Complainant alleges that as the Vice Presidential candidate, Senator Bentsen will receive the benefits of two simultaneous candidacies in the State of Texas. Each dollar spent by either campaign committee, it is argued, will influence both of his candidacies directly and indirectly. Therefore, the Complainant argues that every dollar spent by the Bentsen Committee in the State of Texas makes available a dollar to be spent pro rata by the Dukakis/Bentsen Committee in the State of Ohio, as well as in every other state in the nation. This "advantage" to the Dukakis/Bentsen Committee is alleged to be a disadvantage to the Republican ticket for President and Vice President in Ohio, as well as on the election of every other Republican candidate in the State.

Relying on its presumption that this "advantage" is illegal, the Complainant further alleges that because Ohio has a greater number of Electoral College votes than that of other, smaller states, the realistic and "practically certain" effect of the advantage will be felt in Ohio "far more than in most, if not all, the other states outside Texas."

B. The Act and Regulations

The Federal Election Campaign Act of 1971, as amended ("the Act"), contemplates that a person may maintain simultaneous candidacies for more than one federal office. 2 U.S.C. § 441a(a)(5)(C) regulates the transfer of funds between campaign committees of individuals seeking multiple federal office, including Presidential and Vice Presidential campaigns. In accordance with the Act, the Commission has promulgated

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regulations governing situations in which an individual maintains dual candidacies for federal office. A candidate who is seeking more than one federal office must designate separate principal campaign committees and establish completely separate principal campaign organizations for each office sought. In addition, the transfer of funds between the principal campaign committees of a candidate actively seeking more than one federal office is precluded. 11 C.F.R. § 110.8(d)(1). Except as permitted in 11 C.F.R. § 110.3(a)(2)(iv), no funds, goods or services, including loans or loan guarantees may be transferred between or used by the separate campaigns. 11 C.F.R. § 110.8(d)(2). Furthermore, there is a limited exception to these rules, though not available to Presidential candidates receiving public financing, which permits dual campaigns to share personnel and facilities as long as expenditures are allocated between the two campaigns and the payment made from each campaign account reflects the allocation. 11 C.F.R. § 110.8(d)(3).

The foregoing provisions of the Act and Commission regulations indicate that a person may indeed maintain dual candidacies for more than one federal office, including President or Vice President.

The Act limits the amount of expenditures that can be made on behalf of candidates for President and Vice President who are eligible for public financing. 2 U.S.C. § 441a(b). Under the Presidential Election Campaign Fund Act (the "Fund Act"), candidates for President and Vice President agree not to accept contributions as part of their eligibility requirements for

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public financing. 26 U.S.C. § 9003(b)(2). This agreement also applies to the candidates' authorized committees. 11 C.F.R. § 9003.2(a)(2). Expenditures by publicly financed Presidential and Vice Presidential candidates that further the election of other candidates for public office shall be allocated in accordance with 11 C.F.R. § 106.1(a). A candidate may make expenditures under this section in conjunction with other candidates for any public office as long as each candidate pays his or her proportionate share of the cost as required under 11 C.F.R. § 106.1(a). 11 C.F.R. § 9002.11(b)(3).

C. Legal Analysis

The Complainant's central contention is that spending by the Bentsen Committee would per se constitute a violation of the federal campaign laws. Therefore the Complainant requests the Commission take a number of actions which will, in effect, negate any advantage of Senator Bentsen's dual candidacy. In the alternative, the Complainant requests that the Commission reconsider its decision to certify federal funds to the Dukakis/Bentsen Committee. The Complainant has failed to present any specific instances of violation of the Act or Commission regulations discussed above regarding Presidential, Vice Presidential or dual candidacies, other than the per se charge. Furthermore, the Complainant has failed to present any facts to support its allegations of harm to the Ohio Republican candidates. Finally, the Complainant has failed to provide evidence of violation of any other federal election law.

For its per se argument, the Complainant relies upon

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Advisory Opinion 1975-11 ("AO 1975-11"). Certain identical factors to that of AO 1975-11 are present in the instant case: simultaneous candidacies, one of which has a lower spending limit than the other. AO 1975-11, however, was issued at a time when the Act imposed spending limits on Senate campaigns as well as Presidential campaigns. Since that time, the limitation on expenditures by Senate campaigns was declared unconstitutional and was repealed. Buckley v. Valeo, 424 U.S. 1 (1976); Federal Election Campaign Act Amendments of 1976, Pub. L. No. 94-283, 90 Stat. 475 (1976). Senator Bentsen and his opponent currently can spend as great an amount of funds as they may legally raise for their Senate campaigns, thus the basis and rationale for AO 1975-11 is no longer applicable. Furthermore, AO 1975-11 has been superseded by the Commission's later promulgation of regulations specifically recognizing dual candidacies as permissible. Therefore, the Complainant cannot rely on AO 1975-11 to support a per se argument.

Both Respondents note in their responses that the allegation of per se illegality has already been rejected by the Commission and by the United States Court of Appeals for the District of Columbia Circuit. In the Commission's Statement of Reasons issued in conjunction with its denial of a Petition to Deny Certification to the Dukakis/Bentsen Committee, the Commission reviewed the regulations governing dual candidacies and concluded that "nothing in the campaign finance statutes or regulations requires Senator Bentsen to withdraw from the Senate race or prohibits him from using private contributions to further his

Senatorial campaign." Statement of Reasons at 7. The Commission's certification decisions were affirmed by the Court of Appeals. Boulter v. Federal Election Commission, No. 88-1541 (D.C. Cir. Aug. 3, 1988).

The Complainant has failed to provide any grounds for the Commission to reconsider or reverse its earlier ruling. Based on the facts alleged, there is simply no evidence of any violation on which the Commission may act.

Accordingly, this Office recommends that the Commission find no reason to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, and the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated any provisions of the Federal Election Campaign Act of 1971, as amended or the Presidential Election Campaign Fund Act.

III. RECOMMENDATIONS

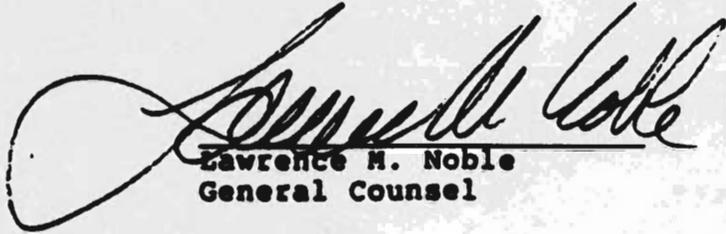
1. Find no reason to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, violated any provisions of the Federal Election Campaign Act of 1971, as amended.
2. Find no reason to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated any provisions of the Federal Election Campaign Act of 1971, as amended.
3. Find no reason to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, violated any provisions of the Presidential Election Campaign Fund Act.

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4. Find no reason to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated any provisions of the Presidential Election Campaign Fund Act.
5. Decline to reconsider certification of the Dukakis/Bentsen campaign as eligible for public financing under the Presidential Election Campaign Fund Act.
6. Approve the attached letters.
7. Close the file.

Date

11/8/88


Lawrence M. Noble
General Counsel

Attachments

1. Response of Dukakis/Bentsen Committee
2. Response of Bentsen Committee
3. Proposed letters(7)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JOSHUA MCFADDEN
COMMISSION SECRETARY

DATE: NOVEMBER 15, 1988

SUBJECT: OBJECTION TO MUR 2666 - General Counsel's Report
Signed November 8, 1988

The above-captioned document was circulated to the
Commission on Wednesday, November 9, 1988 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

Commissioner Aikens	<u> X </u>
Commissioner Elliott	<u> </u>
Commissioner Josefiak	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Thomas	<u> </u>

This matter will be placed on the meeting agenda
for December 1, 1988.

Please notify us who will represent your Division before the
Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Dukakis/Bentsen Committee, Inc.) MUR 2666
and Robert A. Farmer, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 30, 1988, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 2666:

1. Find no reason to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, violated any provisions of the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint in MUR 2666.
2. Find no reason to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated any provisions of the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint in MUR 2666.
3. Find no reason to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, violated any provisions of the Presidential Election Campaign Fund Act on the basis of the complaint in MUR 2666.

(continued)

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Federal Election Commission
Certification for MUR 2666
November 30, 1988

Page 2

4. Find no reason to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated any provisions of the Presidential Election Campaign Fund Act on the basis of the complaint in MUR 2666.
5. Decline to reconsider certification of the Dukakis/Bentsen campaign as eligible for public financing under the Presidential Election Campaign Fund Act.
6. Approve the letters attached to the General Counsel's report dated November 8, 1988.
7. Close the file.

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

Attest:

12-1-88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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plm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 6, 1988

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Gordon M. Strauss
General Counsel
Ohio Republican State Central and
Executive Committee
Suite 401
172 E. State Street
Columbus, Ohio 43215-4387

RE: MUR 2666

Dear Mr. Strauss:

On November 30, 1988, the Federal Election Commission reviewed the allegations of your complaint dated August 4, 1988, and found that on the basis of the information provided in your complaint, there is no reason to believe the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, and the Senator Lloyd Bentsen Election Committee, and H. Grant Taylor, as treasurer, violated any statute within the Commission's jurisdiction. Accordingly, on November 30, 1988, the Commission closed the file in this matter. The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 6, 1988

Daniel A. Taylor, Esquire
Hill & Barlow
One International Place
Boston, MA 02110

RE: MUR 2666
Dukakis/Bentsen Committee,
Inc., and Robert A.
Farmer, as treasurer

Dear Mr. Taylor:

On August 19, 1988, the Federal Election Commission notified your clients, the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended and Chapter 95 of Title 26, United States Code.

On November 30, 1988, the Commission found, on the basis of the information in the complaint, that there is no reason to believe your clients violated any statute within the Commission's jurisdiction. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 6, 1988

Carol C. Darr, Esquire
Dukakis/Bentsen Committee, Inc.
105 Chauncy Street
Boston, MA 02111

RE: MUR 2666
Dukakis/Bentsen Committee,
Inc., and Robert A.
Farmer, as treasurer

Dear Ms. Darr:

On August 19, 1988, the Federal Election Commission notified your clients, the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended and Chapter 95 of Title 26, United States Code.

On November 30, 1988, the Commission found, on the basis of the information in the complaint, that there is no reason to believe your clients violated any statute within the Commission's jurisdiction. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble".

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 6, 1988

Kenneth A. Gross, Esquire
Skadden, Arps, Slate, Meagher & Flom
1140 New York Avenue, N.W.
Washington, D.C. 20005

RE: MUR 2666
Dukakis/Bentsen Committee,
Inc., and Robert A.
Farmer, as treasurer

Dear Mr. Gross:

On August 19, 1988, the Federal Election Commission notified your clients, the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, of a complaint alleging violations certain sections of the Federal Election Campaign Act of 1971, as amended and Chapter 95 of Title 26, United States Code.

On November 30, 1988, the Commission found, on the basis of the information in the complaint, that there is no reason to believe your clients violated any statute within the Commission's jurisdiction. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence M. Noble".

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 6, 1988

Neal Goldberg, Esquire
Dukakis/Bentsen Committee, Inc.
105 Chauncy Street
Boston, MA 02111

RE: MUR 2666
Dukakis/Bentsen Committee,
Inc., and Robert A.
Farmer, as treasurer

Dear Mr. Goldberg:

On August 19, 1988, the Federal Election Commission notified your clients, the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended and Chapter 95 of Title 26, United States Code.

On November 30, 1988, the Commission found, on the basis of the information in the complaint, that there is no reason to believe your clients violated any statute within the Commission's jurisdiction. Accordingly, the Commission closed its file in this matter.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble".

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

89040730597



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 6, 1988

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

RE: MUR 2666
Senator Lloyd Bentsen Election
Committee, and H. Grant
Taylor, as treasurer

Dear Mr. Bauer:

On August 19, 1988, the Federal Election Commission notified your clients, the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended and Chapter 95 of Title 26, United States Code.

On November 30, 1988, the Commission found, on the basis of the information in the complaint, that there is no reason to believe your clients violated any statute within the Commission's jurisdiction. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

89040730598



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 6, 1988

P. Michael Hebert, Esquire
McGinnis, Lochridge
919 Congress, #1300
Austin, Texas 78704

RE: MUR 2666
Senator Lloyd Bentsen Election
Committee, and H. Grant
Taylor, as treasurer

Dear Mr. Hebert:

On August 19, 1988, the Federal Election Commission notified your clients, the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended and Chapter 95 of Title 26, United States Code.

On November 30, 1988, the Commission found, on the basis of the information in the complaint, that there is no reason to believe your clients violated any statute within the Commission's jurisdiction. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble".

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2668^E

DATE FILMED 4/6/89 CAMERA NO. 4

CAMERAMAN AS

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