FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2715

DATE FILMED 8/10/95 CAMERA NO. 1

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MUR 2652

COMPLAINT - JULY 22, 1988

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Coc # 9880

National Republican Senatorial Committee

SENATOR RUDY BOSCHWITZ
CHAIRMAN

JANN L. OLSTEN
EXECUTIVE DIRECTOR

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 JUL 22 PM 12:03

July 22, 1988

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

Dear Mr. Noble:

Enclosed please find a Petition to Deny Certification to the Dukakis/Bentsen Campaign for Eligibility to Receive Payments from the Presidential Election Campaign Fund and a Complaint filed today on the same subject. We believe they have considerable relevance to the Commission's pending decision to provide taxpayer funding for the Dukakis-Bentsen campaign.

Sincerely,

Jann L. Olsten

Jann L. Olsten

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440 FIRST STREET, N.W. • SUITE 600 • WASHINGTON, D.C. 20001 • (202) 347-0202

PAID FOR AND AUTHORIZED BY THE NATIONAL REPUBLICAN SENATORIAL COMMITTEE

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 JUL 22 PM 3:35

IN THE MATTER OF

Dukakis/Bentsen for President Committee, Inc.	)
Senator Lloyd Bentsen Election Committee	)

MUR NO. 2652

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COMPLAINT

I. Introduction

Michael Dukakis and Lloyd Bentsen are about to violate the law governing the taxpayer financing of Presidential elections by adding millions of dollars to the statutory limits. Their source for these illegal millions is Bentsen's Senate campaign committee. Only immediate action by the Federal Election Commission ("Commission") can stop this circumvention of the law.

The use of the loophole through which the Dukakis-Bentsen ticket plans to excise the millions is unprecedented. A law unique to Texas and one other state allows a candidate to run simultaneously for more than one federal office. However, this Texas law conflicts here with two provisions of the Federal Election Campaign Act ("Act"). The Act strictly bars a presidential campaign from accepting any contributions from a source other than the federal government. And Senator Bentsen's

campaign is prohibited from accepting contributions (either in-kind or monetary) from the presidential campaign above the statutory limit of $1,000 (or $5,000 if a multicandidate committee). 2 U.S.C. 441a(a)(1), (2); See Advisory Opinion ("AO") 1980-103, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5557 (1980); AO 1984-48, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5789 (1984).

When Bentsen first tried to run simultaneously for two federal offices in 1975, the Commission told him the benefits of spending Senate campaign money from a White House campaign cannot be separated. In an opinion involving two federal offices, both of which at the time had spending limits, the FEC ruled Bentsen could not spend up to the limit in both races because of "the unfair advantages which Bentsen would undoubtedly gain by being able to spend more money than opposing candidates who seek only one office." AO 1975-11, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5118 (1975). Explained the Commission: "The ruling preserves the basic spirit of the Federal Election Campaign laws, which seek to foreclose the possibility that one federal candidate will hold an insurmountable financial advantage over another." Id. at 10,048-49.

Lloyd Bentsen is chairman of the Senate Finance Committee. He has, as of June 30, 1988, raised $7,644,969 (with $2,056,722 or 27 percent coming from the political action committees Dukakis has pledged to eliminate). In order to prevent this Dukakis-Bentsen violation of the "basic spirit" of the campaign finance laws, this complaint asks the FEC to take immediate

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action. It must:

-- deny certification of the federal treasury payments to the Dukakis-Bentsen ticket under the Presidential Election Campaign Fund, 26 U.S.C. 9006 pending resolution of this matter. This remedy is also being sought in a separate Petition to Deny Certification also being filed on this day.

-- resolve this matter by either: (1) prohibiting Bentsen from spending any of the funds he has now in his Senator Lloyd Bentsen Election Committee ($3.9 million as of June 30, 1988) or (2) withholding the amount Bentsen has publicly announced he will spend out of his Senate account in the 1988 election from the Dukakis-Bentsen ticket's $46 million in public treasury money pending the outcome of the FEC's deliberations unless he agrees not to spend his Senate campaign money or withdraws from the Senate race.

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In order to prevent these novel violations of federal election law, this Complaint is filed against the Dukakis for President Committee, Inc., 105 Chauncy Street, Boston, Mass. 02111, and the Senator Lloyd Bentsen Election Committee, P.O. Box 61202, Houston, Texas 77208.

II. Facts

Lloyd Bentsen is a candidate for both Vice President of the United States and United States Senator under Texas Election Code Ann. 141.033 (Vernon 1986):

Filing applications for more than one office prohibited.

(a) A candidate may not file applications for a place on the ballot for two or more offices that:
(1) are not permitted by law to be held by the same person; and
(2) are to be voted on at one or more elections held on the same day.

(b) If a person files more than one application for a place on a ballot in violation of this section, each application filed subsequent to the first one filed is invalid.

(c) This section does not apply to candidacy for the office of president or vice-president of the United States.

Last night, Lloyd Bentsen became the Democrats' candidate for Vice President. As a candidate for Vice President, Bentsen and his running mate are entitled to receive about $46 million in taxpayer financing, pending certification by the Commission. This amount is determined by law and will constitute the full amount utilized by the Republican ticket in the November 1988 elections.

As a candidate for United States Senate, Bentsen's June 30, 1988 FEC report showed he had raised over $7 million, the second highest total of any senatorial candidate of either party. He reported having about $3.9 million cash-on-hand.

Bentsen's supporters have already announced that they intend to use Bentsen's Senate warchest to supplement the Democrats' President-Vice President campaign. As Texas Attorney General Jim Mattox said on ABC News: "Lloyd Bentsen has got $6 million in the bank that he can help use to carry Texas for the ticket."

The Campaign Hotline, a daily compendium of presidential politics, reported that according to The Boston Globe three Bentsen aides "will split their time between Senate and VP campaigns." Campaign Hotline, July 18, 1988 at Item 4.

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Senator Bentsen himself admitted to ABC News on July 19, 1988: "I think I can [campaign for both offices at the same time] and do it very well because as I campaign across different parts of the country, that message will be getting back to Texas, and at the same time I won't be neglecting Texas. I'll spend a lot of time there running for re-election, and I think in turn all of that will be helpful overall."

III. Law

This Complaint is brought pursuant to the Commission's powers to enforce violations of the Act that have occurred and its authority to investigate and act upon violations that are "about to occur." 11 C.F.R. 111.4 (1988); see 2 U.S.C. 437g(a)(2).

Federal election law is explicit that in order to be eligible to receive payments from the federal treasury, a candidate may not incur campaign expenses "in excess of the aggregate payments to which they will be entitled" under the Act. 28 U.S.C. 9003(b). In addition, presidential-vice presidential campaigns may not accept contributions from any source other than the federal treasury in the general election campaign. Id.

The statutory scheme is strict in trying to insulate the funds used on behalf of a presidential campaign. Even in the case of a dual candidacy they specify that: "No funds, goods, or services ... may be transferred between or used by the separate campaigns." 11 C.F.R. 110.8(d)(2). The Regulations further note that special rules apply when taxpayer funds are involved in a federal election:

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> (3) Except for Presidential candidates receiving ... General Election Public Financing, campaigns may share personnel and facilities, as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation. (emphasis supplied).

Thus, the law does not allow supplementing the Dukakis-Bentsen ticket's taxpayers funds with the privately raised funds of Bentsen's Senate committee.

The special nature of taxpayer money used for electoral purposes and the restrictions put on the use of campaign funds by these campaigns is evident from 11 C.F.R. 9002.11(b)(3):

> Expenditures that further the election of other candidates for any public office shall be allocated [between the candidates involved] and will be considered qualified campaign expenses only to the extent that they specifically further the election of the candidate for President and Vice President. A candidate may make expenditures under this section in conjunction with other candidates for any public office, but each candidate shall pay his or her proportionate share of the cost.

Because of the unique nature of a dual candidacy involving a taxpayer-funded election and a simultaneous Senate election involving the private funds of the same candidate, this provision must be read to bar the spending of Bentsen's Senate funds. The fact is, any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket. If Lloyd Bentsen is mentioned in television ads, it benefits the national ticket and must be considered a contribution. If "Bentsen favorable" voters are identified in a telephone bank, that benefits both Bentsen's national and Senate campaigns. The only way to insure that the Dukakis-Bentsen ticket's taxpayer funds are not tainted is to not spend any of Senator Bentsen's private campaign funds.

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In addition, 11 C.F.R. 9002.11(b)(3) makes clear that a presidential or vice-presidential candidate cannot have the costs of his appearances with another federal candidate paid for by that federal candidate. Yet this is precisely what will occur whenever Lloyd Bentsen campaigns in Texas if he uses any of the warchest he has amassed for the Senate race.

Any public funds funneled through the Dukakis-Bentsen campaign that constituted a contribution to Bentsen's Senate committee are subject to the Act's limits and reporting requirements. AO 1980-103, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5557 (1980); AO 1984-48, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5789 (1984).

The situation involving Senator Bentsen and his millions is unprecedented. Private funds from the Senate campaign cannot supplement the taxpayer's money to the presidential ticket. And Bentsen's Senate committee is limited in the contributions it can accept from presidential campaign funds. As a practical matter, it will be impossible to allocate costs between publicly and privately financed campaigns.

The list of examples of potential violations is endless. The only way to stop the abuse of the campaign finance system is to stop Bentsen's Senate campaign from spending any money in 1988 federal elections.

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IV. Discussion

The simple fact is that Lloyd Bentsen cannot use private money to run for both Vice President and United States Senate without making a mockery of the presidential system of spending limits and taxpayer financing. As a legal matter, the Commission must act within the law and take steps to prevent the crumbling of the system. As a practical matter, keeping the campaigns separate is impossible. Anyone advocating the legality and feasibility of a dual candidacy should first answer the following questions:

-- Who is paying for the trip to Texas today, July 22?

-- If it's Dukakis-Bentsen, will there be any mention of the Senate candidacy? Will Bentsen or his agents collect or solicit any contributions to the Senate campaign, which might force allocability of the travel costs under 11 C.F.R. 106.3?

-- Who is paying for the staff personnel? Is it the national or the state campaign? (A mix would be banned under 11 C.F.R. 110.8(d)). Who did the advance work? If Senate personnel did, how can the rest of the trip legally be paid for with public money?

-- If the Senate campaign is paying for a portion of a trip which advocates both candidacies, will the FEC allow any other candidate seeking election to subsidize the cost of a presidential candidate's trip into his home state? or would that be improper for any Senate candidate but Lloyd Bentsen?

-- If Bentsen campaigns for the Senate in Texas and uses funds from his Senate campaign account, who pays for the Secret Service detail? the special car? the communications equipment?

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-- Isn't it a violation for a Bentsen for Senate headquarters to have any Dukakis-Bentsen literature in it? Isn't that contribution against the $1,000 (or $5,000) limit to the Senate campaign? Isn't it also a contribution to the presidential campaign from a Senate race that would have to be allocated against its $46 million limit?

-- If Bentsen is campaigning in a state other than Texas and someone gives him or an aide a contribution for his Senate race, who should pay for the trip under 11 C.F.R. 106.3?

V. Relief Sought

In order to ensure that the law is followed the FEC must:

-- deny certification of the federal treasury payments to the Dukakis-Bentsen ticket under the Presidential Election Campaign Fund, 26 U.S.C. 9006, pending resolution of this matter.

-- resolve this matter by either: (1) prohibiting Bentsen from spending any of the funds he has now in his Senator Lloyd Bentsen Election Committee ($3.9 million as of June 30, 1988) or (2) withholding the amount Bentsen has publicly announced he will spend out of his Senate account in the 1988 election from the Dukakis-Bentsen ticket's $46 million in public treasury money pending the outcome of the FEC's deliberations unless he agrees not to spend his Senate campaign money or withdraws from the Senate race.

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Verification

The undersigned swear that the allegations and facts set forth herein in this Complaint are true to the best of their knowledge, information and belief.

The Honorable Beau Boulter, M.C.
Candidate for the United States Senate
15110 Dallas Parkway - Suite 216
Dallas, TX 75240

Jann L. Olsten
Executive Director
National Republican
Senatorial Committee
440 First Street, N.W.
Suite 600
Washington, D.C. 20001

Subscribed to and sworn to before me this 22 day of July 1988.

Notary Public

My Commission Expires:
July 11, 1992

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 22, 1988

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

RE: MUR 2652
Senator Lloyd Bentsen
Election Committee 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 2652. 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 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 Lois G. Lerner, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by HSR

By: Lois G. Lerner
Associate General Counsel

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 22, 1988

Robert A. Farmer, Treasurer
Dukakis For President General
Election Committee
105 Chauncy Street
Boston, MA 02111

RE: MUR 2652
Dukakis For President
General Election
Committee and Robert A.
Farmer, as treasurer

Dear Mr. Farmer:

The Federal Election Commission received a complaint which alleges that the Dukakis For President General 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 2652. 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 Dukakis For President General 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.

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If you have any questions, please contact Lois G. Lerner, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by [illegible]

By: Lois G. Lerner
Associate General Counsel

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 22, 1988

The Honorable Beau Boulter
15110 Dallas Parkway
Suite 216
Dallas, TX 75240

RE: MUR 2652

Dear Mr. Boulter:

This letter acknowledges receipt of your complaint, received on July 22, 1988, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Dukakis For President General Election Committee and Robert A. Farmer, as treasurer, and the Senator Lloyd 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 2652. 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 Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by JFR

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 22, 1988

Jann L. Olsten
Executive Director
National Republican Senatorial
Committee
440 First Street, NW
Suite 600
Washington, DC 20001

RE: MUR 2652

Dear Ms. Olsten:

This letter acknowledges receipt of your complaint, received on July 22, 1988, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Dukakis For President General Election Committee and Robert A. Farmer, as treasurer, and the Senator Lloyd 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 2652. 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 Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by HRR

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR 2652-Dukakis/Bentsen for President Committee, Inc., and Senator Lloyd Bentsen Election Committee

On July 22, 1988, Rep. Beau Boulter, the Republican candidate for the United States Senate from Texas in the 1988 general election, and Jann L. Olsten, executive director of the National Republican Senatorial Committee, filed a complaint against the Dukakis/Bentsen for President Committee, Inc. (the "Presidential Committee"), and the Senator Lloyd Bentsen Election Committee (the "Senate Committee"). The complaint is filed pursuant to Section 437g of Title 2 and 11 C.F.R. Part 111 of Commission regulations that give the Commission authority to investigate and act on violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Chapter 95 of Title 26 that are "about to occur" and asks for "immediate action" to prevent such violations. The complainants also included a request for a pre-certification investigation in a separate petition filed in connection with the Chapter 95 certification of eligibility process, although an explicit request for an immediate investigation is not apparent in the complaint.

The complaint delineates three specific requests for relief:

(1) deny certification of the federal treasury payments to the Dukakis/Bentsen campaign;

(2) prohibit Senator Bentsen from making expenditures of any of the funds now held by the Senator Lloyd Bentsen Election Committee; and

(3) withhold the amount Senator Bentsen has publicly announced he will spend out of the Senate Committee's account in the 1988 general election from the Dukakis/Bentsen campaign's $46 million in public treasury money unless Senator Bentsen agrees not to spend his Senate Committee funds or withdraws from the Senate race.

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Based on the following discussion, this Office recommends that the Commission decline to seek injunctive relief or to initiate an immediate investigation at this time in order to consider the responses to the complaint.

DISCUSSION

Initially, the complainants request that the Commission deny certification of eligibility for payments under the Presidential Election Campaign Fund to the presidential campaign of Governor Michael Dukakis and Senator Lloyd Bentsen. Chapter 95 of Title 26 governs such certifications, provides for a specific time period in which the Commission is to make such certifications, and treats such certifications as final and subject to judicial review in the United States Court of Appeals for the District of Columbia. The complaint notes that a separate petition has been filed in connection with the Chapter 95 certification process and also requests denial of certification. Thus, the question of certification is more appropriately addressed under Chapter 95 than in the context of a Section 437g compliance matter. See, In re Carter-Mondale Reelection Committee, Inc., 642 F.2d 538 (D.C.Cir. 1980).

For similar reasons, the complainants' request that the Commission withhold a portion of the funds which the Dukakis/Bentsen campaign would otherwise receive under the Presidential Election Campaign Fund unless Senator Bentsen agrees not to spend his Senate Committee's funds or withdraws as a candidate for the Senate is also more appropriately addressed in the Chapter 95 certification process. Furthermore, we note that neither the Act nor Chapter 95 are clear regarding whether the Commission has the power to set such conditions or to certify less than the full amount.

With regard to the complainants' other request for relief, the Act authorizes the Commission to seek injunctive relief if it is unable to correct or prevent a violation of the Act or Chapter 95 of Title 26 or to enforce the provisions of the Act and Chapter 95. 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6). Because the act and regulations give respondents 15 days to answer a complaint before the Commission makes any finding or takes any action against a respondent, the Commission has generally not sought injunctive relief prior to the running of this period. See, Durkin for U. S. Senate v. FEC, 2 Fed. Elec. Camp. Fin. Guide (CCH) § 9147 (D. N.H. 1980). See also, 26 U.S.C. §§ 9010(c) and 9011(b)(1), which give the Commission authority to seek injunctive relief concerning any civil matter covered by Chapter 95 or to implement or construe this Chapter.

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In considering whether injunctive relief should be sought, the Commission has used the standard for obtaining a preliminary injunction as the appropriate criteria. This standard examines the requested relief in these terms:

(1) whether there is a substantial likelihood that a violation of the Act has or is about to occur;

(2) whether the failure by the Commission to obtain an injunction will result in irreparable harm to the complainant or some other party;

(3) whether injunctive relief will not result in undue harm or prejudice to the interests of other persons; and

(4) whether the public interest would be served by such injunctive relief.

It is under these standards that we turn to the complainants' request for injunctive relief that the Commission prohibit Senator Bentsen from spending any of the funds in the Senate Committee. The complaint alleges that the expenditure of any funds by the Senate Committee would unavoidably benefit the Presidential Committee and, thus, constitute unlawful contributions to the Presidential Committee. The complaint contends that "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket." It cites to campaign travel, appearances, advertising, get-out-the-vote activities, and campaign personnel as areas where expenditures by the Senate Committee may benefit the Presidential Committee. The complaint specifically cites reports that certain aides are splitting their time between the vice presidential and senatorial campaigns. The complaint also alleges that expenditures by the Presidential Committee for Senator Bentsen's travel and appearances and in other circumstances will constitute a contribution to the Senate Committee, subject to either the $1,000 or $5,000 per election limitation. This Office does not read the complaint's request for injunctive relief as related to this latter allegation.

This Office notes that neither the Act nor Chapter 95 of Title 26 explicitly prohibit the same individual from maintaining dual candidacies for more than one federal office, including where one of such federal offices is the Presidency or Vice Presidency. Moreover, Commission regulations specifically recognize that such dual candidacies are permissible, including when they involve a candidate for President or Vice President. 11 C.F.R. § 110.8(d).

These regulations require that a candidate designate separate principal campaign committees and establish completely separate campaign organizations. 11 C.F.R. § 110.8(d)(1). The regulations further provide that no funds, goods or services, including loans and loan guarantees may be transferred between or used by the separate campaigns, unless the candidate is not actively seeking

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election to more than one federal office. 11 C.F.R. § 110.8(d)(2). In the case of a presidential (and presumably vice presidential) candidate receiving general election public financing, the campaigns of a dual candidate may not share personnel and facilities and apparently may not allocate expenditures between the two campaigns. 11 C.F.R. § 110.8(d)(3). The Act and Chapter 95 of Title 26 and regulations also contain other provisions that may affect a dual candidacy and the question whether expenditures by the committee for one candidacy benefit the other candidacy. See, 2 U.S.C. §§ 441a(a)(7)(C), 441a(b)(2)(A), and 441a(a)(7)(B)(i); and 11 C.F.R. § 9002.11(b)(3).

As this review indicates, the Senate and Presidential committees must maintain separate campaigns and avoid unlawful in-kind contributions flowing between the two campaigns. Whether or not this will be done is a factual question. The complainants, however, have not presented sufficient evidence at this point of potential or actual violations to warrant seeking injunctive relief or initiating an immediate investigation.

On the basis of the information presently available, this Office is not prepared at this time to conclude that any potential violations are likely or imminent. Instead, this Office concludes that the Commission should decline to seek injunctive relief or to initiate an immediate investigation at this time in order to consider the responses to the complaint and to ascertain whether there is evidence of actual violations.

Once the responses are received, the Commission may then proceed to making a finding with respect to these allegations and determining what action, if any, may be warranted by the information then available.

RECOMMENDATIONS

1. Decline to seek injunctive action or initiate an investigation at this time.

2. Approve the attached letters advising the complainants and respondents of the Commission's decision not to undertake injunctive action or initiate an investigation at this time in order to consider the responses to the complaint.

Attachments
Letters (4)
FEC Forms 1 and 2

Staff assigned: George F. Rishel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dukakis/Bentsen for President Committee, Inc.	)	MUR 2652
Senator Lloyd Bentsen Election Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 26, 1988, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2652:

1. Decline to seek injunctive action or initiate an investigation at this time.

2. Approve the letters recommended in the General Counsel's report dated July 25, 1988, subject to amendment as discussed in the meeting.

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

Attest:

7-27-88
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 29, 1988

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

RE: MUR 2652
Senator Lloyd Bentsen
Election Committee and
H. Grant Taylor, as
treasurer

Dear Mr. Taylor:

On July 22, 1988, the Federal Election Commission notified the Senator Lloyd Bentsen Election Committee ("Committee") and you, as treasurer, of a complaint alleging that the Committee may be about to violate certain sections of the Federal Campaign Act of 1971, as amended, and Chapter 95 of Title 26 of the United States Code. A copy of the complaint was forwarded to you at that time.

The Complainant seeks immediate action to prevent the Committee from continuing to make expenditures on behalf of Senator Bentsen that may benefit the Dukakis/Bentsen Committee, Inc. Please be advised that on July 26, 1988, the Commission determined not to commence any action for injunctive relief or initiate an investigation at this time in order to consider your response to the complaint.

If you have any further questions, please contact George F. Rishel, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble (GFR)

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 29, 1988

Robert A. Farmer, Treasurer
Dukakis/Bentsen Committee, Inc.
105 Chauncy Street
Boston, MA 02111

RE: MUR 2652
Dukakis/Bentsen Committee, Inc.,
and Robert A. Farmer, as
treasurer

Dear Mr. Farmer:

On July 22, 1988, the Federal Election Commission notified the Dukakis for President General Election Committee (now called the Dukakis/Bentsen Committee) ("Committee") and you, as treasurer, of a complaint alleging that the Committee may be about to violate certain sections of the Federal Campaign Act of 1971, as amended, and Chapter 95 of Title 26 of the United States Code. A copy of the complaint was forwarded to you at that time.

The Complainant seeks immediate action to prevent the Senator Lloyd Bentsen Election Committee from continuing to make expenditures on behalf of Senator Bentsen that may benefit the Committee. Please be advised that on July 26, 1988, the Commission determined not to commence any action for injunctive relief or initiate an investigation at this time in order to consider your response to the complaint.

If you have any further questions, please contact George F. Rishel, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble (GFR)

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 29, 1988

Jann L. Olsten, Executive Director
National Republican Senatorial Committee
Suite 600
440 First Street, N.W.
Washington, D.C. 20001

RE: MUR 2652

Dear Mr. Olsten:

On July 22, 1988, the Federal Election Commission received your letter alleging that the Dukakis/Bentsen for President Committee, Inc., and the Senator Lloyd Bentsen Election Committee may be about to violate the Federal Election Campaign Act of 1971, as amended, and Chapter 95 of Title 26 of the United States Code.

Your letter seeks immediate action to prevent the Senator Lloyd Bentsen Election Committee from continuing to make expenditures on behalf of Senator Bentsen that may benefit the Dukakis/Bentsen for President Committee, Inc. The Commission has determined that at this time there is insufficient evidence to warrant the Commission's taking such action. The respondents have been given the prescribed time to respond to the complaint.

If you have any questions, please contact me at (202) 376-5690.

Sincerely,

Lawrence M. Noble (ZPH)

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 29, 1988

The Honorable Beau Boulter
Suite 216
15110 Dallas Parkway
Dallas, TX 75240

RE: MUR 2652

Dear Rep. Boulter:

On July 22, 1988, the Federal Election Commission received your letter alleging that the Dukakis/Bentsen for President Committee, Inc., and the Senator Lloyd Bentsen Election Committee may be about to violate the Federal Election Campaign Act of 1971, as amended, and Chapter 95 of Title 26 of the United States Code.

Your letter seeks immediate action to prevent the Senator Lloyd Bentsen Election Committee from continuing to make expenditures on behalf of Senator Bentsen that may benefit the Dukakis/Bentsen for President Committee, Inc. The Commission has determined that at this time there is insufficient evidence to warrant the Commission's taking such action. The respondents have been given the prescribed time to respond to the complaint.

If you have any questions, please contact me at (202) 376-5690.

Sincerely,

Lawrence M. Noble (LGT)

Lawrence M. Noble
General Counsel

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GCC#9973

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF

Dukakis/Bentsen for President Committee, Inc.	)	
	)	MUR NO. 2652
Senator Lloyd Bentsen Election Committee	)	

RECEIVED
FEDERAL ELECTION COMMISSION
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FIRST SUPPLEMENTAL COMPLAINT

I. Introduction

On July 26, 1988, the Federal Election Commission ("Commission") unanimously denied in 16 minutes a Petition to Deny Certification to the Dukakis/Bentsen Campaign for Eligibility to Receive Payments from the Presidential Election Campaign Fund filed by the National Republican Senatorial Committee ("NRSC") and Texas Senate candidate, Congressman Beau Boulter.

Both the Petition and a Complaint, which this document supplements, presented evidence that the Dukakis/Bentsen campaign had violated and would continue to violate the Presidential Election Campaign Fund Act, 26 U.S.C. 9001-9013 ("Fund Act") by supplementing their $46 million in taxpayers' funds with

prohibited private funds from Senator Bentsen's simultaneous Texas Senate race. Specifically, they cited the fact that Senator Bentsen's private campaign funds had already been spent to benefit the Dukakis/Bentsen ticket. The NRSC and Boulter argued that this spending, and intent to spend, showed that the Dukakis/Bentsen certificate that they would spend no private funds to benefit the presidential/vice presidential campaign could not be taken at face value and was insufficient to permit certification by the Commission.

As proof of their assertions, petitioners cited evidence that: Bentsen aides would split their time between the Senate and vice presidential race, an apparent violation of 11 C.F.R. 110.8(d)(2), (3); a statement from Texas Attorney General and Bentsen protege Jim Mattox that "Lloyd Bentsen has got $6 million in the bank that he can help use to carry Texas for the ticket"; and a statement from Senator Bentsen admitting that the activities and resources of both the presidential and Senate campaign would benefit the other. MUR 2652, Complaint at 5-6.

In rejecting the Petition and certifying the $46 million payment of taxpayer funds to Dukakis/Bentsen, the Commission relied on the reasoning of its General Counsel: "While such assertions raise questions concerning the activities of the Bentsen campaign, they are speculative and hardly present such a clear case that would justify withholding general election financing to the Dukakis/Bentsen campaign."

Commission Chairman Thomas J. Josefiak said in explaining his vote: "There is insufficient evidence to deny certification. However, I don't think there's one commissioner who feels that

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this is not a very sensitive area." Commissioner Joan Aikens stated: "There is a potential for a big problem in this area and the Commission has got to address it."

This First Supplemental Complaint provides additional specific examples of expenditures of Senator Bentsen's private funds that supplement Dukakis/Bentsen's $46 million and violate 26 U.S.C. 9003(b). All three examples in this First Supplemental Complaint represent expenditures made prior to the FEC's rejection of the Petition that could have been uncovered had the Commission utilized its statutory power to investigate. As a matter of law, the expenditure of the private campaign funds controlled by a Senate candidate who is simultaneously a publicly financed vice presidential candidate promotes the vice presidential candidacy and violates 26 U.S.C. 9003(b).

II. FACTS

These three examples underscore the fact that any private funds spent to promote Senator Bentsen aid his vice presidential candidacy. On July 22, 1988, Dukakis and Bentsen certified under penalty of perjury that their Democratic campaign would not accept private contributions to supplement their $46 million in taxpayer funds and that their campaign would not incur qualified campaign expenses above the $46 million allowed by law. This Supplemental Complaint presents three instances of precisely such illegal spending that could have been revealed if the FEC had investigated.

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Mailgram: Despite their sworn assertion, Bentsen's Senate campaign committee paid for a Mailgram, signed by Bentsen, which states in part:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee and I have accepted. I will also continue my race for re-election to the Senate. ... I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support.

Attachment 1. The text of the Mailgram benefits both the vice presidential and Senate candidacies. It was sent out shortly after Senator Bentsen was named to the national ticket and demonstrates the use of private Senate funds to aid the taxpayer-financed national ticket.

Bumper Stickers and Brochures: Attachment 2 contains samples of the bumper stickers and brochures being widely disseminated in Texas both before and after the Commission's certification of public funds to Dukakis/Bentsen. The "Bentsen '88" bumper stickers bear the disclaimer of Bentsen's Senate Committee and are being distributed from Bentsen's official Senate office in Dallas. Affidavit of Suzanne Savage, Attachment 2, Exhibit A (hereinafter "Savage Affidavit"). These bumper stickers, paid for with private funds contributed to Bentsen's Senate campaign, advocate the election of Bentsen to both the vice presidency and Senate. The Savage Affidavit shows that the "Bentsen '88" bumper stickers are being distributed at Bentsen's official Senate office in the Federal Building in Dallas in

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response to requests for campaign materials made to Bentsen's campaign. Employees on the official payroll of Bentsen's Senate office indicated that Dukakis/Bentsen materials would also be available at the official Senate office "[a]s soon as they're done." Id. at para. 8.

The Senate office is also distributing a brochure paid for with Senate campaign funds touting Bentsen. Despite the use of Senate campaign funds, the brochure never mentions that Bentsen is a candidate for the Senate. Rather it includes such statements as "Texans can depend on Lloyd Bentsen" and "No national problem is too big to tackle -- no Texan's voice is too weak to hear" which benefit both the Vice Presidential and Senate campaigns. Attachment 2, Exhibit B.

As a tacit admission of the impossibility of legally spending campaign money while running for vice president, Bentsen's campaign manager has admitted that the Texas delegation at the Democratic convention should not have had a "Bentsen for Senate" sign as his nomination as Dukakis' Vice President was announced. Dallas Morning News, July 31, 1988 at 38A; Attachment 2, Exhibit C. However, the solution, according to the manager, is "generic" signs. These presumably would be like the "Bentsen in '88" signs that violate the Fund Act if paid for by private funds since they advocate election to both offices Bentsen is seeking.

Phone Bank: On July 26, 1988, the Houston Chronicle published an article about of a Texas phone bank. It quoted Blaine Bull, described as Bentsen's political director for his Senate campaign. According to the report, this "phone bank

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operating since May has asked about 700,000 voters whether they support Bentsen's senatorial bid. He [Bull] acknowledged that the phone bank poll last week [the week Bentsen was officially nominated] also asked voters whether they support a Michael Dukakis-Bentsen presidential ticket, but he did not know how many voters had been contacted for the results." Attachment 3.

The second quarter FEC report for Bentsen's Senate campaign shows disbursements of more than $420,000 to "Eighty-Eight Texas" for "Conslt. GOTV & Exp." The official comment on this paid phone bank came from Jack DeVore, who is on Bentsen's official Senate payroll and is also working during his "vacation" on the vice presidential effort. The Chronicle reported: "He [DeVore] said he did not know how the costs will be divided to pay for the phone bank." Id.

III. Law

Federal election law is explicit that in order to be eligible to receive payments from the federal treasury, a candidate may not incur campaign expenses "in excess of the aggregate payments to which they will be entitled" under the Act. 28 U.S.C. 9003(b). In addition, presidential-vice presidential campaigns may not accept contributions from any source other than the federal treasury in the general election campaign. Id.

The statutory scheme is strict in trying to insulate the funds used on behalf of a presidential campaign. The Regulations include special rules that apply when taxpayer funds are involved in a federal election:

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> (3) <u>Except for Presidential candidates receiving ... General Election Public Financing</u>, campaigns may share personnel and facilities, as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation. (emphasis supplied).

11 C.F.R. 110.8(d)(3). In addition, while the statute allows an individual to transfer funds and other resources between two committees if the candidate is running for more than one federal office, it specifically bars such transfers if one of the candidacies is a taxpayer financed one for President or Vice President. Thus, the law does not on its face allow the Dukakis-Bentsen ticket to supplement its taxpayers funds with contributions privately raised by Bentsen's Senate committee.

The special nature of taxpayer money used for electoral purposes and the restrictions put on the use of campaign funds by these campaigns is evident from 11 C.F.R. 9002.11(b)(3):

> Expenditures that further the election of other candidates for any public office shall be allocated [between the candidates involved] and will be considered qualified campaign expenses only to the extent that they specifically further the election of the candidate for President and Vice President. A candidate may make expenditures under this section in conjunction with other candidates for any public office, but each candidate shall pay his or her proportionate share of the cost.

Because of the unique nature of a dual candidacy involving a taxpayer-funded election and a simultaneous Senate election involving the private funds of the same candidate, this provision must be read to bar the spending of Bentsen's Senate funds. The fact is, any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket. If Lloyd Bentsen is mentioned in television ads, it benefits the national ticket and must be

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considered a contribution. Bumper stickers that say "Bentsen in '88" benefit both campaigns for which Bentsen is a candidate. If "Bentsen favorable" voters are identified in a telephone bank, that benefits both Bentsen's national and Senate campaigns. Thus, the private funds (which are prohibited) unavoidably influence the publicly financed campaign. The only way to insure that the Dukakis-Bentsen ticket's taxpayer funds are not tainted is to not spend any of Senator Bentsen's private campaign funds.

IV. Discussion

The Commission on July 26, 1988 chose not to investigate the situation presented to it. If it had investigated, it could have discovered the three violations that are the subject of this First Supplemental Complaint. The list of examples of potential violations is endless. The only way to stop the abuse of the campaign finance system is to stop Bentsen's Senate campaign from spending any money in 1988 federal elections.

The original Complaint in MUR 2652 stated: "As a practical matter, keeping the campaigns [for Vice President and Senate] separate is impossible." Complaint at 8. Indeed, Senator Bentsen during his first solo campaign swing into Texas as Dukakis' vice presidential candidate showed that the two campaigns cannot be separated. As reported by the July 30, 1988 Austin American-Statesman:

> Bentsen's staff insisted the Panhandle stop was part of the taxpayer-funded vice presidential campaign and not designed to promote his Senate re-election bid. But the Senator was asked why his first solo appearance in Texas was held in Boulter's hometown.
>
> Boulter's candidacy "could have something to do with it," a smiling Bentsen said before speaking at an outdoor rally that drew 500 cheering supporters.

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As this First Supplemental Complaint demonstrates, Lloyd Bentsen has and will continue to use private money from his Senate campaign to benefit the Dukakis/Bentsen campaign. This violates the statutory prohibition against augmenting the $46 million in taxpayer funds with private money.

Mailgram: The Mailgram sent by Senator Bentsen to Texas supporters was, according to the face of the document, paid for by his Senate committee with privately raised funds. Yet it expressly advocates his election as both Vice President and Senator. It contributes to the Dukakis/Bentsen ticket and Bentsen for Senate by asking for "support".

Such a commingling of messages paid for by the private Bentsen money constitutes something of value to the Dukakis/Bentsen campaign. Therefore, the Mailgram on its face violates 26 U.S.C. 9003(b). Since whoever wrote, prepared and mailed the Mailgram was aiding both campaigns, it violated 26 U.S.C. 9002(11) and 11 C.F.R. 110.8(d)(2), (3).

Bumper Stickers: The "Bentsen in '88" bumper stickers and the brochure, see Attachment 2, benefit both the Vice Presidential and Senate campaigns. They demonstrate, again, the practical impossibility of separating the contributions on behalf of and expenditures for the two races. The admission by Bentsen's campaign manager that they will use "more generic" signs shows they can't separate the two campaigns since the "generic" signs are also violations. This benefit to the Vice Presidential campaign paid for by the private Bentsen campaign funds violates

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the Fund Act and the Commission's Regulations. It is another example of private funds being used to supplement the $46 million in taxpayer funds.

According to the Savage Affidavit, the same office and the same personnel are working for both the Senate and Vice Presidential races. See Savage Affidavit, para. 3, 6-8. That taxpayer money intended for the official operation of Bentsen's Senate office in the Federal Building is being used to benefit both campaigns is a matter that should be addressed by the Senate Select Committee on Ethics.

Phone Bank: The Houston Chronicle article on Bentsen describes a phone bank program that is calling on behalf of both Bentsen's Senate race and the publicly financed Dukakis/Bentsen ticket. According to Bentsen's FEC reports, his Senate campaign has paid over $400,000 toward the cost of this paid phone bank. There is no allocation being paid by the Presidential ticket, according to the Chronicle report. Thus, since Bentsen is a candidate in both contests, his Senate campaign is either paying or advancing the costs that must be assessed against the Presidential campaign for this phone bank. This supplements the $46 million taxpayer payment and violates the provisions of the Fund Act.

Complainants reiterate their request for relief to end this illegal supplementing of the $46 million in taxpayer funding by the Dukakis/Bentsen ticket. The Commission needs to take action immediately to end these violations of the Fund Act. In order to ensure compliance with the Fund Act, the Commission must resolve

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this matter by either: (1) prohibiting Bentsen from spending any of the funds he has now in his Senator Lloyd Bentsen Election Committee ($3.9 million as of June 30, 1988) or (2) enjoining the Dukakis/Bentsen campaign from spending the amount Bentsen has publicly announced he will spend out of his Senate account in the 1988 election unless he agrees not to spend his Senate campaign money or withdraws from the Senate race.

Verification

The undersigned swear that the allegations and facts set forth herein in this Complaint are true to the best of their knowledge, information and belief.

The Honorable Beau Boulter, M.C.
Candidate for the United States Senate
15110 Dallas Parkway - Suite 216
Dallas, TX 75240

Jann L. Olsten
Executive Director
National Republican
Senatorial Committee
440 First Street, N.W.
Suite 600
Washington, D.C. 20001

Subscribed to and sworn to before me this 1 day of ~~July~~ August 1988.

Notary Public

My Commission Expires:
July 14, 1992

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ATTACHMENT 1

BENTSEN ELECTION COMMITTEE.
1402 NUECES
AUSTIN, TX 78701 12PM

Western Union Mailgram

1-244401U194025 07/12/88 ICS WA16614
01254 MLTN VA 07/12/88 JN42466

AAMB

[redacted]
AMARILLO TX 79109

DEAR [redacted],

YOU ARE AWARE BY NOW THAT GOVERNOR DUKAKIS HAS ASKED ME TO RUN AS HIS VICE-PRESIDENTIAL NOMINEE AND I HAVE ACCEPTED. I WILL ALSO CONTINUE MY RACE FOR RE-ELECTION TO THE SENATE. WERE I TO RESIGN FROM THAT RACE THE LAW WOULD NOT PERMIT A REPLACEMENT ON THE BALLOT, SO THERE WILL BE TWO RACES AS HAPPENED ONE OTHER TIME IN TEXAS HISTORY. I AM DEEPLY GRATEFUL FOR THE CONFIDENCE YOU HAVE SHOWN IN ME AND FOR THE TREMENDOUS BIPARTISAN SUPPORT I HAVE RECEIVED. I UNDERSTAND THAT SOME OF MY FRIENDS WILL FEEL THAT THIS LATEST DEVELOPMENT CREATES A PREDICAMENT FOR THEM. HOWEVER, I BELIEVE THAT THE DEMOCRATIC TICKET WILL PREVAIL IN NOVEMBER AND THAT MY NOMINATION IS OF GREAT IMPORTANCE TO TEXAS AND ITS FUTURE. I HOPE YOU WILL VIEW THE SITUATION IN THIS LIGHT AND WILL CONTINUE TO GIVE ME YOUR ADVICE AND SUPPORT. REGARDLESS OF YOUR COMMITMENTS IN THE PRESIDENTIAL RACE, THE CAMPAIGN FOR THE SENATE IS VITAL TO TEXAS AND MUST BE VIGOROUSLY CONDUCTED. MY OPPONENT IN THIS RACE IS SIMPLY NOT QUALIFIED AND THE VOTERS SHOULD BE GIVEN A CLEAR CHOICE IN A SPECIAL ELECTION AT A LATER DATE. I HOPE I CAN COUNT ON YOUR CONTINUED LEADERSHIP DURING THIS CRITICAL PERIOD.

SINCERELY,

LLOYD BENTSEN

22:23 EST

MGMCOMP

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TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

ATTACHMENT 2

City of Dallas)
)
State of Texas)

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF

Dukakis/Bentsen for President Committee, Inc.	)	
	)	MUR NO. 2652
Senator Lloyd Bentsen Election Committee	)	

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AFFIDAVIT OF SUZANNE SAVAGE

Suzanne Savage, being first duly sworn, deposes and says:

1. I am Suzanne Savage. I am currently employed by Texans for Beau Boulter, a campaign for the United States Senate in the State of Texas. I work at Congressman Boulter's headquarters in Dallas, Texas.

2. On July 28, 1988, I attempted to find what campaign materials were being distributed by Lloyd Bentsen's Senate campaign.

3. I telephoned his statewide headquarters in Austin, Texas and asked for the Bentsen campaign's location in Dallas. The Austin headquarters gave me a telephone number in Dallas.

4. I called that number and asked if I could come in and pick up some bumper stickers and brochures. They said that I could and gave me the address of 1100 Commerce in Dallas.

5. Between 4 p.m. and 5 p.m. on July 28, 1988, I drove to 1100 Commerce, which is the Federal Building in Dallas. I proceded to the address I had been given, which turned out to be Senator Bentsen's official Senate office.

6. There was no one in the reception area of Senator Bentsen's office when I entered. A woman whose desk had a nameplate "Millie Bruner" on it came out of her office to help me. I asked if I could pick up some Bentsen for Senate bumper stickers and any brochures they had available.

7. We walked down a hallway to a room that contained what appeared to be Congressional Records and copies of bills. The woman gave me several bumper stickers that read "BENTSEN in '88" from a box that contained a stack of bumper stickers that appeared to be 2 inches to 3 inches high. One of those bumper stickers is attached to this Affidavit as Exhibit A. She also gave me a brochure about Senator Bentsen from a pile that contained approximately a dozen such brochures. A copy of that brochure is attached as Exhibit B.

8. I also asked if any Dukakis/Bentsen materials were available. She said that none were currently available, but that it was "just a matter of printing time. As soon as they're done we'll have plenty here."

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9. I then left Senator Bentsen's office.

Suzanne Savage
Suzanne Savage

Signed and sworn to before me
this 29 th day of July 1988

Marjorie P. [illegible]
Notary Public

My commission expires: 06-01-91

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ATTACHMENT 2
EXHIBIT A

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ATTACHMENT 2 EXHIBIT B

Bentsen

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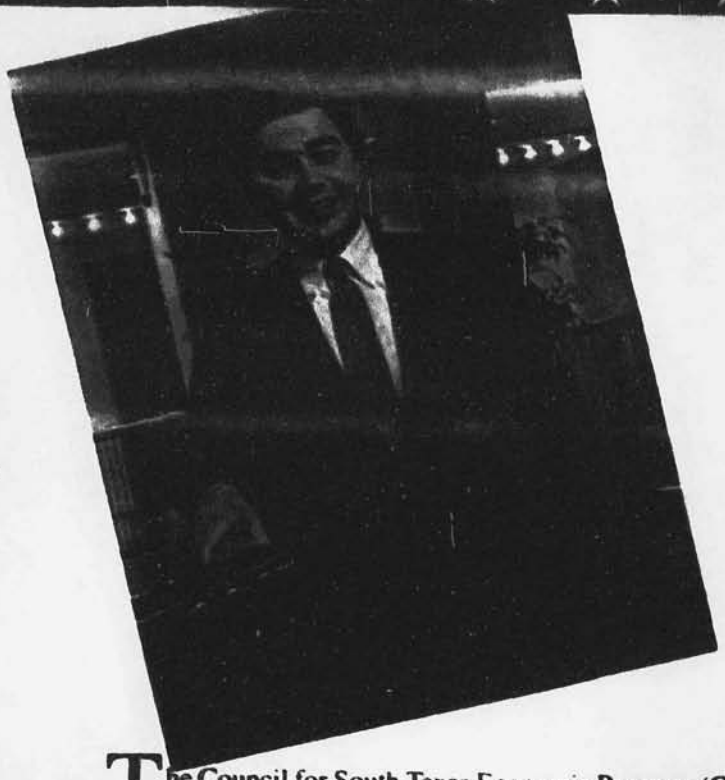
Texans can depend on Lloyd Bentsen.



The Council for South Texas Economic Progress (COSTEP) was formed in 1972 under the leadership of **Senator Lloyd Bentsen** —a native of the Rio Grande Valley—to improve the economic climate in South Texas. Today, COSTEP is completely self-sustaining —receiving no funding whatsoever from government agencies.

Among its many projects, COSTEP operates a college loan fund in cooperation with South Texas banks that provides loans to students who would have a hard time attending college without help.

Over 20,000 students have received college loans from COSTEP.

"I am the director of the Hispanic Chamber of Commerce in San Antonio, and I am here with the help of COSTEP. It was Senator Bentsen's idea...and it is one of his best."

—Ramiro Cavazos

Texas highways are built and maintained by Federal and State gasoline taxes.

But Texas was not receiving its share of Federal highway funds...and some other states were getting more than was fair.

In 1983, Senator Bentsen forced a change to require that Federal highway funds are fairly distributed among the states.

Texas Highway officials calculate that Bentsen's change will bring $2.1 billion to Texas in additional Federal highway funds through 1991.

Those funds will make our roads better and safer, and provide permanent employment for more than 5,000 workers.

"Lloyd Bentsen didn't take anything away from other places...he just made sure that Texans got our share. That's his job, and he's good at it."

—Lester Woodfork

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Many [illegible] shocked to learn that huge medical bills, brought about by the illness of an elderly spouse or parent, have exceeded the limits of Medicare and wiped out a lifetime of savings.

Senator Bentsen's legislation to extend Medicare benefits to cover catastrophic illness has been adopted by the United States Senate.

It is expected to become law this year.

Then Texas families, both young and old, will have one less problem to worry about.

"It's great that our Senator cares about families and knows how to solve these difficult problems."

—Ivan and Edith Rider

In Houston, some incredible research work is underway and Senator Lloyd Bentsen was instrumental in making it happen.

The U.S. Department of Agriculture is funding scientific research at Baylor School of Medicine and the Texas Children's Hospital to find ways, through better nutrition, to improve the health of children—from conception to the teenage years. Known as the Children's Nutrition Research Center, this unit will soon occupy a new facility within the Texas Medical Center.

The research they will conduct reflects Bentsen's concern for children and his interest in improving the health of American citizens.

Better nutrition, Bentsen believes, will make Americans healthier, live longer, and in the long run reduce the cost of medical services.

"What a wonderful idea! Every woman should be aware of all that Senator Bentsen is trying to do to make children healthier."

—Jennie Taraborelli (and Ashley)

The Greyhound–Trailways Lines, Inc. is based in Dallas. It provides jobs to fifteen hundred Texans.

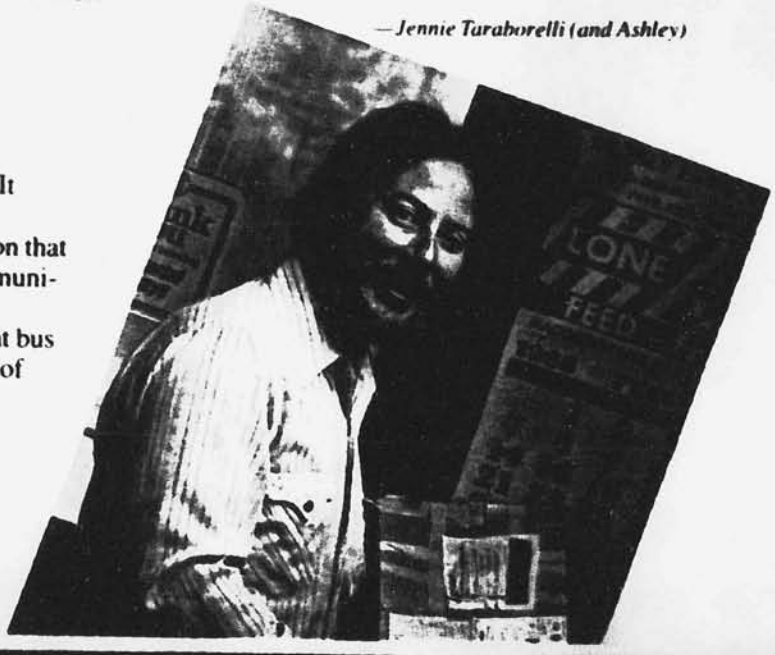
In 1987, the Administration proposed Congressional action that would have eliminated bus service to sixteen small Texas communities and laid off 150 workers.

Senator Bentsen argued that the proposal was unfair...that bus service is too important to small towns in Texas...that the jobs of 150 workers was too great a price for Texans to pay.

His argument prevailed...the proposal was defeated.

"In small towns like Silsbee, both bus services and jobs are the lifeblood of our community. Senator Bentsen understood that immediately. He made the difference."

—Johnny Sheffield



Senator Bentsen
Election Committee
1402 Nueces
Austin, Texas 78701

Senator and Mrs. Lloyd Bentsen

"No national problem is too big to tackle—no Texan's voice is too weak to hear."

U. S. Senator Lloyd Bentsen

Senator Bentsen

Election Committee

Pd. for by the Senator Bentsen Election Committee, H. Grant Taylor, Treasurer

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ATTACHMENT 2 EXHIBIT C

GOP likely to trip over Bentsen's coattails, many say

SAM ATTLESEY
TEXAS POLITICS

AUSTIN — Texas politics have been turned upside down.

Democrats are still rejoicing and Republicans are regrouping.

A herd of Democratic hopefuls is scrambling for a Senate race that may never happen.

Down-ballot Republicans are nervous, and their Democratic counterparts are squealing with joy.

The already-crazy world of Lone Star politics has become even wackier because of the nomination of veteran U.S. Sen. Lloyd Bentsen to be Michael Dukakis' running mate.

Texas has gone from an almost certain George Bush state to, perhaps, the most critical battleground in the November election.

With Bentsen's selection, Republicans' hopes of winning down-ballot statewide races and picking up a dozen or so legislative seats may have gone out the window, many observers believe.

Democratic state Rep. Mike McKinney of Centerville said down-ballot Republicans are now "dead meat" because of Bentsen's coattails.

"There are no coattails for George Bush. Picking Lloyd Bentsen cost the Republicans at least three seats in the (Texas) House," he said.

Democrats believe their chances are improved because of Bentsen's highly touted grass-roots organization and get-out-the-vote machine. And Bentsen's candidacy for vice president is expected to generate added excitement among Texans.

"I've just been elected to the Supreme Court," Jack Hightower, a Democratic candidate for the high court, recalled telling his family as he watched the Dukakis-Bentsen nomination on television.

"Even Hance is worried," said one high-ranking Republican, referring to GOP Railroad Commissioner Kent Hance.

What does Bentsen's addition to the ticket mean to the presidential race? Former National Democratic Party chairman Bob Strauss says it doesn't do much — except put Texas in the Democratic column.

Republicans privately agree that the Bentsen pick makes the race more competitive, but they still believe Texans will opt for having a Texan as president rather than

Dukakis selection imperils Republicans lower on ballot

Lloyd Bentsen

George Bush

having a Texan as vice president.

"And our job is to put out the picture of Dukakis' liberal record and not let him hide behind Bentsen," said John Weaver, executive director of the Bush Victory Committee in Texas.

The Bentsen choice had only a minor impact on the Bush campaign in Texas, Weaver said. But slight changes were made in the campaign plan, he said.

"We're moving pretty quick in our voter outreach and coalition building," he said.

"We were going to run an aggressive campaign anyway, because we're talking about the presidency being won or lost here. Texas has been described as the big enchilada, and we're going to make it too spicy for Dukakis," Weaver said.

"Dukakis is clearly out of step with Texans, particularly in the rural areas," he said.

One Republican said Dukakis will be vulnerable on three issues: "Guns, gays and the pledge." He was referring to the Massachusetts governor's veto of a bill allowing the pledge of allegiance in classrooms and his support of gun control and gay rights.

But some GOP leaders privately acknowledge their hopes of winning legislative and other statewide races have been harmed.

Weaver would only allow that "it's too early to tell."

■

Remember the mad scene in the Texas delegation on the floor of the Omni in Atlanta when Bentsen was nominated? There were "Bentsen for vice president" placards being waved as well as a banner declaring "Bentsen for Senate in 1988."

It was symbolic of just how difficult Bentsen's double candidacy will be. Jack Martin, Bentsen's campaign manager for the Senate campaign, acknowledged that the Senate sign should not have been present.

In the future, all of Bentsen's campaign signs will be more generic in nature rather than specifying an office or year, Martin said.

■

In their first stop after winning the nomination last weekend, Bentsen and Dukakis spoke fluent Spanish at a campaign rally in McAllen.

That just points up the need for a constitutional amendment having English declared the official language of Texas and the United States, asserted Lou Zaeske of Bryan, chairman of the American Ethnic Coalition.

"Texas is the key to presidential victory in November, and official English is the key to victory in Texas," Zaeske said. "Mr. Dukakis and the Democratic leadership have made a foolish mistake in so blatantly opposing official English."

Despite Bush's opposition to the language movement, Zaeske said he and Texas backers of the movement will make an all-out effort to have it placed in the national GOP platform.

"We think the vice president is missing a bet if he doesn't rethink his position," Zaeske said.

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Getting ready for the Republicans

Larry Langley, left, and Tod Richard, right, saw boards at one of the many construction sites around the Louisiana Superdome in New Orleans Monday. The construction pace is quickening as the opening of the Republican National Convention draws near.

Houston Chronicle 7/24 Section I, p.5

Boulter blasts Bentsen phone poll as 'scheme'

By JO ANN ZUNIGA
Houston Chronicle

U.S. Rep. Beau Boulter said here Monday that Democratic Sen. Lloyd Bentsen's ongoing telephone bank asking voters whether they support him for either the Senate or the vice presidency should be considered a violation of keeping separate campaign funds and services.

Boulter, an Amarillo Republican and Bentsen's Senate opponent, detailed a complaint he and the National Republican Senatorial Committee filed against Bentsen with the Federal Election Commission Friday.

The Federal Election Campaign Act bars a presidential campaign from accepting any contributions from other than the federal treasury while general election campaign.

The complaint asked that the government withhold the federal campaign funds until it bars the spending of Bentsen's Senate campaign chest — about $3.9 million as of June 30 — or determines to count any Senate campaign spending against the $46 million limit for the presidential ticket.

Boulter called Bentsen's dual candidacy "a scheme to exceed financial limits."

"He's in effect asking for two jobs," Boulter said. "I challenge him to have the courage to say what office he really wants."

Blaine Bull, Bentsen's political director in Austin for the senatorial bid, said a phone bank operating since May has asked about 700,000 voters whether they support Bentsen's senatorial bid. He acknowledged that the phone bank poll last week also asked voters whether they support a Michael Dukakis-Bentsen presidential ticket, but he did not know how many voters had been contacted or the results.

"These are not endorsements but merely act as a gauge on how strong the Democratic vote is," Bull said.

Bentsen press secretary Jack DeVore, speaking from Washington, D.C., said that the phone bank does not represent any violation. "This is a get-out-the-vote phone bank supported by the Democratic Party, the senator's campaign committee and area candidates in other races," DeVore said.

He said he did not know how the costs will be divided to pay for the phone bank.

Boulter also said Bentsen could violate the federal election campaign law by dividing his current senatorial staff to help in the presidential campaign.

DeVore, who said he is using his vacation time to work on the presidential campaign, said Bentsen's legal advisers had researched the issue and believed there was no problem with conducting and financing both campaigns.

"The real issue here," DeVore said, "is that the Republicans want to win by default by running unopposed for the Senate seat and leaving Texans no choice at all."

A Federal Election Commission spokeswoman, Sharon Snyder, told The Associated Press that processing the GOP complaint could delay by 10 days a decision on whether to release federal money to the Dukakis-Bentsen campaign.

In 1976, when Bentsen ran for president and the Senate, Snyder said, the commission decided that Bentsen could not spend the legal limit for both his Senate and presidential primary race because he would gain "a significant publicity advantage" by spending more overall throughout Texas.

There are no limits any longer on Senate campaign spending, Snyder said.

ATTACHMENT 3

Austin American-Statesman

July 30, 1988

ATTACHMENT 4

GOP backers feel 'sold out' by Bentsen

By Mike Halley
American-Statesman Capitol Staff

AMARILLO — U.S. Sen. Lloyd Bentsen flew into enemy territory Friday to appeal for support in a conservative region where many former backers are upset with his decision to join presidential nominee Michael Dukakis on the Democratic ticket.

The swing through Amarillo — the home turf of U.S. Rep. Beau Boulter, the senator's Republican rival in his re-election campaign — was Bentsen's first solo appearance in the critical Texas battleground since accepting the vice presidential nomination.

"This is a part of the state that goes Republican most of the time, so we thought we'd bring the message right here," Bentsen, 67, said at a news conference.

Bentsen's staff insisted the Panhandle stop was part of the taxpayer-funded vice presidential campaign and not designed to promote his Senate re-election bid. But the senator was asked why his first solo appearance in Texas was held in Boulter's hometown.

Boulter's candidacy "could have something to do with it," a smiling Bentsen said before speaking at an outdoor rally that drew 500 cheering supporters.

Whatever the trip's purpose, it came in an area where Bentsen is on thin ice.

In January, Bentsen's strength in conservative areas of Texas was displayed here when about 70 local leaders formed the Panhandle Republicans and Independents for Bentsen.

See Bentsen, A10

The group's members were dismayed with Boulter for relinquishing a safe congressional seat to take on Bentsen, who many felt to be a powerful force for Texas as chairman of the tax-writing Senate Finance Committee.

But much of the support evaporated when Bentsen accepted the invitation to be Dukakis' running mate, said Jerry Hodge, a former Amarillo mayor who co-founded the conservative group on Bentsen's behalf. Hodge resigned his position with the group and the vast majority of its members abandoned it, complaining they could not actively support Bentsen for the Senate when he was campaigning against their presidential favorite, Republican George Bush, at the same time.

Bentsen "sold us out," said Bill Arrington, a Pampa rancher and oilman and a former member of the Republicans and Independents for Bentsen. "I think most felt once Bentsen was running for vice president, they weren't going to support him for the Senate.

"I think it's completely dead," Arrington said of the group, which held two fund-raisers for Bentsen during the spring.

Asked about the lost support, Bentsen said: "I don't like to lose any of it, frankly."

The decision to make Amarillo his first solo stop in the Lone Star State since joining the presidential ticket raised some eyebrows.

It was here in Randall County where Bentsen, while garnering 59 percent of the statewide vote against Republican opponent Jim Collins in 1982, trailed Collins by more than 4,000 votes. Collins claimed 60 percent of the Randall County vote that year, and Bentsen edged him in neighboring Potter County with 59 percent. Amarillo straddles the two counties.

Bentsen's entry into the presidential race "no doubt has been a significant boost to our campaign," said Joe Fleming, a Boulter campaign aide. Fleming said that by joining the liberal Dukakis, Bentsen has "turned his back on Texas values."

The senator made it clear, however, that he intends to win over Texas voters for Dukakis. He noted that while he was in the state without Dukakis for the first time since the two were nominated at the Democratic National Convention less than two weeks ago, the two Democrats traveled to two Texas cities together the day after the convention ended.

"That points out how strongly we feel about this state," Bentsen said. "It points out again, I think, that Mike Dukakis is reaching out, appealing to all parts of the country."

At the rally, the senator declared: "We're saying to those Democrats who voted for Reagan, it's time to come home."

Twenty-nine electoral votes — the third largest prize in the November election — are at stake in Texas, which certain Republican nominee Bush also calls home.

"We're not talking about claiming Texas. Texas is my home," the senator said in a dig aimed at Bush, who rents a Houston hotel suite but spends most of his time outside Washington in Maine.

Accentuating the Democrats' theme of "politics of inclusion," Bentsen made a pitch to so-called "Reagan Democrats" to return to the flock. The senator criticized the Reagan administration's lack of comprehensive energy, trade and agriculture policies and accused it of failing to better coordinate drug enforcement actions.

Sounding a conservative note at his news conference, Bentsen said he favors a constitutional amendment requiring a balanced federal budget. He added that he opposes federal funds for abortions except in cases involving rape, incest or when a mother's life is threatened. Aside from government funding he said women should have the right of choice.

About a dozen anti-abortion protesters waved placards at the late afternoon rally, with one yelling "baby killer."

Bentsen, meanwhile, also promised not to compromise his positions to appease critics who have underscored political differences between him and Dukakis.

"I've been voting my conscience in the United States Senate for 16 years and I'm not going to stop now," Bentsen vowed. "I'm going to call them as I see them."

Dukakis, the senator said, was not looking for a "clone" in the search for a running mate.

Despite the stop in Boulter's hometown, Bentsen's staff insisted it was part of the vice presidential campaign and was not being funded by the senator's re-election war chest. Federal law forbids the expenditure of private funds in the presidential race, and Republicans have argued to the Federal Election Commission that Bentsen's re-election spending would give the Democrats an unfair advantage in the fall campaign. The FEC has rejected that argument and the GOP is appealing in federal court in Washington.

GCC#9975

Dukakis/Bentsen Committee, Inc.
105 Chauncy Street
Boston, Massachusetts 02174

RECEIVED
FEDERAL ELECTION COMMISSION
88 AUG -2 AM 9:13

- MUR 2652

July 29, 1988

Ms. Lois Lerner
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Lerner:

This letter is to follow up on our conversation of today. As you know, the Dukakis/Bentsen Committee, Inc. has filed three designation of counsel forms with the Federal Election Commission. The first one designates Daniel Taylor and Carol Darr as counsels for the Dukakis/Bentsen Committee in all matters during the general election. If you would, please have copies of all materials related to the Dukakis/Bentsen Committee sent both to Mr. Taylor and Ms. Darr.

The other two designation of counsel forms refer to MUR 2652 only. Kenneth Gross, Scott Harris and Neal Goldberg are designated as counsels for the Dukakis/Bentsen Committee with regard to MUR 2652. Each of them should receive copies of all documents related to MUR 2652.

Again, Mr. Taylor and Ms. Darr should each receive copies for all matters related to the Dukakis/Bentsen Committee (including MUR 2652), while Mr. Gross, Mr. Harris and Mr. Goldberg each represent the Dukakis/Bentsen Committee in MUR 2652 only and should receive documents for that matter.

Thank you for your assistance.

Sincerely,

Jon B Gould

Jon B. Gould
Legal Staff

Thanks for your help.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

August 3, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR 2652 - Dukakis/Bentsen Committee, Inc.,
Senator Lloyd Bentsen Election Committee

On August 1, 1988, the complainants in this matter filed a "First Supplemental Complaint." A copy of the complaint is attached and is being circulated on an informational basis. Appropriate letters have been sent to the complainants and the respondents. Because this supplemental complaint includes additional allegations to those in the original complaint, the respondents have been given an additional 15 days to respond to the allegations. Also, the designation of counsel correspondence and forms received to date are attached.

Attachments
1. First Supplemental Complaint
2. Designation of Counsel correspondence and forms

Staff person: George F. Rishel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 1988

Jann L. Olsten, Executive Director
National Republican Senatorial Committee
Suite 600
440 First Street, N.W.
Washington, D.C. 20001

RE: MUR 2652

Dear Mr. Olsten:

This letter acknowledges receipt on August 1, 1988, of the supplement to the complaint you filed on July 22, 1988, against the Senator Lloyd Bentsen Election Committee and the Dukakis/Bentsen for President Committee, Inc. The respondents will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

Lm Noble (HZ)

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 1988

The Honorable Beau Boulter
Suite 216
15110 Dallas Parkway
Dallas, TX 75240

RE: MUR 2652

Dear Rep. Boulter:

This letter acknowledges receipt on August 1, 1988, of the supplement to the complaint you filed on July 22, 1988, against the Senator Lloyd Bentsen Election Committee and the Dukakis/Bentsen for President Committee, Inc. The respondents will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

LM Noble (LJZ)

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 1988

Kenneth A. Gross, Esquire
Skadden, Arps, Slate, Meagher & Flom
1440 New York Ave., N.W.
Washington, D.C. 20005-2107

RE: MUR 2652
Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer

Dear Mr. Gross:

On July 22, 1988, your clients were notified that the Federal Election Commission received a complaint from Rep. Beau Boulter and the National Republican Senatorial Committee alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, and Chapter 95 of Title 26 of the United States Code. At that time your clients were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On August 1, 1988, the Commission received additional information from the complainants pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information includes new allegations to those in the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

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

Sincerely,

Lm Noble (FFL)

Lawrence M. Noble
General Counsel

Enclosure

cc: Scott Blake Harris, Esquire
Williams & Connolly
839 17th Street, N.W.
Washington, D.C. 20006

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

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

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Plum

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 1988

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

RE: MUR 2652
Senator Lloyd Bentsen
Election Committee and
H. Grant Taylor, as
treasurer

Dear Mr. Taylor:

On July 22, 1988, you were notified that the Federal Election Commission received a complaint from Rep. Beau Boulter and the National Republican Senatorial Committee alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended, and Chapter 95 of Title 26 of the United States Code. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On August 1, 1988, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information includes additional allegations to those in the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

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

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
88 AUG 25 AM 9:30

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

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

(202) 371-7000

TELEX 904343
SKARSLAW-WASH
TELECOPER:
(202) 393-5760

DIRECT DIAL
(202) 371-

919 THIRD AVENUE
NEW YORK, NEW YORK 10022
(212) 735-3000

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, HIBIYA CENTRAL BUILDING
1-2-9 NISHI SHINBASHI,
MINATO-KU, TOKYO 105, JAPAN
011-81-3-595-3650

August 22, 1988

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

Re: MUR 2651 Dukakis/Bentsen Committee, Inc.
and Robert A. Farmer, as treasurer

Dear Mr. Noble:

Enclosed is the response of Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer in the above-referenced matter.

Sincerely,

Kenneth A. Gross

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF	)	
	)	
Dukakis/Bentsen Committee, Inc.	)	
	)	MUR NO. 2652
Senator Lloyd Bentsen Election Committee	)	

RESPONSE OF DUKAKIS/BENTSEN COMMITTEE, INC. AND ROBERT A. FARMER, AS TREASURER, TO COMPLAINT AND FIRST SUPPLEMENTAL COMPLAINT OF CONGRESSMAN BEAU BOULTER AND THE NATIONAL REPUBLICAN SENATORIAL COMMITTEE

INTRODUCTION

On July 21, 1988, Governor Michael Dukakis and Senator Lloyd Bentsen became the presidential and vice-presidential nominees of the Democratic Party of the United States. The next day, Governor Dukakis and Senator Bentsen pledged, under penalty of perjury, to comply in all respects with the federal election laws. Letter of Governor Dukakis and Senator Bentsen to the Honorable Thomas Josefiak; see 26 U.S.C. § 9003; 11 C.F.R. § 9003.2.

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This administrative proceeding represents the second attempt of the complainants to challenge -- without facts or probative evidence -- the veracity of that pledge to abide by the law. As the Commission knows, the D.C. Circuit ruled only days ago that the complainants' "allegations are insufficient on their face to warrant a revocation of the certification" of federal funding for the Democratic presidential campaign. Honorable Beau Boulter, et al., v. Federal Election Commission, No. 88-1541, slip op. at 2 (D.C. Cir. Aug. 3, 1988). The allegations that form the basis of the complaint and supplemental complaint are no more effective in demonstrating that the Dukakis/Bentsen campaign has violated the Presidential Election Campaign Act, 26 U.S.C. § 9001 et seq., see First Supplemental Complaint at 1.

The complaint proceeds on a simple -- and erroneous -- legal contention: that Senator Bentsen, a bona fide candidate for re-election to the United States Senate, may spend no money on his Senate campaign because he is also a candidate for the vice-presidency of the United States.

For two reasons, the allegations of the complaint fail to provide any basis for the Commission to initiate an investigation. First, the Commission has

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already concluded that this per se attack on Senator Bentsen's dual candidacy is contrary to federal law. Second, the "factual" allegations proffered to the Commission provide no evidence that the regulations governing dual candidacies have been, or will be, violated.

STATEMENT OF PROCEEDINGS

On July 22, 1988, the complainants filed with the Commission both a petition to deny certification of federal payments to the Dukakis/Bentsen campaign and the complaint that is at issue here. Both asserted that federal law "must be read to bar the spending of Bentsen's Senate funds," and the Complaint requested that the Commission bar Senator Bentsen "from spending any of the funds" he has raised for his Senate race. Complaint at 6, 9.

The "factual" allegations of both the petition and the complaint reflect this per se theory. The allegations contained in both documents constitute no more than a complaint that Senator Bentsen is running for both offices. Both also assert, through reliance on cryptic, hearsay reports, that a Texas state official said that the Senate campaign's funds could be used to assist the national ticket in Texas, and that three Bentsen aides would split their time between the Senate and vice-

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presidential campaigns. Compare Petition at 3; Complaint at 4.

On July 26, 1988, the Commission denied the petition and certified the Dukakis/Bentsen campaign for the receipt of federal funds. The Commission explained 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 complainants then sought relief from the United States Court of Appeals for the District of Columbia Circuit. In so doing, the complainants attempted to bolster their "factual" allegations by submitting a copy of a July 12th mailgram in which Senator Bentsen sought continued support for re-election from his supporters "regardless of [their] commitments in the presidential race," and a copy of a newspaper article asserting that the Bentsen Senate campaign had operated a telephone bank in Texas in which, for a short period of time, voters were asked whether they were supporting the Dukakis/Bentsen ticket.[1]

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[1] Attachment to Petition for Review, Factual Appendix at 45-47.

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In its submission to the court, the Commission moved for summary affirmance of its decision to certify. Again the Commission explained that the "argument that dual candidacies are inconsistent with the Act is baseless."[2] The Commission also noted the existence of the new "factual" material submitted by the complainants and concluded that "this new material . . . consists of news reports" that are "deficient in establishing a violation . . ." Id., at 12 n.7. On August 3, the D.C. Circuit granted the Commission's motion for summary affirmance.

ARGUMENT

I. The Dual Candidacies of Senator Bentsen Are Entirely Lawful

Federal law expressly contemplates dual candidacies. See 2 U.S.C. § 441a(a)(5)(C) (regulating the transfer of funds between campaign committees of individuals seeking multiple federal offices, including presidential and vice-presidential campaigns). Thus, the Commission has promulgated regulations governing

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[2] Federal Election Commission's Opposition to Motion For Stay Pending Review of Certification and Supplemental Request for Emergency Relief and Federal Election Commission's Motion for Summary Affirmance at 6. ("FEC Brief").

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situations in which "an individual is a candidate for more than one Federal office . . . ." 11 C.F.R. § 110.8(d), and expressly contemplating the possibility that a person may run for national office while simultaneously seeking election to another federal position. 11 C.F.R. § 110.8(d)(3); see also 11 C.F.R. § 100.4 (defining the term "federal office" to include the Vice Presidency and the Senate); see generally 2 U.S.C. § 441a(a)(7)(B); 26 U.S.C. § 9002(11); 11 C.F.R. § 9002.11(b)(3).[3]

The Commission has already 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. Because the doctrine of collateral estoppel bars relitigation of an issue previously decided by an adminis-

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[3] As the Commission has explained, Advisory Opinion 1975-11, 1 Federal Election Camp. Fin. Guide (CCH) ¶5118 (Sept. 10, 1975) ("AO"), does not justify any other conclusion. That AO was overridden by the later adoption of Section 110.8 and it involved state-wide limits on campaign spending that were subsequently ruled unconstitutional and that, in any event, have no application to the expenditure of funds under the Presidential Election Campaign Fund Act. See FEC Brief at 11 n.6; see also Buckley v. Valeo, 424 U.S. 1, 54-58 (1976).

trative agency, that ruling is binding here. See Nasem v. Brown, 595 F.2d 801, 806 (D.C. Cir. 1979). Thus, complainants' contention that "any expenditure that aids Bentsen in Texas [which] also aids the Dukakis presidential ticket," is illegal (Complaint at 6) must also be rejected insofar as it rests only on the per se theory.

The assertion that Senator Bentsen's dual candidacies are improper also runs afoul of the prerogative of the State of Texas to decide how it may choose its United States Senators. Texas expressly permits a candidate for vice-president to run at the same time for United States Senator, see Tex. Election Code Ann. 141.033 (Vernon 1986). Federal law is careful to respect this choice. Both the relevant statute and regulation make clear that federal law does not preempt the right of a state to determine the manner in which a person qualifies to run for office. See 11 C.F.R. § 108.7(c)(1); Conf. Rep. No. 93-1438, 100-01 (93d Cong., 2d Sess. 1974). Moreover, the Seventeenth Amendment provides that "the people" of each State shall have the right to select their United States Senators. U.S. Const. Amend XVII. But the per se theory advocated by the complainants would effectively bar the right of the people of Texas to choose their next Senator by forcing Senator Bentsen to

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withdraw from the Senate race after the time that a new Democratic candidate can be chosen and by leaving Congressman Boulter as the only candidate for Senate. See Tex. Election Code Ann. § 145.306 (Vernon 1986 and Supp. 1988).

II. The "Facts" Alleged By The Complainants Simply Reiterate The Discredited Claim

Rejection of the complainants' per se theory means that no Commission action can be based on the mere fact that Senator Bentsen's re-election campaign is spending funds or engaging in political activities. For this administrative proceeding to go forward, therefore, the Commission must have "reason to believe" that the Dukakis/Bentsen campaign has violated, or is about to violate, federal law either by accepting contributions from the Bentsen Senate campaign or by incurring campaign expenses in excess of federal limits. See Complaint at 5; 26 U.S.C. § 9003(b). But, as we demonstrate herein, the complainants' allegations add nothing to their flawed claim of a per se violation.[4]

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[4] The complaint can be read to suggest that the Bentsen Senate campaign will receive improper contributions from the Dukakis/Bentsen Committee, but none of the "facts" alleged even remotely supports that assertion.

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The Commission's regulations require that a single person running for two offices must establish separate principal campaign committees, establish completely separate campaign organizations, and avoid transferring funds, goods, or services between committees. 11 C.F.R. §§ 110.8(d)(1)-(2). A vice-presidential candidate seeking another federal office may use private funds to run for that other office, but the two campaigns may not share the same personnel or facilities. 11 C.F.R. § 110.8(d)(3). A review of the "factual" allegations contained in the complaint and first supplemental complaint demonstrates that the Commission is in possession of no facts that could lead to the conclusion that these legal requirements have been or will be violated. Indeed, it is important to note that all but one of the "factual" claims has already been discredited by the Commission in the course of the certification proceeding.

STATEMENT OF TEXAS ATTORNEY GENERAL JIM MATTOX: The Complaint alleges that the Texas Attorney General was quoted on ABC News as saying that "Lloyd Bentsen has got $6 million in the bank that he can help use to carry Texas for the ticket." Complaint at 4. The complainant's contend that this statement shows an intent to use Senate campaign funds in aid of the national ticket.

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As the Commission has already stated, the complainants have "provided no indication that anyone from the campaign was connected" with this hearsay report and the Mattox quotation does "not even purport to report the campaign's own stated intentions." FEC Brief at 11-12. It provides no basis for a belief that the Dukakis/Bentsen campaign will violate the law, especially in light of the signed pledge of both candidates to abide by federal election law requirements.

THE CAMPAIGN HOTLINE: The Complaint also contends that a daily newsletter, The Campaign Hotline, reported that another publication stated that three Bentsen aids "will split their time between Senate and VP campaigns." Complaint at 4.

The Commission has already found that this allegation is entirely "speculative." Statement of Reasons at 8. This press account of a press account that itself is based on an unidentified source is insufficient to support any legal conclusion. See FEC Brief at 12; FEC Memorandum No. 663 (Nov. 5, 1979) (Commission practice is not to give any weight to unsubstantiated press accounts that are not accompanied by a sworn statement of the complainant's belief). See also 11 C.F.R. § 111.4.

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MAILGRAM: The First Supplemental Complaint alleges that a mailgram sent by Senator Bentsen to his supporters "demonstrates the use of private Senate funds to aid the taxpayer financed national ticket." First Supplemental Complaint at 4. Even if the mailgram was sent by Senator Bentsen, its contents only disprove the complainants' assertion.

The mailgram is focused precisely on the Texas Senate race. It notes, quite candidly, that some supporters of the Senate campaign may support the Republican national ticket, and it asks for the continued support of those voters in the Senate race even without regard to presidential preference. Thus, the mailgram notes that Senator Bentsen's place on the Democratic national ticket "creates a predicament" for some supporters and emphasizes that "regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted." It attacks the qualifications of Congressman Boulter but mentions not a word about the Republican presidential nominee.

The entire purpose of the letter is, therefore, to further the Senate campaign. No basis exists for the contention that the mailgram is an expense of the presidential campaign. See 26 U.S.C. § 9002(11). That is

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why, as the Commission explained to the D.C. Circuit, the existence of this mailgram is "as deficient in establishing a violation" of law as the news reports discussed in the original complaint. FEC Brief at 12 n.7.

TELEPHONE BANK: The final newspaper article submitted by the complainants discussed a telephone bank allegedly operated by the Bentsen Senate campaign. According to the article, a phone bank operating since May 1988, asked voters whether they supported Senator Bentsen's re-election bid and, at the end of July, also asked whether Texas voters supported the Dukakis/Bentsen ticket.

The telephone bank included a question seeking voter preference between Governor Dukakis and Vice President Bush long before Senator Bentsen was named as the vice-presidential candidate. In fact, this vendor-run multicandidate phone bank (which included federal, state, and local candidates in Texas) had been operational since April 1988. After Senator Bentsen was chosen as the running mate, the question regarding the presidential race was merely revised to refer to both Governor Dukakis and Senator Bentsen as a ticket. It is commonplace for every well-run Senate race to seek voters' opinions about

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other candidates and other races, especially the race at the top of the ballot. That information may be critical in interpreting polling results and, in some instances, in making strategic decisions in the Senate race itself. Indeed, one would express extreme surprise if the complainants have not included questions concerning Vice President Bush in their own voter identification efforts.

As noted previously, both Governor Dukakis and Senator Bentsen have pledged under penalty of perjury to comply with the federal campaign finance laws. In accordance with that pledge, if the Dukakis/Bentsen campaign were to incur an obligation with regard to the telephone bank, it would pay an appropriate portion of the costs.[5]

Thus, the complainants have failed to establish any reason to believe that the telephone banks were operated in violation of the law.

BUMPER STICKERS AND BROCHURES: The strain inherent in the complainants' "factual" allegations is perhaps nowhere as apparent as in their attempt to make a

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[5] The Dukakis/Bentsen campaign has been and will continue to be separate from Senator Bentsen's campaign in compliance with 11 C.F.R. § 110.8(d). There may be occasions, however, where each campaign will pay a portion of an expense to a vendor that may have provided a service to both campaigns.

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mountain out of some bumper stickers and brochures. According to her affidavit, Suzanne Savage, who is an employee of Congressman Boulter, went to Senator Bentsen's office in Dallas and gathered bumper stickers that say "Bentsen in '88'" and a brochure "that never mentions that Bentsen is a candidate for the Senate." First Supplemental Complaint at 4-5.

The contention that the brochure never mentions the Senate campaign is simply wrong. The back of the brochure, which is attached to the First Supplemental Complaint, states in prominent print: "Senator Bentsen Election Committee," and contains the legend "Pd. for by the Senator Bentsen Election Committee," as well as bearing the return address of the "Senator Bentsen Election Committee" in Austin, Texas.

Nor does the attack with regard to the bumper stickers fare any better. First, the bumper stickers were printed before Senator Bentsen's selection as the vice-presidential candidate (and the complainants' do not allege otherwise). Second, in any event, the fact that they do not refer to the Senate in large print is irrelevant.[6] The regulation concerning dual candidacies is

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[6] As noted, the bumper stickers do state that they are "Paid for by the Senator Bentsen Election Committee . . . ."

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very specific. It provides that "no funds, goods, or services, including loans and loan guarantees, may be transferred between or used by the separate campaigns . . . ." 11 C.F.R. § 110.8(d)(2). This regulation does not say anything about the way a candidate may make reference to himself or the office being sought (and grave First Amendment concerns would be raised if the wording of bumper stickers and brochures were subject to Commission review).[7]

The bumper sticker allegation is important, nonetheless, because it exemplifies the basic flaw in the "factual" allegations made by the complainants. The complainants argue that distribution of the bumper stickers bearing Senator Bentsen's last name "demonstrate, again, the practical impossibility of separating the contributions on behalf of and expenditures for the two races." First Supplemental Complaint at 9.

In fact, this argument simply demonstrates the practical impossibility of separating the "facts" contained in complaints from the now-discredited theory that

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[7] It is our understanding that as a matter of policy, the Bentsen Senate campaign is phasing out materials that make reference to the Senate campaign and will only prepare materials that make explicit reference to the appropriate office sought by Senator Bentsen.

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the dual candidacies are per se improper. Not a single fact has been alleged to show -- or even suggest -- a violation of the rules governing the conduct of two candidacies. And in the absence of such facts, the Commission's ruling that Senator Bentsen may spend funds for his re-election campaign necessarily proves that this complaint is meritless.

In view of the lack of support for complainants' contentions, the Commission, as a matter of law, has no basis to proceed. The Commission "has no such roving statutory functions," and it may not, therefore, begin an investigation on the basis of "mere 'official curiosity.'" Federal Election Commission v. Machinists Non-Partisan Political League, 655 F.2d 380, 387 (D.C. Cir. 1981). The requirement that the Commission set forth the "factual basis" for any decision to initiate an investigation demonstrates that this administrative decision must be based on fact, not speculation. The Commissioners must, therefore, dismiss the complaint.

The Dukakis/Bentsen campaign recognizes that some Commissioners have indicated a desire to examine the manner in which the dual candidacies are conducted. But the end of this administrative proceeding will not end the Commission's ability to look closely at the conduct

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of the Dukakis/Bentsen (and the Bush/Quayle) campaign. A post-election audit is mandatory for every presidential campaign that accepts public funding. See 11 C.F.R. § 9007.1. In the course of that audit, the Commission will be free to assure itself that all requirements attendant to the conduct of dual candidacies have been fully satisfied. Also, during the election period the enforcement process remains available to the complainants as a vehicle for Commission review of any specific allegations of wrongdoing. The simple point is this: The Commission has no legal authority to indulge its "official curiosity" through the initiation of an investigation under Section 437g where, as here, it does not have before it a single fact suggesting improper activity.[8]

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[8] A serious question exists, as well, about the ability of the complaint to raise these issues in federal court. The "standing" doctrine represents a constitutional limitation on the authority of Congress, Antosh v. Federal Election Commission, 631 F. Supp. 596, 599 (D.D.C. 1986), and it requires that a complainant "show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct . . . ." Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 454 U.S. 464, 472 (1982). The theory of the complaint is that the Bentsen Senate campaign activities will assist the Dukakis/Bentsen Committee. But even if true, that activity could only impact on Vice-President Bush and Senator Quayle, not on the Texas Senate race.

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CONCLUSION

In sum, the essence of the complaint at issue here is the same theory rejected by the Commission and the D.C. Circuit in the recent certification proceeding. Without the claim that dual candidacies are inherently improper, however, the complainants are left without even a sinple arrow in their quiver. On this record, the Commission has no choice except to dismiss the complaint. Thus, for the reasons stated herein, the Commission should conclude that there is no reason to believe that the Dukakis/Bentsen Committee or the Bentsen Senate

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campaign have engaged, or are about to engage, in any violation of the federal election laws.

Respectfully submitted,

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August 22, 1988

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

Re: MUR 2652 - Senator Bentsen Election Committee

Dear Mr. Noble:

The Senator Bentsen Election Committee ("Bentsen Committee")[1/] hereby replies through counsel to the Commission's notification that a complaint has been filed against it by the Honorable Beau Boulter, Republican nominee for the United States Senate in the State of Texas, and the National Republican Senatorial Committee.

Complainants are seeking a legislative "rulemaking," rather than resolution of a complaint. They believe that Senator Bentsen cannot do what Texas law and the Federal Election Campaign Act ("FECA" or "Act") clearly authorize: seek simultaneously re-election to the United States Senate and election to the vice presidency of the United States. Their simple claim is that every penny spent by the Bentsen Committee, however it is spent, illegally subsidizes the publicly funded presidential campaign. This, as a matter of law, is false. Moreover, it would utterly deprive Senator Bentsen of his constitutional right to advocate his election to

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1/ The Senator Bentsen Election Committee is the principal campaign committee authorized by Senator Lloyd Bentsen to support his re-election to the United States Senate.

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the United States Senate. The complaint should, therefore, be dismissed.

Allegations

Complainants, in their original Complaint and the First Supplemental Complaint, allege that Dukakis/Bentsen for President Committee has violated and will continue to violate the Presidential Election Campaign Fund Act, 26 U.S.C. §§ 9001 et seq. ("Fund Act"), by supplementing its public funds grant with private funds raised in connection with Senator Bentsen's Texas senate race. Complainants allege that monies raised and spent by the Bentsen Committee for the senate race would "unavoidably" influence the publicly funded presidential and vice presidential campaigns, in violation of the campaign laws.

This is their theme: that the violations alleged to have been committed arise necessarily out of this dual candidacy, and are somehow inherent in it. Thus, Complainants state:

> As a matter of law, the expenditure of private campaign funds controlled by a senate candidate who is simultaneously a publicly financed vice presidential candidate promotes the vice presidential candidacy and violates 26 U.S.C. § 9003(b).

First Supplemental Complaint at p. 3. This assertion appears throughout the Supplemental Complaint. See, e.g., First Supp. Complaint at p. 3 ("...any private funds spent to promote Senator Bentsen aid his vice presidential candidacy.") and p. 7 ("The fact is, any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket.") Since this claim is made "as a matter of law," facts (other than the fact of a dual candidacy) presumably count for little. Still Complainants claim to have evidence of the illegal scheme they declare themselves to have discovered.

Complainants point in their original Complaint to two press reports which they allege demonstrate violations of the Act. In the Supplemental Complaint, Complainants give three examples of activities undertaken in connection with Senator Bentsen's senate campaign which, Complainants allege, necessarily and as a matter of law, benefit the vice presidential race, and, therefore, violate the Act. These activities include:

- The sending of a mailgram by Senator Bentsen explaining to his senate supporters his decision to seek both offices, but asking them to stand by his re-election effort;

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- The production of bumper stickers and brochures which advocate Mr. Bentsen's senate election and which were produced before the primary and long before the announcement that Senator Bentsen was Governor Dukakis' choice for the vice presidential nomination;

- The conducting of a phone bank which seeks voter reaction to the races of all candidates seeking election in Texas and which was a phone bank operation of a vendor hired by the Bentsen Committee (as well as by other federal and nonfederal Texas candidates) long before the Senator became the vice presidential nominee of his party.

As relief, Complainants originally sought to have the certification of public funds to the Dukakis/Bentsen campaign denied by the Commission or to have public funds withheld in an amount equal to the funds raised by Senator Bentsen in his Texas senate race. Both these remedies were rejected by the Commission when it certified the full amount of the public grant to the Dukakis/Bentsen Committee. The remaining remedy sought by Complainants is a prohibition on the Bentsen Committee's spending any money in connection with Senator Bentsen's senate race.

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Discussion

Complainants wish the Commission effectively to override Texas law by allowing Senator Bentsen to remain on the ballot in form, but not allow him to spend a penny in the advocacy of his own re-election. This result could not possibly comport with the First Amendment standards acknowledged in Buckley v. Valeo, 424 U.S. 1 (1976). That case recognized that the expenditure of funds was critical in general constitutional terms to the fulfillment of the goals of political speech. Moreover, the Court in Buckley noted that any restriction that the government would impose on the expenditure of funds for political purposes would have to be outweighed by a compelling governmental purpose and then the restriction could only be imposed by means narrowly drawn to achieve the legitimate governmental goal. This the Commission has already done with regulations which impose reasonable restrictions to assure that the senate and vice presidential campaigns of Mr. Bentsen are properly separated and that the funds expended in connection with these two races are not commingled.

By contrast, Complainants would urge an unconstitutional blunderbuss approach: ordering Senator Bentsen to cease

altogether the raising and spending of private money in support of his senate re-election bid. In order to make this case, Complainants are required to ignore the Federal Election Campaign Act and the regulations promulgated by the Commission thereunder which authorize, with reasonable restrictions, this dual candidacy. They must ignore, in addition, the clear cut assertions of Senator Bentsen, that he and his campaign organization will observe those legal requirements in full. And, finally, they must contrive a set of factual allegations which allegedly demonstrate that Senator Bentsen has not complied with the law or that somehow that the law as it is currently structured defies any reasonable attempt at compliance. This effort on the part of Complainants to bring an end to Senator Bentsen's candidacy for re-election to the United States Senate cannot succeed.

1. <u>The FECA, the Commission's regulations and Texas law all contemplate dual candidacies involving publicly funded candidates</u>.

Texas law provides that an individual may seek two federal offices at the same time where one of the federal offices is the office of president or vice president. Texas Election Code Ann. § 141.033 (Vernon 1986). Both the Federal Election Campaign Act and the FEC regulations allow a candidate for two federal offices to spend money to support the individual's election efforts in both offices. Section 441a(a)(5)(c) of the Act provides that a candidate electing to receive public funding may not transfer funds between the publicly funded campaign and another campaign by the same candidate for federal office. The prohibition does not impose any financing restrictions on a dual candidate other than the prohibition on transfers between the two campaigns. There is no attempt in the statutory language to restrict the spending of one or the other campaign when such a dual candidacy exists.

Nor do Commission regulations contain any prohibition on the spending of money by a dual candidate, even where one of the offices sought is a publicly funded one. Section 110.8(d) of the FEC regulations specifically addresses the situation of a dual candidacy involving a publicly financed campaign. This section of the regulations sets out the requirement for the separation of personnel and facilities a dual candidate's two campaigns. Again, though, nothing in the regulations would prevent the non-federally funded campaign from continuing to raise and spend money for its own separate purposes.

The Commission has already, apparently unanimously,

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affirmed this. In the brief submitted by the Commission in Opposition to Motion for Stay Pending Review of Certification and Supplemental Request for Emergency Relief filed before the Court of Appeals of the District of Columbia, the Commission stated that:

> . . . 2 U.S.C. § 441a(a)(5)(C) of the Federal Election Campaign Act ("the FECA") and FEC regulations, 11 C.F.R. § 110.8(d), explicitly contemplate that an individual can simultaneously run a public financed campaign for President or Vice President and a privately financed campaign for another public office, so long as funds are not transferred between the two campaigns, 2 U.S.C. § 441a(a)(5)(C), and staff are not shared, 11 C.F.R. § 110.8(d)(3).

Brief of the Federal Election Commission at pp. 9-10 (footnote omitted; emphasis in original).

Complainants attempt to rely on Advisory Opinion 1975-11, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5118 (1975), in which the Commission addressed a case, 13 years ago, of a dual candidacy involving a senate race and a publicly funded presidential race. This Opinion, however, is completely inapposite. When the opinion was issued in 1975, both presidential and senatorial races were subject to expenditure limits. The holding of the opinion was based on the view that the dual candidate, Senator Bentsen, would enjoy a competitive advantage over his senate rivals because of the additional spending that could be undertaken on his behalf in his presidential race. Spending limits on senatorial races are no longer in existence, and there is no longer any danger that spending by Senator Bentsen on his vice presidential race would give him an unfair advantage over his rivals in the senate race.

Furthermore, the opinion was rendered long before the Commission issued its regulations governing dual candidacies at Section 110.8. These regulations clearly supersede any holding of the Advisory Opinion which is contrary to the regulations. The regulations are the controlling law in this case, and Advisory Opinion 1975-11 is not relevant.

2. The Senator Bentsen Election Committee has agreed to comply in every respect with the requirements of the Federal Election Campaign Act and the Federal Election Commission regulations on dual candidacy.

Senator Bentsen has clearly stated that he intends, and has committed to comply with, all requirements of the federal

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campaign laws. In the Reply to the "Petition to Deny Certification" submitted to the FEC on July 26, 1988, by the Dukakis/Bentsen Committtee, Senator Bentsen confirmed that his committee would comply with "all requirements for the lawful conduct of its activities." In the Letter of Certification and Agreement submitted by Governor Dukakis and Senator Bentsen in their application for public funding, they state: "We and our authorized committees will comply with the applicable requirements of . . . the Commission's regulations at 11 C.F.R. Parts 100-115 . . . ." These regulations include Part 110, the section of the regulations which govern dual candidacies.

Senator Bentsen has been fully advised of the requirements of both the statute and the regulations governing dual candidacy and is committed to compliance with their letter and their spirit.

3. The evidence presented by Complainants does not support a finding of any violation of the Federal Election Campaign Act or the Federal Election Commission regulations.

As stated, Complainants case in no way rests on facts. It is their view that the dual candidacy of Senator Bentsen, per se, violates the terms of the FECA and the Fund Act. This, they claim, is because one race has an unavoidable impact on the other; and that if Senator Bentsen raises private money for his re-election campaign, it will necessarily and inevitably violate the prohibition on the receipt of private monies by a publicly funded presidential campaign.

Nevertheless, Complainants seek to provide examples of this allegedly illegal influence of one campaign over the other. Upon close examination, this evidence will be revealed to be of no moment whatever. It shows no current violation of law, no intention to violate the law, and only underscores the weakness of Complainants' position.

a. Press Reports

There is first of all the matter of the press reports. Complainants make much of a statement by Texas Attorney General Jim Mattox in which he arguably suggested that Senator Bentsen could use his senate funds to help the presidential and vice presidential ticket. Apart from the ambiguity of the statement (and the question of whether it was properly reported), it does not, taken at face value, make any difference to the outcome of this case. Attorney General Mattox is not in a position to make decisions for the Bentsen Committee. He did not have any knowledge of an intent on behalf of the campaign to make any

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expenditures of a questionable legal character and has made no claim to that effect.

Similarly, Complainants quote an entirely innocuous comment made by Senator Bentsen to ABC News. That comment is in full text as follows:

> I think I can [campaign for both offices at the same time] and do it very well because as I campaign across different parts of the country, that message will be getting back to Texas, and at the same time I won't be neglecting Texas. I'll spend a lot of time there running for re-election, and I think in turn all of that will be helpful overall.

Complaint at p. 5. This statement boils down to a simple assertion which is, on its face, obvious. Senator Bentsen is acknowledging that a successful Senate race may affect his vice presidential campaign and vice versa. This is no more controversial than a suggestion by Vice President Bush that a successful vice presidency is likely to affect his presidential campaign.

Complainants also cite a report in the Campaign Hotline which suggested that certain Bentsen aides would split time between the senate and the vice presidential campaign. The report was, quite simply, not true. Senator Bentsen has established and will maintain separate campaign organizations and staff in compliance with FEC regulations.

b. <u>Mailgram to Senate Supporters</u>

The mailgram that Complainants cite in the Supplemental Complaint was sent by Senator Bentsen to his senate supporters informing them of his intention to seek the vice presidency in addition to his senate seat. Complainants themselves noted that the mailgram was sent out shortly after Senator Bentsen's name was recommended for the national ticket before he actually received the nomination. More significant, Complainants go to great length to avoid quoting the mailgram in full text--and thereby obfuscate its real purpose. Complainants neglect to quote, for example, the portion of the mailgram which states:

> Regardless of your commitments in the Presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified....

The mailgram, when read in its entirety, is clearly directed to Senator Bentsen's re-election effort.

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c. Senate Buttons and Bumper Stickers

Complainants also seek to build their case around bumper stickers and brochures distributed in Texas, which supposedly obscure the distinction between Bentsen the vice presidential candidate and Bentsen the senate candidate. In fact, all of these materials were produced before the primary election in Texas, when Senator Bentsen was a candidate only for the senate and there was no ambiguity over the office he sought. There was never any intention in the production of these bumper stickers and brochures to influence the election of any candidate to the vice presidency of the United States. Now that Senator Bentsen is seeking two offices, all production of bumper stickers and brochures will clearly reflect the appropriate office sought by Senator Bentsen, and they will be used only in connection with efforts to influence the election identified.

d. Phone Banking for Senate Re-election

Finally, Complainants seek to raise questions about a phone bank conducted in Texas which sought voter preference information on, among others, the senatorial and the presidential races. Press reports have made clear that the phone bank is the collective effort of the entire ticket in Texas to identify Democratic voters. It was established before Senator Bentsen received the vice presidential nomination and operated for some time on behalf of his senate re-election effort as well as the election efforts of other Texas candidates. It is emphasized that the phone bank operates not only for Senator Bentsen's benefit, but for the benefit of other candidates in Texas cooperating in this collaborative effort. Any such ticket-wide effort necessarily includes questions about support for the Democratic presidential and vice presidential candidates -- regardless of who the nominees for the presidency and the vice presidency happen to be--since such information is valuable to all Texas candidates.

Complainants do not allege that information has been provided to the Dukakis/Bentsen campaign in violation of any law or regulations. Quite simply, they cannot make these allegations because any information from the phone banking effort provided to the Dukakis/Bentsen campaign will be provided in accordance with all applicable statutes and FEC regulations.

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Conclusion

There has been no violation or potential violation presented to the Commission in this matter and the Commission should dismiss this Complaint and take no further action.

Very truly yours,

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SENSITIVE
EXECUTIVE SESSION
OCT 04 1988

FIRST GENERAL COUNSEL'S REPORT

MUR 2652
DATE COMPLAINT RECEIVED
BY OGC July 22, 1988
DATE OF NOTIFICATION TO
RESPONDENTS July 22, 1988
STAFF MEMBER: George F. Rishel

COMPLAINANTS: Rep. Beau Boulter and
Jann L. Olsten as executive director of the
National Republican Senatorial 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.	§ 431(8)(B)(xii)
	§ 441a(a)(1)(A)
	§ 441a(a)(5)(C)
	§ 441a(b)
	§ 441a(f)
26 U.S.C.	§ 9003(b)(2)
11 C.F.R.	§ 100.7(b)(16)
	§ 100.7(b)(17)
	§ 106.1(a)
	§ 106.1(b)
	§ 106.1(c)(3)
	§ 110.8(d)
	§ 9002.11(b)(3)
	§ 9003.2(a)(2)
Advisory Opinion 1975-11	
Advisory Opinion 1984-28	

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter arose from a complaint filed on July 22, 1988, alleging that because of Senator Lloyd Bentsen's dual candidacy for the Senate and Vice Presidency, unlawful in-kind contributions will flow between the Dukakis/Bentsen Committee,

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Inc., ("the Presidential Committee") and the Senator Lloyd Bentsen Election Committee ("the Senate Committee" or "the Bentsen Committee") by each expenditure made on behalf of Senator Bentsen's respective candidacies. On July 26, 1988, the Commission determined not to seek injunctive relief or initiate an immediate investigation on the basis of the allegations in the complaint. On August 1, 1988, the complainants filed a "First Supplemental Complaint." A copy of this supplement was circulated to the Commission on August 3, 1988. The Respondents were given an additional 15 days in which to respond to the allegations. The Respondents filed separate responses on August 25, 1988. See Attachments 1 and 2.

II. **FACTUAL AND LEGAL ANALYSIS**

Governor Michael Dukakis and Senator Lloyd Bentsen are the nominees of the Democratic Party seeking election as President and Vice President in the 1988 general election. They have designated the Dukakis/Bentsen Committee, Inc. (formerly the Dukakis for President General Election Committee), as their principal campaign committee. On July 26, 1988, the Commission certified Governor Dukakis and Senator Bentsen as eligible for public financing. The Secretary of the Treasury transferred the $46.1 million in funds to the committee's account on July 27, 1988. Senator Bentsen is also a candidate seeking election to the United State Senate from Texas in the 1988 general election. He has designated the Senator Lloyd Bentsen Election Committee as his principal campaign committee for his Senate campaign.

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A. The Act and Regulations

The Federal Election Campaign Act of 1971, as amended ("the Act"), limits the amount that any person, other than a multicandidate political committee, may contribute to any candidate for federal office to an aggregate of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The Act also prohibits a candidate or political committee from knowingly accepting contributions or making expenditures in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f). The Act treats as contributions those expenditures made in coordination with a candidate. 2 U.S.C. § 441a(a)(7)(B). The Act also 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 public financing. 26 U.S.C. § 9003(b)(2). Commission regulations explain that this agreement also applies to the candidates' authorized committees. 11 C.F.R. § 9003.2(a)(2).

The Fund Act provides that if Presidential or Vice Presidential candidates, or their committees, incur expenses to further the election of one or more other individuals to another office, the expenses incurred by them that are not specifically to further the election of such other individual(s) shall be considered as incurred to further the election of the Presidential and Vice Presidential candidates "in such proportion

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as the Commission prescribes by rules or regulations." 26 U.S.C. § 9002(11)(C). By regulation, the Commission has prescribed that expenditures by publicly-financed Presidential and Vice Presidential candidates that further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a). The regulation further provides that such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the candidates for President or Vice President. This regulation also explains that a candidate may make expenditures under this section in conjunction with other candidates for any public office, but that each candidate shall pay his or her proportionate share of the cost in accordance with 11 C.F.R. § 106.1(a). 11 C.F.R. § 9002.11(b)(3).

Moreover, the Act and Commission regulations recognize that a person may maintain dual candidacies for more than one federal office, including President or Vice President. 2 U.S.C. § 441a(a)(5)C) and 11 C.F.R. § 110.8(d). The Act precludes the transfer of funds between the principal campaign committees of a candidate actively seeking more than one federal office. In addition, the regulations require that a candidate who is seeking more than one federal office designate separate principal campaign committees and establish completely separate campaign organizations for each office sought. 11 C.F.R. § 110.8(d)(1). No funds, goods or service, including loans and loan guarantees may be transferred between or used by the separate campaigns, except as permitted in Section 110.3(a)(2)(iv) of Commission

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Regulations. 11 C.F.R. § 110.8(d)(2). Section 110.3(a)(2)(iv) permits unlimited transfers between a previous campaign committee and a current one as long as none of the funds transferred contain contributions that would be in violation of the Act. These regulations create a limited exception to these rules to permit the two 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. This exception, however, is not available to a candidate who is eligible for public financing. 11 C.F.R. § 110.8(d)(3).

With these foregoing provisions of the Act, the Fund Act, and Commission regulations in mind, we now turn to the allegations raised in this matter.

B. Analysis of the Allegations

The complaint essentially alleges that the Senate Committee has spent and intends to spend its own funds to benefit the Presidential Committee, thus alleging that violations have occurred or are about to occur. The complaint contends that the expenditure of the Senate Committee's private funds will "unavoidably" benefit both the Senate and Presidential campaigns because "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket." The complaint argues that because the Act places a limitation on the aggregate expenditures by the Presidential Committee and the Fund Act bars publicly-financed candidates from accepting contributions, the Commission should prohibit the Senate Committee from spending its funds or prohibit

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the Presidential Committee from spending a comparable amount of its funds unless Senator Bentsen agrees not to spend his Senate Committee funds or withdraws from the Senate race. In support of these allegations and arguments, the complaint presents these specific instances as evidence that violations of the Act and regulations have occurred or are about to occur: (1) reported comments by Texas Attorney General Jim Maddox and Senator Lloyd Bentsen and a report in Campaign Hotline; (2) a mailgram distributed by the Senate Committee in July 1988; (3) bumper stickers and a brochure being distributed by the Senate Committee; and (4) a phone bank operation being paid for by the Senate Committee.

In their responses, the Respondents point out that Governor Dukakis and Senator Bentsen have pledged, under penalty of perjury, to comply with all requirements of the federal election laws. They further point out that the Act and regulations explicitly permit dual candidacies for the Senate and Vice Presidency, provided separate campaigns are conducted and no transfers of funds between the two campaigns occur. They also note that such dual candidacies are also explicitly permitted by Texas law. A copy of the Texas statute is attached as Attachment 3. The Respondents assert that the Commission has rejected as part of the certification process and its subsequent litigation the complainants' per se argument that "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket" and that such expenditures will "unavoidably" influence the presidential race. Finally, the Respondents contend that the

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specific factual allegations do not support a finding that any of the legal requirements for a dual candidacy have been or will be violated.

The complainants rely on Advisory Opinion 1975-11 to support their per se argument. This advisory opinion was issued at a time when the Act imposed spending limits on Senate campaigns as well as Presidential campaigns. Subsequent to the issuance of Advisory Opinion 1975-11, however, 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). Because Senator Bentsen and his opponent may spend such funds as they may legally raise in their Senate campaigns, the basis and rationale for Advisory Opinion 1975-11 is no longer applicable. More importantly, Advisory Opinion 1975-11 has been superseded by the Commission's later adoption of its regulations specifically permitting dual candidacies. Thus, the complainants' reliance on this advisory opinion to support their per se argument is misplaced. Furthermore, the Commission resolved the issue raised by the complainants' per se contentions in the certification process. The Commission issued a Statement of Reasons in conjunction with its denial of the Petition to Deny Certification to the Dukakis/Bentsen Campaign in which it reviewed the regulations governing dual candidacies and then stated: "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

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Senatorial campaign." The Court of Appeals affirmed the Commission's certification decisions. Boulter v. FEC, No. 88-1541 (D.C. Cir. Aug. 3, 1988).

For the reasons previously stated by the Commission, this Office concludes that the complainants' argument that any expenditure by the Senate Committee must necessarily influence or aid the presidential campaign is unpersuasive and does not provide a basis on which to find reason to believe either committee has violated or will violate the Act and regulations. In view of this conclusion it is not necessary to address the Dukakis/Bentsen Committee's argument that the Act does not preempt Texas law, which also permits a dual candidacy in this instance.

Instead, as the Commission recognized in its Statement of Reasons, the focus is on whether specific activities by the Senate Committee provide a basis for finding reason to believe such violations have occurred or will occur. We now turn to the specific instances cited by the complainants as evidence of such violations.

Phone Bank

The Complainants allege that, according to an article in the Houston Chronicle published July 26th, the Senate Committee has been financing a phone bank that is calling on behalf of both the Senate race and the presidential race. They allege that the Senate Committee is either paying or advancing the costs that should be paid for by the Presidential Committee. They further note that more than $400,000 has been paid to the phone bank

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vendor by the Senate Committee through June 30, 1988.

Counsel for the Respondents acknowledge that the phone bank operation has included a question asking about voter preference in the presidential race. They argue, however, that such questions are commonplace in phone bank operations and are useful and helpful to all candidates participating in the operation. Counsel for the Presidential Committee states that if that committee were to incur any obligation with respect to the phone bank, it will pay its proportionate share of the costs. Counsel for the Senate Committee further asserts that press reports make it clear the phone bank "is the collective effort of the entire ticket in Texas to identify Democratic voters." He notes that the phone bank was established in April 1988 prior to Senator Bentsen's nomination and operated on behalf of his Senate re-election effort as well as the election efforts of other Texas candidates. He further avers that "any information from the phone banking effort provided to the Dukakis/Bentsen campaign will be provided in accordance with all applicable statutes and FEC regulations." The cited news report in the Houston Chronicle quotes Jack DeVore, one of Senator Bentsen's aides, as stating that the phone bank operation is sponsored by the Democratic Party, the Senate committee, and other area candidates.

The Act and regulations permit a state or local committee of a political party to pay for voter registration and get-out-the-vote activities conducted by it on behalf of its nominees for President and Vice President without such payments being treated as a contribution or expenditure under the Act if

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certain conditions are met. 2 U.S.C. § 431(8)(B)(xii) and 11 C.F.R. § 100.7(b)(17). If these activities include references to House or Senate candidates that are more than incidental, such House or Senate candidates must pay their allocable share of the costs or the party committee must treat such allocable shares as contributions or coordinated expenditures subject to the appropriate limits. 11 C.F.R. §§ 100.7(b)(17)(iv) and 106.1(c)(3). Conversely, payments for such a phone bank operation that do not qualify for this exemption would be contributions and expenditures under the Act to the extent that each participating or benefited candidate does not pay his or her allocable share. 11 C.F.R. § 106.1(b).

The reports of the Senate Committee through June 30, 1988, disclose that it has made $430,238 in payments since April 1, 1988, to a vendor identified only as "Eighty-Eight Texas." This vendor is located at 824 Heights Boulevard in Houston, Texas, which is the same address for another committee vendor identified as Campaign Strategies. See Attachment 6. The reports of the Democratic Senatorial Campaign Committee through July 31, 1988, disclose a total of $101,300 in payments this year to Eighty-Eight Texas as coordinated expenditures on behalf of Senator Bentsen's Senate campaign. The reports for the Democratic National Committee through July 31, 1988, disclose that it has made no coordinated expenditures in 1988. The reports for the federal account of the Texas Democratic Party through June 30, 1988, disclose no coordinated expenditures in 1988 and no payments or debts owed to Eighty-Eight Texas. The

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reports of the Democratic Congressional Campaign Committee covering June and July 1988 disclose no payments to Eighty-Eight Texas. This Office has also examined the July Quarterly reports filed by these Congressmen: Rep. Chapman (TX1), Rep. Wilson (TX2), Rep. Hall (TX4), Rep. Bryant (TX5), Rep. Brooks (TX9), Rep. Pickle (TX10), Rep. Leath (TX11), Rep. Wright (TX12), Rep. de la Garza (TX15), Rep. Coleman (TX16), Rep. Stenholm (TX17), Rep. Leland (TX18), Rep. Gonzalez (TX20), Rep. Bustamente (TX23), Rep. Frost (TX24), Rep. Andrews (TX25), and Rep. Ortiz (TX27). None of these reports disclose payments to Eighty-Eight Texas. The reports for the Dukakis for President primary committee and the Dukakis/Bentsen general election committee covering July 1988 disclose no payments to Eighty-Eight Texas.

As noted above, the only disclosed payments to Eighty-Eight Texas have been made by the Senate Committee and the DSCC. The phone bank has asked about preferences in the Presidential race as well as the Senate race. There has been no evidence produced to establish that this phone bank is a party activity, as claimed by counsel, or that it qualifies for the Act's exemption. Instead, the facts as presently known suggest that this activity may "specifically further the election of" Governor Dukakis as President as well as for the Senator Bentsen's Senate candidacy and possibly other federal candidates. See 11 C.F.R. § 9002.11(b)(3). Thus, payments for this phone bank appear to be expenditures by the authorized committee of one candidate on behalf of another candidate in cooperation or coordination or at the request, suggestion, or authorization of such other

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candidate. If they are, each candidate should pay his or her allocable share of the expenses for this activity. See 11 C.F.R. § 106.1(b). Of course, the state party may pay the share allocable to the presidential campaign. At the present time, there is no evidence that anyone other than the Senate Committee and the DSCC have paid for the expenses of this phone bank operation. Therefore, it appears that the Senate Committee has made an in-kind contribution to the Presidential Committee and that the amount of this in-kind contribution exceeds $1,000.

Accordingly, this Office recommends that the Commission find reason to believe the Senate Committee has made contributions to the Presidential Committee in excess of $1,000 with respect to the 1988 general election in violation of 2 U.S.C. § 441a(a)(1)(A) and the Presidential Committee has knowingly accepted contributions in excess of the limitations of Section 441a in violation of 2 U.S.C. § 441a(f) and accepted contributions to defray its qualified campaign expenses in violation of 26 U.S.C. § 9003(b)(2). This Office also recommends that the Commission approve the proposed interrogatories and request for documents to the Respondents.

Press Reports

The complainants cite three press reports as evidence that the Respondents are about to violate the Act and regulations. These press reports relate to comments made by Texas Attorney General Jim Mattox and by Senator Bentsen and a report in the Campaign Hotline.

According to the complainants, Texas Attorney General Jim

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Mattox made the following statement during a broadcast of ABC News: "Lloyd Bentsen has got $6 million in the bank that he can help use to carry Texas for the ticket." Counsel for the Bentsen Committee points out that Mr. Mattox "is not in a position to make decisions for the Bentsen Committee" and that he "did not have any knowledge of an intent on behalf of the campaign to make any expenditures of a questionable legal character and has made no claim to that effect." Thus, there is no evidence the Senate campaign was connected with this report or that the report purports to state the Senate Committee's intentions.

The complainants cite to a statement made by Senator Bentsen on ABC News on July 19, 1988, in which he said:

> I think I can [campaign for both offices at the same time] and do it very well because as I campaign across different parts of the country, that message will be getting back to Texas, and at the same time I won't be neglecting Texas. I'll spend a lot of time there running for re-election, and I think in turn all of that will be helpful overall.

Counsel for the Bentsen Committee states that in this comment "Senator Bentsen is acknowledging that a successful Senate race may affect his vice presidential campaign and vice versa." The comment appears to refer primarily to news coverage relating to the two campaigns. This Office notes that the thrust of this statement does not necessarily imply that the Senate committee intends to contravene the legal requirements for dual candidacies. Furthermore, this statement does not contradict or call into question the representation made under penalty of perjury by Senator Bentsen that he would comply with federal campaign laws.

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The complainants also refer to a report in the Campaign Hotline that the Boston Globe "reported that Bentsen aides Jack DeVore, Michael Levy and Jack Martin will split their time between Senate and VP campaigns." A copy of the Campaign Hotline item is attached as Attachment 4. Counsel for the Bentsen Committee asserts that this report is "quite simply, not true. Senator Bentsen has established and will maintain separate campaign organizations and staff in compliance with FEC regulations." In its Statement of Reasons, the Commission described this report's allegations as "speculative."

Through this Office's library and the Library of Congress, we have obtained the Boston Globe article on which the Campaign Hotline report was apparently based. See Attachment 5. One of the three aides, Jack DeVore, is not mentioned by name at all in this article. With respect to Jack Martin, the article states:

> Jack Martin, an Austin businessman who handles Bentsen's political affairs in Texas, is the campaign manager for the Senate race and will play a major role in the vice presidential campaign.
>
> According to aides involved in preliminary talks, it has not been determined whether Martin will concentrate his efforts in Texas--where he commands a strong political organization--to try to ensure that the Democrats win the state's 29 electoral votes or whether he will direct Bentsen's nationwide campaign.

With respect to Michael Levy, the article states:

> Another Bentsen aide from his Senate staff, administrative assistant Mike Levy, will also be active this fall."

Some of these statements are not attributed as to their source. They were also made prior to Senator Bentsen's nomination when campaign planning was still in the formative stages. Aside from these statements, the complainants have presented no evidence in

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this matter which indicates the two campaigns have actually shared staff after Senator Bentsen's nomination. Respondents, however, have also not presented any affidavits or other evidence that campaign staff have not been shared by the two campaigns.

Accordingly, this Office has included questions related to this issue in the proposed interrogatories.

Mailgram

The Complainants contend that a mailgram paid for by the Senate Committee benefits both the vice presidential and Senate candidacies. In its entirety, the mailgram states:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee and I have accepted. I will also continue my race for re-election to the Senate. Were I to resign from that race the law would not permit a replacement on the ballot, so there will be two races as happened one other time in Texas history. I am deeply grateful for the confidence you have shown in me and for the tremendous bipartisan support I have received. I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support. Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified and the voters should be given a clear choice in a special election at a later date. I hope I can count on your continued leadership during this critical period.

Counsel for the Respondents argue that this mailgram is clearly directed to Senator Bentsen's re-election to the Senate, not to the vice presidential or presidential race. Counsel for the Dukakis/Bentsen Committee further contends that there is no basis for the contention that the mailgram is an expense of the presidential campaign and cites to 26 U.S.C. § 9002(11).

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As both the complainants and the Respondents note, the mailgram was sent on July 12, 1988, before Senator Bentsen was nominated. It does appear to be directed to supporters of his Senate candidacy and seeks to insure their continued support, despite their views on the presidential race. It also mentions both Governor Dukakis as a presidential candidate and Senator Bentsen as a vice presidential candidate. The Act's coattail exemption suggests, at least inferentially, that communications by a federal candidate that mention or refer to other federal candidates may constitute a contribution or expenditure unless the communication qualifies for the coattail exemption. See 2 U.S.C. § 431(8)(B)(xi); 11 C.F.R. § 100.7(b)(16); and Advisory Opinion 1984-28. We note that if this mailgram were sent to a list developed by the Senate Committee, it could conceivably qualify for the coattail exemption. The Respondents, however, have not provided any information regarding to whom this mailgram was sent or the list or source of the names used. Therefore, questions relating to this issue have been included in the proposed interrogatories.

Nevertheless, in our view, any characterization of the expenses of this mailgram in a case involving a dual Senate candidate and a Vice Presidential candidate should also be made in harmony with the determination of qualified campaign expenses and the allocation of expenses among candidates made pursuant to 11 C.F.R. § 9002.11(b)(3). The reason is that it would seem illogical to say that an expense for a particular activity is a contribution to a presidential or vice presidential candidacy if

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paid for by the Senate candidacy but would not be a qualified campaign expense if paid for by the presidential or vice presidential candidacy. Section 9002.11(b)(3) provides that expenses will be considered a qualified campaign expenses only to the extent that they "specifically further the election of the candidate for President or Vice President." This issue can be more appropriately addressed once the identity of the list used for the mailgram is known.

Bumper Stickers and Brochures

The complainants asserts that the Senate Committee has paid for and distributed bumper stickers and a brochure that benefit both Bentsen candidacies. They claim that the slogan "Bentsen '88" on the bumper stickers advocate both his election as Vice President and his re-election as Senator. They also contend the absence of specific references to Bentsen as a Senate candidate in the brochure results in its benefiting both candidacies. They further note that both items were being distributed after Senator Bentsen's nomination as a candidate for Vice President and quote a reported comment by Jack Martin that such generic items would be used rather than ones specifying an office or year.

Counsel for the Bentsen Committee points out that all of these materials were produced before the primary election in Texas, when Senator Bentsen was a candidate only for the Senate and that there was never any intention in the production of the items to influence the election of any candidate to the Vice Presidency. He further states that "[n]ow that Senator Bentsen is seeking two offices, all production of bumper stickers and

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brochures will clearly reflect the appropriate office sought by Senator Bentsen, and they will be used only in connection with efforts to influence the election identified." Counsel for the Presidential Committee also notes that the bumper stickers carry a disclaimer identifying them as paid for by the Senate Committee and that the brochures are likewise identified as paid for and sponsored by the Senate Committee. He also argues that the dual candidacy regulations only prohibit the transfers of goods, services, and funds between the two campaigns and do not regulate how a candidate may refer to himself with respect to each office he is seeking.

Counsel for the Respondents assert that these materials were prepared prior to Senator Bentsen's candidacy for Vice President and are identified as paid for by the Senate Committee. An affidavit appended to the complaint tends to corroborate this contention. Counsel for the Senate Committee further asserts that any "generic" materials, such as these will be replaced with materials that more clearly reflect the office sought. Moreover, the use of materials using slogans such as "Bentsen '88" are typical and commonplace in congressional campaigns, and such materials were prepared in this case for use in the Senate campaign prior to Senator Bentsen's vice presidential candidacy. Conversely, the use of a vice presidential candidate's name alone on bumper stickers and brochures is rare in presidential campaigns. Nevertheless, there have been no affidavits or other evidence presented by the Respondents to support their contention that the bumper stickers and brochures were produced solely for

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and by the Bentsen Committee and have not been used in connection with the Presidential or Vice Presidential campaign. Therefore, questions relating to this issue have been included in the proposed interrogatories.

III. RECOMMENDATIONS

1. Find reason to believe the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, have violated 2 U.S.C. § 441a(a)(1)(A).

2. Find reason to believe the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, have violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2).

3. Approve the attached letters, factual and legal analyses, and interrogatories and requests for documents.

Date 9/27/88

Lawrence M. Noble
General Counsel

Attachments
1. Response of the Dukakis/Bentsen Committee
2. Response of the Senator Lloyd Bentsen Election Committee
3. Excerpt from Texas statutes
4. Campaign Hotline report
5. Boston Globe article
6. Excerpts from July Quarterly Report for Bentsen Committee
7. Proposed letters(2), factual and legal analyses(2), and interrogatories and requests for documents(2).

Staff Person: George F. Rishel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer	)	MUR 2652
Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of October 4, 1988, do hereby certify that the Commission took the following actions in MUR 2652:

1. Decided by a vote of 5-1 to

   a) Find reason to believe the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, have violated 2 U.S.C. § 441a(a)(1)(A).

   b) Find reason to believe the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, have violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2).

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

(continued)

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2. Decided by a vote of 5-1 to approve the letters, factual and legal analyses, and interrogatories and requests for documents as recommended in the General Counsel's report dated September 27, 1988, subject to the amendments agreed upon during the meeting discussion.

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

Attest:

10-5-88
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

October 7, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: Revised Letters, Factual and Legal Analyses and Interrogatories in MUR 2652

Pursuant to the Commission's action on October 4, 1988, the attached letters, factual and legal analyses, and interrogatories and requests for documents are being recirculated on a tally vote basis for the Commission's approval.

The following changes have been made to these documents:

(1) the letters have been revised in the last paragraph to reflect the reassignment of this matter to another staff person;

(2) the factual and legal analyses have been revised to move the paragraph on Page 11 (in both analyses) at the end of the phone bank discussion to the end of the factual an legal analyses on Page 17 as well as to correct the grammatical error on Page 17;

(3) the interrogatories to the Presidential Committee have been revised to include the missing portion of Interrogatory A. 3. in the middle of page 4 and to add Interrogatory B. 2. on Page 4 (asking about the sharing of offices and whether a Senate or Presidential campaign office has distributed materials for both campaigns); and

(4) the interrogatories to the Senate Committee have been revised to add Interrogatory A. 8. at the top of page 5 (asking about whether information from the phone bank has been provided to the Presidential campaign) and Interrogatory B. 2. on page 5 (asking about the sharing of offices and whether a Senate or Presidential campaign office has distributed materials for both campaigns).

These revisions have been noted on the attachments.

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This Office recommends that the Commission approve these letters, factual and legal analyses, and interrogatories and requests for documents.

RECOMMENDATION

Approve the attached letters(2), factual and legal analyses(2), and interrogatories and requests for documents(2).

Attachments

Staff persons: George F. Rishel
Jim Brown

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dukakis/Bentsen Committee, Inc.	)	MUR 2652
and Robert A. Farmer, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission,, do hereby certify that on October 12, 1988, the Commission decided by a vote of 4-1 to approve the letters, factual and legal analyses, interrogatories and requests for documents as recommended in the General Counsel's report dated October 7, 1988.

Commissioners Aikens, Josefiak, McDonald, and McGarry voted affirmatively for the decision; Commissioner Elliott dissented; Commissioner Thomas did not vote.

Attest:

Oct. 13, 1988
Date

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

Received in the FEC Secretariat: Friday, 10/7/88 at 10:07 a.m.
Circulated on a 48-hour vote basis Friday, 10/7/88 at 2:00 p.m.
Deadline for vote: Wed., 10/12/88 at 4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 1988

Kenneth A. Gross, Esquire
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 2652
Dukakis/Bentsen
Committee, Inc., and
Robert A. Farmer, as
treasurer

Dear Mr. Gross:

On July 22, 1988, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") and Chapter 95 of Title 26 of the United States Code. A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on October 4, 1988, found that there is reason to believe the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, have violated 2 U.S.C. § 441a(f), a provision of the Act, and 26 U.S.C. § 9003(b)(2). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and its treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and its treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the 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 the 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, the Commission will not entertain requests for pre-probable cause conciliation 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 the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Jim Brown, the staff person assigned to this matter, at (202) 376-8200.

Sincerely,

Thomas J. Josefiak
Chairman

Enclosures
Questions
Factual & Legal Analysis

cc: Scott Blake Harris, Esquire
Williams & Connolly
839 17th Street, N.W.
Washington, D.C. 20006

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

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

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer **MUR: 2652**

I. GENERATION OF MATTER

This matter arose from a complaint filed on July 22, 1988, alleging that because of Senator Lloyd Bentsen's dual candidacy for the Senate and Vice Presidency, unlawful in-kind contributions will flow between the Dukakis/Bentsen Committee, Inc., ("the Presidential Committee") and the Senator Lloyd Bentsen Election Committee ("the Senate Committee" or "the Bentsen Committee") by each expenditure made on behalf of Senator Bentsen's respective candidacies. On July 26, 1988, the Commission determined not to seek injunctive relief or initiate an immediate investigation on the basis of the allegations in the complaint. On August 1, 1988, the Complainants filed a "First Supplemental Complaint." The Respondents filed separate responses on August 25, 1988.

II. FACTUAL AND LEGAL ANALYSIS

Governor Michael Dukakis and Senator Lloyd Bentsen are the nominees of the Democratic Party seeking election as President and Vice President in the 1988 general election. They have designated the Dukakis/Bentsen Committee, Inc. (formerly the Dukakis for President General Election Committee), as their principal campaign committee. On July 26, 1988, the Commission certified Governor Dukakis and Senator Bentsen as eligible for public financing. The Secretary of the Treasury transferred the

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$46.1 million in funds to the committee's account on July 27, 1988. Senator Bentsen is also a candidate seeking election to the United State Senate from Texas in the 1988 general election. He has designated the Senator Lloyd Bentsen Election Committee as his principal campaign committee for his Senate campaign.

A. The Act and Regulations

The Federal Election Campaign Act of 1971, as amended ("the Act"), limits the amount that any person, other than a multicandidate political committee, may contribute to any candidate for federal office to an aggregate of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The Act also prohibits a candidate or political committee from knowingly accepting contributions or making expenditures in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f). The Act treats as contributions those expenditures made in coordination with a candidate. 2 U.S.C. § 441a(a)(7)(B). The Act also 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 public financing. 26 U.S.C. § 9003(b)(2). Commission regulations explain that this agreement also applies to the candidates' authorized committees. 11 C.F.R. § 9003.2(a)(2).

The Fund Act provides that if Presidential or Vice Presidential candidates, or their committees, incur expenses to

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further the election of one or more other individuals to another office, the expenses incurred by them that are not specifically to further the election of such other individual(s) shall be considered as incurred to further the election of the Presidential and Vice Presidential candidates "in such proportion as the Commission prescribes by rules or regulations." 26 U.S.C. § 9002(11)(C). By regulation, the Commission has prescribed that expenditures by publicly-financed Presidential and Vice Presidential candidates that further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a). The regulation further provides that such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the candidates for President or Vice President. This regulation also explains that a candidate may make expenditures under this section in conjunction with other candidates for any public office, but that each candidate shall pay his or her proportionate share of the cost in accordance with 11 C.F.R. § 106.1(a). 11 C.F.R. § 9002.11(b)(3).

Moreover, the Act and Commission regulations recognize that a person may maintain dual candidacies for more than one federal office, including President or Vice President. 2 U.S.C. § 441a(a)(5)C) and 11 C.F.R. § 110.8(d). The Act precludes the transfer of funds between the principal campaign committees of a candidate actively seeking more than one federal office. In addition, the regulations require that a candidate who is seeking more than one federal office designate separate principal

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campaign committees and establish completely separate campaign organizations for each office sought. 11 C.F.R. § 110.8(d)(1). No funds, goods or service, including loans and loan guarantees may be transferred between or used by the separate campaigns, except as permitted in Section 110.3(a)(2)(iv) of Commission Regulations. 11 C.F.R. § 110.8(d)(2). Section 110.3(a)(2)(iv) permits unlimited transfers between a previous campaign committee and a current one as long as none of the funds transferred contain contributions that would be in violation of the Act. These regulations create a limited exception to these rules to permit the two 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. This exception, however, is not available to a candidate who is eligible for public financing. 11 C.F.R. § 110.8(d)(3).

B. Analysis of the Allegations

The complaint essentially alleges that the Senate Committee has spent and intends to spend its own funds to benefit the Presidential Committee, thus alleging that violations have occurred or are about to occur. The complaint contends that the expenditure of the Senate Committee's private funds will "unavoidably" benefit both the Senate and Presidential campaigns because "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket." The complaint argues that because the Act places a limitation on the aggregate expenditures by the Presidential Committee and the Fund Act bars publicly-financed

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candidates from accepting contributions, the Commission should prohibit the Senate Committee from spending its funds or prohibit the Presidential Committee from spending a comparable amount of its funds unless Senator Bentsen agrees not to spend his Senate Committee funds or withdraws from the Senate race. In support of these allegations and arguments, the complaint presents these specific instances as evidence that violations of the Act and regulations have occurred or are about to occur: (1) reported comments by Texas Attorney General Jim Maddox and Senator Lloyd Bentsen and a report in Campaign Hotline; (2) a mailgram distributed by the Senate Committee in July 1988; (3) bumper stickers and a brochure being distributed by the Senate Committee; and (4) a phone bank operation being paid for by the Senate Committee.

In their responses, the Respondents point out that Governor Dukakis and Senator Bentsen have pledged, under penalty of perjury, to comply with all requirements of the federal election laws. They further point out that the Act and regulations explicitly permit dual candidacies for the Senate and Vice Presidency, provided separate campaigns are conducted and no transfers of funds between the two campaigns occur. They also note that such dual candidacies are also explicitly permitted by Texas law. The Respondents assert that the Commission has rejected as part of the certification process and its subsequent litigation the Complainants' per se argument that "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket" and that such expenditures will

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"unavoidably" influence the presidential race. Finally, the Respondents contend that the specific factual allegations do not support a finding that any of the legal requirements for a dual candidacy have been or will be violated.

The Complainants rely on Advisory Opinion 1975-11 to support their per se argument. This advisory opinion was issued at a time when the Act imposed spending limits on Senate campaigns as well as Presidential campaigns. Subsequent to the issuance of Advisory Opinion 1975-11, however, 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. 94-283, 90 Stat. 475 (1976). Because Senator Bentsen and his opponent may spend such funds as they may legally raise in their Senate campaigns, the basis and rationale for Advisory Opinion 1975-11 is no longer applicable. More importantly, Advisory Opinion 1975-11 has been superseded by the Commission's later adoption of its regulations specifically permitting dual candidacies. Thus, the Complainants' reliance on this advisory opinion to support their per se argument is misplaced. Furthermore, the Commission resolved the issue raised by the Complainants' per se contentions in the certification process. The Commission issued a Statement of Reasons in conjunction with its denial of the Petition to Deny Certification to the Dukakis/Bentsen Campaign in which it reviewed the regulations governing dual candidacies and then stated: "nothing in the campaign finance statutes or regulations requires Senator Bentsen to withdraw from the Senate

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race or prohibits him from using private contributions to further his Senatorial campaign." The Court of Appeals affirmed the Commission's certification decisions. Boulter v. FEC, No. 88-1541 (D.C. Cir. Aug. 3; 1988).

For the reasons previously stated by the Commission, the Complainants' argument that any expenditure by the Senate Committee must necessarily influence or aid the presidential campaign is unpersuasive and does not provide a basis on which to find reason to believe either committee has violated or will violate the Act and regulations. In view of this conclusion it is not necessary to address the Dukakis/Bentsen Committee's argument that the Act does not preempt Texas law, which also permits a dual candidacy in this instance.

Instead, as the Commission recognized in its Statement of Reasons, the focus is on whether specific activities by the Senate Committee provide a basis for finding reason to believe such violations have occurred or will occur.

Phone Bank

The Complainants allege that, according to an article in the Houston Chronicle published July 26th, the Senate Committee has been financing a phone bank that is calling on behalf of both the Senate race and the presidential race. They allege that the Senate Committee is either paying or advancing the costs that should be paid for by the Presidential Committee. They further note that more than $400,000 has been paid to the phone bank vendor by the Senate Committee through June 30, 1988.

Counsel for the Respondents acknowledge that the phone bank

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operation has included a question asking about voter preference in the presidential race. They note that such questions are commonplace in phone bank operations and are useful and helpful to all candidates participating in the operation. Counsel for the Presidential Committee states that if that committee were to incur any obligation with respect to the phone bank, it will pay its proportionate share of the costs. Counsel for the Senate Committee further asserts that press reports make it clear the phone bank "is the collective effort of the entire ticket in Texas to identify Democratic voters." He notes that the phone bank was established in April 1988 prior to Senator Bentsen's nomination and operated on behalf of his Senate re-election effort as well as the election efforts of other Texas candidates. He further avers that "any information from the phone banking effort provided to the Dukakis/Bentsen campaign will be provided in accordance with all applicable statutes and FEC regulations."

The cited news report in the Houston Chronicle quotes Jack DeVore, one of Senator Bentsen's aides, as stating that the phone bank operation is sponsored by the Democratic Party, the Senate Committee, and other area candidates.

The Act and regulations permit a state or local committee of a political party to pay for voter registration and get-out-the-vote activities conducted by it on behalf of its nominees for President and Vice President without such payments being treated as a contribution or expenditure under the Act if certain conditions are met. 2 U.S.C. § 431(8)(B)(xii) and 11 C.F.R. § 100.7(b)(17). If these activities includes

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references to House or Senate candidates that are more than incidental, such House or Senate candidates must pay their allocable share of the costs or the party committee must treat such allocable shares as contributions or coordinated expenditures subject to the appropriate limits. 11 C.F.R. §§ 100.7(b)(17)(iv) and 106.1(c)(3). Conversely, payment for such a phone bank operation that do not qualify for this exemption would be contributions and expenditures under the Act to the extent that each participating or benefited candidate does not pay his or her allocable share. 11 C.F.R. § 106.1(b).

The reports of the Senate Committee through June 30, 1988, disclose that it has made $430,238 in payments since April 1, 1988, to a vendor identified only as "Eighty-Eight Texas." This vendor is located at 824 Heights Boulevard in Houston, Texas, which is the same address for another committee vendor identified as Campaign Strategies. The reports of the Democratic Senatorial Campaign Committee through July 31, 1988, disclose a total of $101,300 in payments this year to Eighty-Eight Texas as coordinated expenditures on behalf of Senator Bentsen's Senate campaign. The reports for the Democratic National Committee through July 31, 1988, disclose that it has made no coordinated expenditures in 1988. The reports for the federal account of the Texas Democratic Party through June 30, 1988, disclose no coordinated expenditures in 1988 and no payments or debts owed to Eighty-Eight Texas. The reports of the Democratic Congressional Campaign Committee covering June and July 1988 disclose no payments to Eighty-Eight Texas. An examination was made of the

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July Quarterly reports filed by these Congressmen: Rep. Chapman (TX1), Rep. Wilson (TX2), Rep. Hall (TX4), Rep. Bryant (TX5), Rep. Brooks (TX9), Rep. Pickle (TX10), Rep. Leath (TX11), Rep. Wright (TX12), Rep. de la Garza (TX15), Rep. Coleman (TX16), Rep. Stenholm (TX17), Rep. Leland (TX18), Rep. Gonzalez (TX20), Rep. Bustamente (TX23), Rep. Frost (TX24), Rep. Andrews (TX25), and Rep. Ortiz (TX27). None of these reports disclose payments to Eighty-Eight Texas. The reports for the Dukakis for President primary committee and the Dukakis/Bentsen general election committee covering July 1988 disclose no payments to Eighty-Eight Texas.

As noted above, the only disclosed payments to Eighty-Eight Texas have been made by the Senate Committee and the DSCC. The phone bank has asked about preferences in the Presidential race as well as the Senate race. There has been no evidence produced to establish that this phone bank is a party activity, as claimed by counsel, or that it qualifies for the Act's exemption. Instead, the facts as presently known suggest that this activity may "specifically further the election of" Governor Dukakis as President as well as for the Senator Bentsen's Senate candidacy and possibly other federal candidates. See 11 C.F.R. § 9002.11(b)(3). Thus, payments for this phone bank appear to be expenditures by the authorized committee of one candidate on behalf of another candidate in cooperation or coordination or at the request, suggestion, or authorization of such other candidate. If they are, each candidate should pay his or her allocable share of the expenses for this activity. See

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11 C.F.R. § 106.1(b). Of course, the state party may pay the share allocable to the presidential campaign. At the present time, there is no evidence that anyone other than the Senate Committee and the DSCC have paid for the expenses of this phone bank operation. Therefore, it appears that the Senate Committee has made an in-kind contribution to the Presidential Committee and that the amount of this in-kind contribution exceeds $1,000.

Press Reports

The Complainants cite three press reports as evidence that the Respondents are about to violate the Act and regulations. These press reports relate to comments made by Texas Attorney General Jim Mattox and by Senator Bentsen and a report in the Campaign Hotline.

According to the Complainants, Texas Attorney General Jim Mattox made the following statement during a broadcast of ABC News: "Lloyd Bentsen has got $6 million in the bank that he can help use to carry Texas for the ticket." Counsel for the Bentsen Committee points out that Mr. Mattox "is not in a position to make decisions for the Bentsen Committee" and that he "did not have any knowledge of an intent on behalf of the campaign to make any expenditures of a questionable legal character and has made no claim to that effect." Thus, there is no evidence the Senate campaign was connected with this report or that the report purports to state the Senate Committee's intentions.

The Complainants cite to a statement made by Senator Bentsen on ABC News on July 19, 1988, in which he said:

> I think I can [campaign for both offices at the same time] and do it very well because as I campaign across

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> different parts of the country, that message will be getting back to Texas, and at the same time I won't be neglecting Texas. I'll spend a lot of time there running for re-election, and I think in turn all of that will be helpful overall.

Counsel for the Bentsen Committee states that in this comment "Senator Bentsen is acknowledging that a successful Senate race may affect his vice presidential campaign and vice versa." The comment appears to refer primarily to news coverage relating to the two campaigns. The thrust of this statement does not necessarily imply that the Senate committee intends to contravene the legal requirements for dual candidacies. Furthermore, this statement does not contradict or call into question the representation made under penalty of perjury by Senator Bentsen that he would comply with federal campaign laws.

The Complainants also refer to a report in the Campaign Hotline that the Boston Globe "reported that Bentsen aides Jack DeVore, Michael Levy and Jack Martin will split their time between Senate and VP campaigns." Counsel for the Bentsen Committee asserts that this report is "quite simply, not true. Senator Bentsen has established and will maintain separate campaign organizations and staff in compliance with FEC regulations." In its Statement of Reasons, the Commission described this report's allegations as "speculative."

The Boston Globe article on which the Campaign Hotline report was apparently based does not fully support the Campaign Hotline report. One of the three aides, Jack DeVore, is not mentioned by name at all in this article. With respect to Jack Martin, the article states:

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> Jack Martin, an Austin businessman who handles Bentsen's political affairs in Texas, is the campaign manager for the Senate race and will play a major role in the vice presidential campaign.
>
> According to aides involved in preliminary talks, it has not been determined whether Martin will concentrate his efforts in Texas--where he commands a strong political organization--to try to ensure that the Democrats win the state's 29 electoral votes or whether he will direct Bentsen's nationwide campaign.

With respect to Michael Levy, the article states:

> Another Bentsen aide from his Senate staff, administrative assistant Mike Levy, will also be active this fall."

Some of these statements are not attributed as to their source. They were also made prior to Senator Bentsen's nomination when campaign planning was still in the formative stages. Aside from these statements, the Complainants have presented no evidence which indicates the two campaigns have actually shared staff after Senator Bentsen's nomination. Respondents, however, have also not presented any affidavits or other evidence that campaign staff have not been shared by the two campaigns.

Therefore, further investigation is necessary.

Mailgram

The Complainants contend that a mailgram paid for by the Senate Committee benefits both the vice presidential and Senate candidacies. In its entirety, the mailgram states:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee and I have accepted. I will also continue my race for re-election to the Senate. Were I to resign from that race the law would not permit a replacement on the ballot, so there will be two races as happened one other time in Texas history. I am deeply grateful for the confidence you have shown in me and for the tremendous bipartisan support I have received. I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the

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> Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support. Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified and the voters should be given a clear choice in a special election at a later date. I hope I can count on your continued leadership during this critical period.

Counsel for the Respondents argue that this mailgram is clearly directed to Senator Bentsen's re-election to the Senate, not to the vice presidential or presidential race. Counsel for the Dukakis/Bentsen Committee further contends that there is no basis for the contention that the mailgram is an expense of the presidential campaign and cites to 26 U.S.C. § 9002(11).

As both the Complainants and the Respondents note, the mailgram was sent on July 12, 1988, before Senator Bentsen was nominated. It does appear to be directed to supporters of his Senate candidacy and seeks to insure their continued support, despite their views on the presidential race. It also mentions both Governor Dukakis as a presidential candidate and Senator Bentsen as a vice presidential candidate. The Act's coattail exemption suggests, at least inferentially, that communications by a federal candidate that mention or refer to other federal candidates may constitute a contribution or expenditure unless the communication qualifies for the coattail exemption. See 2 U.S.C. § 431(8)(B)(xi); 11 C.F.R. § 100.7(b)(16); and Advisory Opinion 1984-28. If this mailgram were sent to a list developed by the Senate Committee, it could conceivably qualify for the coattail exemption. The Respondents, however, have not provided

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any information regarding to whom this mailgram was sent or the list or source of the names used. Therefore, further investigation is necessary.

Nevertheless, any characterization of the expenses of this mailgram in a case involving a dual Senate candidate and a Vice Presidential candidate should also be made in harmony with the determination of qualified campaign expenses and the allocation of expenses among candidates made pursuant to 11 C.F.R. § 9002.11(b)(3). The reason is that it would seem illogical to say that an expense for a particular activity is a contribution to a presidential or vice presidential candidacy if paid for by the Senate candidacy but would not be a qualified campaign expense if paid for by the presidential or vice presidential candidacy. Section 9002.11(b)(3) provides that expenses will be considered qualified campaign expenses only to the extent that they "specifically further the election of the candidate for President or Vice President."

Bumper Stickers and Brochures

The Complainants assert that the Senate Committee has paid for and distributed bumper stickers and a brochure that benefit both Bentsen candidacies. They claim that the slogan "Bentsen '88" on the bumper stickers advocate both his election as Vice President and his re-election as Senator. They also contend the absence of specific references to Bentsen as a Senate candidate in the brochure results in its benefiting both candidacies. They further note that both items were being distributed after Senator Bentsen's nomination as a candidate for Vice President and quote

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a reported comment by Jack Martin that such generic items would be used rather than ones specifying an office or year.

Counsel for the Bentsen Committee points out that all of these materials were produced before the primary election in Texas, when Senator Bentsen was a candidate only for the Senate and that there was never any intention in the production of the items to influence the election of any candidate to the Vice Presidency. He further states that "[n]ow that Senator Bentsen is seeking two offices, all production of bumper stickers and brochures will clearly reflect the appropriate office sought by Senator Bentsen, and they will be used only in connection with efforts to influence the election identified." Counsel for the Presidential Committee also notes that the bumper stickers carry a disclaimer identifying them as paid for by the Senate Committee and that the brochures are likewise identified as paid for and sponsored by the Senate Committee. He also argues that the dual candidacy regulations only prohibit the transfers of goods, services, and funds between the two campaigns and do not regulate how a candidate may refer to himself with respect to each office he is seeking.

Counsel for the Respondents assert that these materials were prepared prior to Senator Bentsen's candidacy for Vice President and are identified as paid for by the Senate Committee. An affidavit appended to the complaint tends to corroborate this contention. Counsel for the Senate Committee further asserts that any "generic" materials, such as these will be replaced with materials that more clearly reflect the office sought. Moreover,

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the use of materials using slogans such as "Bentsen '88" are typical and commonplace in congressional campaigns, and such materials were prepared in this case for use in the Senate campaign prior to Senator Bentsen's vice presidential candidacy. Conversely, the use of a vice presidential candidate's name alone on bumper stickers and brochures is rare in presidential campaigns. Nevertheless, there have been no affidavits or other evidence presented by the Respondents to support their contention that the bumper stickers and brochures were produced solely for and by the Bentsen Committee and have not been used in connection with the Presidential or Vice Presidential campaign. Therefore, further investigation is necessary.

Conclusion

Based on the foregoing, there is reason to believe the Presidential Committee has knowingly accepted contributions in excess of the limitations of Section 441a in violation of 2 U.S.C. § 441a(f) and accepted contributions to defray its qualified campaign expenses in violation of 26 U.S.C. § 9003(b)(2).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 2652
)

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

TO: Robert A. Farmer, Treasurer
Dukakis/Bentsen Committee, Inc.
c/o Kenneth A. Gross, Esquire
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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

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

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories 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.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUESTS FOR DOCUMENTS

A. The following interrogatories and requests for documents relate to the phone bank operation that is the subject of the allegation in the First Supplemental Complaint in MUR 2652 and involving payments by the Senator Lloyd Bentsen Election Committee to Eighty-Eight Texas, 824 Heights Boulevard, Houston, Texas.

1. (a) State whether the Dukakis/Bentsen Committee, Inc., ("the Committee") has made any agreement or arrangement with Eighty-Eight Texas for it to provide services to the Committee with respect to the 1988 general election.

(b) If so, provide copies of all such agreements or arrangements between the Committee and Eighty-Eight Texas.

2. (a) State whether the Committee has entered into any joint agreement or arrangement with any other candidate, political party committee, or political committee for services by Eighty-Eight Texas with respect to the 1988 general election.

(b) If so, provide copies of all such agreements or arrangements.

3. List all payments made (or expenses incurred) by the Committee to Eighty-Eight Texas since July 1, 1988, and describe in detail the type of services provided to the Committee and the purposes of all such payments or expenses incurred by the Committee with respect to Eighty-Eight Texas.

B. 1. State whether any campaign staff, especially Jack DeVore, Jack Martin, and Michael Levy, have been shared with or have split their time between the Bentsen Senate campaign and the Presidential or Vice Presidential campaigns and, if so, identify all such staff.

2. State whether any campaign office or facility has been shared between the Senate campaign and the Presidential or Vice Presidential campaign and whether any Senate campaign office or facility or any Presidential or Vice Presidential campaign office or facility has distributed campaign materials for both the Senate and the Presidential or Vice Presidential campaigns. If so, identify all such offices or facilities and the date(s) of such sharing or use.

C. The following interrogatories relate to the July 12 mailgram appended to the First Supplemental Complaint.

1. State whether any Presidential or Vice Presidential staff participated in any way in the preparation or distribution

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of the July 12 mailgram and, if so, identify all such staff.

2. State whether the Presidential Committee has made any payments with respect to the July 12 mailgram and, if so, identify all such payments.

D. The following interrogatories relate to the Bentsen '88 bumper stickers and Bentsen brochure appended to the First Supplemental Complaint.

1. State whether any Presidential or Vice Presidential campaign staff have participated in any way in the preparation or distribution of the Bentsen '88 bumper stickers and the Bentsen brochure and, if so, identify all such staff.

2. State whether the Bentsen '88 bumper stickers and the Bentsen brochures have been used in any way in connection with the Presidential or Vice Presidential campaign activities or events or whether such materials have been distributed outside the State of Texas.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 1988

Robert F. Bauer, Esquire
Judith L. Corley, Esquire
Perkins Coie
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005

RE: MUR 2652
Senator Lloyd Bentsen
Election Committee and
H. Grant Taylor, as
treasurer

Dear Mr. Bauer and Ms. Corley:

On July 22, 1988, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") and Chapter 95 of Title 26 of the United States Code. A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on October 4, 1988, found that there is reason to believe the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, have violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and its treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and its treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the 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 the 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, the Commission will not entertain requests for pre-probable cause conciliation 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 the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Jim Brown, the staff person assigned to this matter, at (202) 376-8200.

Sincerely,

Thomas J. Josefiak
Chairman

Enclosures
Questions
Factual & Legal Analysis

cc: P. Michael Hebert, Esquire
McGinnis, Lochridge & Kilgore
919 Congress Avenue
Suite 1300
Austin, TX 78701

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer **MUR: 2652**

I. GENERATION OF MATTER

This matter arose from a complaint filed on July 22, 1988, alleging that because of Senator Lloyd Bentsen's dual candidacy for the Senate and Vice Presidency, unlawful in-kind contributions will flow between the Dukakis/Bentsen Committee, Inc., ("the Presidential Committee") and the Senator Lloyd Bentsen Election Committee ("the Senate Committee" or "the Bentsen Committee") by each expenditure made on behalf of Senator Bentsen's respective candidacies. On July 26, 1988, the Commission determined not to seek injunctive relief or initiate an immediate investigation on the basis of the allegations in the complaint. On August 1, 1988, the Complainants filed a "First Supplemental Complaint." The Respondents filed separate responses on August 25, 1988.

II. FACTUAL AND LEGAL ANALYSIS

Governor Michael Dukakis and Senator Lloyd Bentsen are the nominees of the Democratic Party seeking election as President and Vice President in the 1988 general election. They have designated the Dukakis/Bentsen Committee, Inc. (formerly the Dukakis for President General Election Committee), as their principal campaign committee. On July 26, 1988, the Commission certified Governor Dukakis and Senator Bentsen as eligible for public financing. The Secretary of the Treasury transferred the

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$46.1 million in funds to the committee's account on July 27, 1988. Senator Bentsen is also a candidate seeking election to the United State Senate from Texas in the 1988 general election. He has designated the Senator Lloyd Bentsen Election Committee as his principal campaign committee for his Senate campaign.

A. The Act and Regulations

The Federal Election Campaign Act of 1971, as amended ("the Act"), limits the amount that any person, other than a multicandidate political committee, may contribute to any candidate for federal office to an aggregate of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The Act also prohibits a candidate or political committee from knowingly accepting contributions or making expenditures in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f). The Act treats as contributions those expenditures made in coordination with a candidate. 2 U.S.C. § 441a(a)(7)(B). The Act also 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 public financing. 26 U.S.C. § 9003(b)(2). Commission regulations explain that this agreement also applies to the candidates' authorized committees. 11 C.F.R. § 9003.2(a)(2).

The Fund Act provides that if Presidential or Vice Presidential candidates, or their committees, incur expenses to

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further the election of one or more other individuals to another office, the expenses incurred by them that are not specifically to further the election of such other individual(s) shall be considered as incurred to further the election of the Presidential and Vice Presidential candidates "in such proportion as the Commission prescribes by rules or regulations." 26 U.S.C. § 9002(11)(C). By regulation, the Commission has prescribed that expenditures by publicly-financed Presidential and Vice Presidential candidates that further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a). The regulation further provides that such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the candidates for President or Vice President. This regulation also explains that a candidate may make expenditures under this section in conjunction with other candidates for any public office, but that each candidate shall pay his or her proportionate share of the cost in accordance with 11 C.F.R. § 106.1(a). 11 C.F.R. § 9002.11(b)(3).

Moreover, the Act and Commission regulations recognize that a person may maintain dual candidacies for more than one federal office, including President or Vice President. 2 U.S.C. § 441a(a)(5)C) and 11 C.F.R. § 110.8(d). The Act precludes the transfer of funds between the principal campaign committees of a candidate actively seeking more than one federal office. In addition, the regulations require that a candidate who is seeking more than one federal office designate separate principal

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campaign committees and establish completely separate campaign organizations for each office sought. 11 C.F.R. § 110.8(d)(1). No funds, goods or service, including loans and loan guarantees may be transferred between or used by the separate campaigns, except as permitted in Section 110.3(a)(2)(iv) of Commission Regulations. 11 C.F.R. § 110.8(d)(2). Section 110.3(a)(2)(iv) permits unlimited transfers between a previous campaign committee and a current one as long as none of the funds transferred contain contributions that would be in violation of the Act. These regulations create a limited exception to these rules to permit the two 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. This exception, however, is not available to a candidate who is eligible for public financing. 11 C.F.R. § 110.8(d)(3).

B. Analysis of the Allegations

The complaint essentially alleges that the Senate Committee has spent and intends to spend its own funds to benefit the Presidential Committee, thus alleging that violations have occurred or are about to occur. The complaint contends that the expenditure of the Senate Committee's private funds will "unavoidably" benefit both the Senate and Presidential campaigns because "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket." The complaint argues that because the Act places a limitation on the aggregate expenditures by the Presidential Committee and the Fund Act bars publicly-financed

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candidates from accepting contributions, the Commission should prohibit the Senate Committee from spending its funds or prohibit the Presidential Committee from spending a comparable amount of its funds unless Senator Bentsen agrees not to spend his Senate Committee funds or withdraws from the Senate race. In support of these allegations and arguments, the complaint presents these specific instances as evidence that violations of the Act and regulations have occurred or are about to occur: (1) reported comments by Texas Attorney General Jim Maddox and Senator Lloyd Bentsen and a report in Campaign Hotline; (2) a mailgram distributed by the Senate Committee in July 1988; (3) bumper stickers and a brochure being distributed by the Senate Committee; and (4) a phone bank operation being paid for by the Senate Committee.

In their responses, the Respondents point out that Governor Dukakis and Senator Bentsen have pledged, under penalty of perjury, to comply with all requirements of the federal election laws. They further point out that the Act and regulations explicitly permit dual candidacies for the Senate and Vice Presidency, provided separate campaigns are conducted and no transfers of funds between the two campaigns occur. They also note that such dual candidacies are also explicitly permitted by Texas law. The Respondents assert that the Commission has rejected as part of the certification process and its subsequent litigation the Complainants' per se argument that "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket" and that such expenditures will

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"unavoidably" influence the presidential race. Finally, the Respondents contend that the specific factual allegations do not support a finding that any of the legal requirements for a dual candidacy have been or will be violated.

The Complainants rely on Advisory Opinion 1975-11 to support their per se argument. This advisory opinion was issued at a time when the Act imposed spending limits on Senate campaigns as well as Presidential campaigns. Subsequent to the issuance of Advisory Opinion 1975-11, however, 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. 94-283, 90 Stat. 475 (1976). Because Senator Bentsen and his opponent may spend such funds as they may legally raise in their Senate campaigns, the basis and rationale for Advisory Opinion 1975-11 is no longer applicable. More importantly, Advisory Opinion 1975-11 has been superseded by the Commission's later adoption of its regulations specifically permitting dual candidacies. Thus, the complainants' reliance on this advisory opinion to support their per se argument is misplaced. Furthermore, the Commission resolved the issue raised by the Complainants' per se contentions in the certification process. The Commission issued a Statement of Reasons in conjunction with its denial of the Petition to Deny Certification to the Dukakis/Bentsen Campaign in which it reviewed the regulations governing dual candidacies and then stated: "nothing in the campaign finance statutes or regulations requires Senator Bentsen to withdraw from the Senate race or

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prohibits him from using private contributions to further his Senatorial campaign." The Court of Appeals affirmed the Commission's certification decisions. Boulter v. FEC, No. 88-1541 (D.C. Cir. Aug. 3, 1988).

For the reasons previously stated by the Commission, the Complainants' argument that any expenditure by the Senate Committee must necessarily influence or aid the presidential campaign is unpersuasive and does not provide a basis on which to find reason to believe either committee has violated or will violate the Act and regulations. In view of this conclusion it is not necessary to address the Dukakis/Bentsen Committee's argument that the Act does not preempt Texas law, which also permits a dual candidacy in this instance.

Instead, as the Commission recognized in its Statement of Reasons, the focus is on whether specific activities by the Senate Committee provide a basis for finding reason to believe such violations have occurred or will occur.

Phone Bank

The Complainants allege that, according to an article in the Houston Chronicle published July 26th, the Senate Committee has been financing a phone bank that is calling on behalf of both the Senate race and the presidential race. They allege that the Senate Committee is either paying or advancing the costs that should be paid for by the Presidential Committee. They further note that more than $400,000 has been paid to the phone bank vendor by the Senate Committee through June 30, 1988.

Counsel for the Respondents acknowledge that the phone bank

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operation has included a question asking about voter preference in the presidential race. They note that such questions are commonplace in phone bank operations and are useful and helpful to all candidates participating in the operation. Counsel for the Presidential Committee states that if that committee were to incur any obligation with respect to the phone bank, it will pay its proportionate share of the costs. Counsel for the Senate Committee further asserts that press reports make it clear the phone bank "is the collective effort of the entire ticket in Texas to identify Democratic voters." He notes that the phone bank was established in April 1988 prior to Senator Bentsen's nomination and operated on behalf of his Senate re-election effort as well as the election efforts of other Texas candidates. He further avers that "any information from the phone banking effort provided to the Dukakis/Bentsen campaign will be provided in accordance with all applicable statutes and FEC regulations."

The cited news report in the Houston Chronicle quotes Jack DeVore, one of Senator Bentsen's aides, as stating that the phone bank operation is sponsored by the Democratic Party, the Senate committee, and other area candidates.

The Act and regulations permit a state or local committee of a political party to pay for voter registration and get-out-the-vote activities conducted by it on behalf of its nominees for President and Vice President without such payments being treated as a contribution or expenditure under the Act if certain conditions are met. 2 U.S.C. § 431(8)(B)(xii) and 11 C.F.R. § 100.7(b)(17). If these activities includes

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references to House or Senate candidates that are more than incidental, such House or Senate candidates must pay their allocable share of the costs or the party committee must treat such allocable shares as contributions or coordinated expenditures subject to the appropriate limits. 11 C.F.R. §§ 100.7(b)(17)(iv) and 106.1(c)(3). Conversely, payments for such a phone bank operation that do not qualify for this exemption would be contributions and expenditures under the Act to the extent that each participating or benefited candidate does not pay his or her allocable share. 11 C.F.R. § 106.1(b).

The reports of the Senate Committee through June 30, 1988, disclose that it has made $430,238 in payments since April 1, 1988, to a vendor identified only as "Eighty-Eight Texas." This vendor is located at 824 Heights Boulevard in Houston, Texas, which is the same address for another committee vendor identified as Campaign Strategies. The reports of the Democratic Senatorial Campaign Committee through July 31, 1988, disclose a total of $101,300 in payments this year to Eighty-Eight Texas as coordinated expenditures on behalf of Senator Bentsen's Senate campaign. The reports for the Democratic National Committee through July 31, 1988, disclose that it has made no coordinated expenditures in 1988. The reports for the federal account of the Texas Democratic Party through June 30, 1988, disclose no coordinated expenditures in 1988 and no payments or debts owed to Eighty-Eight Texas. The reports of the Democratic Congressional Campaign Committee covering June and July 1988 disclose no payments to Eighty-Eight Texas. An examination was made of the

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July Quarterly reports filed by these Congressmen: Rep. Chapman (TX1), Rep. Wilson (TX2), Rep. Hall (TX4), Rep. Bryant (TX5), Rep. Brooks (TX9), Rep. Pickle (TX10), Rep. Leath (TX11), Rep. Wright (TX12), Rep. de la Garza (TX15), Rep. Coleman (TX16), Rep. Stenholm (TX17), Rep. Leland (TX18), Rep. Gonzalez (TX20), Rep. Bustamente (TX23), Rep. Frost (TX24), Rep. Andrews (TX25), and Rep. Ortiz (TX27). None of these reports disclose payments to Eighty-Eight Texas. The reports for the Dukakis for President primary committee and the Dukakis/Bentsen general election committee covering July 1988 disclose no payments to Eighty-Eight Texas.

As noted above, the only disclosed payments to Eighty-Eight Texas have been made by the Senate Committee and the DSCC. The phone bank has asked about preferences in the Presidential race as well as the Senate race. There has been no evidence produced to establish that this phone bank is a party activity, as claimed by counsel, or that it qualifies for the Act's exemption. Instead, the facts as presently known suggest that this activity may "specifically further the election of" Governor Dukakis as President as well as for the Senator Bentsen's Senate candidacy and possibly other federal candidates. See 11 C.F.R. § 9002.11(b)(3). Thus, payments for this phone bank appear to be expenditures by the authorized committee of one candidate on behalf of another candidate in cooperation or coordination or at the request, suggestion, or authorization of such other candidate. If they are, each candidate should pay his or her allocable share of the expenses for this activity. See

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11 C.F.R. § 106.1(b). Of course, the state party may pay the share allocable to the presidential campaign. At the present time, there is no evidence that anyone other than the Senate Committee and the DSCC have paid for the expenses of this phone bank operation. Therefore, it appears that the Senate Committee has made an in-kind contribution to the Presidential Committee and that the amount of this in-kind contribution exceeds $1,000.

Press Reports

The Complainants cite three press reports as evidence that the Respondents are about to violate the Act and regulations. These press reports relate to comments made by Texas Attorney General Jim Mattox and by Senator Bentsen and a report in the Campaign Hotline.

According to the Complainants, Texas Attorney General Jim Mattox made the following statement during a broadcast of ABC News: "Lloyd Bentsen has got $6 million in the bank that he can help use to carry Texas for the ticket." Counsel for the Bentsen Committee points out that Mr. Mattox "is not in a position to make decisions for the Bentsen Committee" and that he "did not have any knowledge of an intent on behalf of the campaign to make any expenditures of a questionable legal character and has made no claim to that effect." Thus, there is no evidence the Senate campaign was connected with this report or that the report purports to state the Senate Committee's intentions.

The Complainants cite to a statement made by Senator Bentsen on ABC News on July 19, 1988, in which he said:

> I think I can [campaign for both offices at the same time] and do it very well because as I campaign across

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> different parts of the country, that message will be getting back to Texas, and at the same time I won't be neglecting Texas. I'll spend a lot of time there running for re-election, and I think in turn all of that will be helpful overall.

Counsel for the Bentsen Committee states that in this comment "Senator Bentsen is acknowledging that a successful Senate race may affect his vice presidential campaign and vice versa." The comment appears to refer primarily to news coverage relating to the two campaigns. The thrust of this statement does not necessarily imply that the Senate committee intends to contravene the legal requirements for dual candidacies. Furthermore, this statement does not contradict or call into question the representation made under penalty of perjury by Senator Bentsen that he would comply with federal campaign laws.

The Complainants also refer to a report in the Campaign Hotline that the Boston Globe "reported that Bentsen aides Jack DeVore, Michael Levy and Jack Martin will split their time between Senate and VP campaigns." Counsel for the Bentsen Committee asserts that this report is "quite simply, not true. Senator Bentsen has established and will maintain separate campaign organizations and staff in compliance with FEC regulations." In its Statement of Reasons, the Commission described this report's allegations as "speculative."

The Boston Globe article on which the Campaign Hotline report was apparently based does not fully support the Campaign Hotline report. One of the three aides, Jack DeVore, is not mentioned by name at all in this article. With respect to Jack Martin, the article states:

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> Jack Martin, an Austin businessman who handles Bentsen's political affairs in Texas, is the campaign manager for the Senate race and will play a major role in the vice presidential campaign.
>
> According to aides involved in preliminary talks, it has not been determined whether Martin will concentrate his efforts in Texas--where he commands a strong political organization--to try to ensure that the Democrats win the state's 29 electoral votes or whether he will direct Bentsen's nationwide campaign.

With respect to Michael Levy, the article states:

> Another Bentsen aide from his Senate staff, administrative assistant Mike Levy, will also be active this fall."

Some of these statements are not attributed as to their source. They were also made prior to Senator Bentsen's nomination when campaign planning was still in the formative stages. Aside from these statements, the Complainants have presented no evidence which indicates the two campaigns have actually shared staff after Senator Bentsen's nomination. Respondents, however, have also not presented any affidavits or other evidence that campaign staff have not been shared by the two campaigns.

Therefore, further investigation is necessary.

Mailgram

The Complainants contend that a mailgram paid for by the Senate Committee benefits both the vice presidential and Senate candidacies. In its entirety, the mailgram states:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee and I have accepted. I will also continue my race for re-election to the Senate. Were I to resign from that race the law would not permit a replacement on the ballot, so there will be two races as happened one other time in Texas history. I am deeply grateful for the confidence you have shown in me and for the tremendous bipartisan support I have received. I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the

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> Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support. Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified and the voters should be given a clear choice in a special election at a later date. I hope I can count on your continued leadership during this critical period.

Counsel for the Respondents argue that this mailgram is clearly directed to Senator Bentsen's re-election to the Senate, not to the vice presidential or presidential race. Counsel for the Dukakis/Bentsen Committee further contends that there is no basis for the contention that the mailgram is an expense of the presidential campaign and cites to 26 U.S.C. § 9002(11).

As both the Complainants and the Respondents note, the mailgram was sent on July 12, 1988, before Senator Bentsen was nominated. It does appear to be directed to supporters of his Senate candidacy and seeks to insure their continued support, despite their views on the presidential race. It also mentions both Governor Dukakis as a presidential candidate and Senator Bentsen as a vice presidential candidate. The Act's coattail exemption suggests, at least inferentially, that communications by a federal candidate that mention or refer to other federal candidates may constitute a contribution or expenditure unless the communication qualifies for the coattail exemption. See 2 U.S.C. § 431(8)(B)(xi); 11 C.F.R. § 100.7(b)(16); and Advisory Opinion 1984-28. If this mailgram were sent to a list developed by the Senate Committee, it could conceivably qualify for the coattail exemption. The Respondents, however, have not provided

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any information regarding to whom this mailgram was sent or the list or source of the names used. Therefore, further investigation is necessary.

Nevertheless, any characterization of the expenses of this mailgram in a case involving a dual Senate candidate and a Vice Presidential candidate should also be made in harmony with the determination of qualified campaign expenses and the allocation of expenses among candidates made pursuant to 11 C.F.R. § 9002.11(b)(3). The reason is that it would seem illogical to say that an expense for a particular activity is a contribution to a presidential or vice presidential candidacy if paid for by the Senate candidacy but would not be a qualified campaign expense if paid for by the presidential or vice presidential candidacy. Section 9002.11(b)(3) provides that expenses will be considered qualified campaign expenses only to the extent that they "specifically further the election of the candidate for President or Vice President."

Bumper Stickers and Brochures

The Complainants assert that the Senate Committee has paid for and distributed bumper stickers and a brochure that benefit both Bentsen candidacies. They claim that the slogan "Bentsen '88" on the bumper stickers advocates both his election as Vice President and his re-election as Senator. They also contend the absence of specific references to Bentsen as a Senate candidate in the brochure results in its benefiting both candidacies. They further note that both items were being distributed after Senator Bentsen's nomination as a candidate for Vice President and quote

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a reported comment by Jack Martin that such generic items would be used rather than ones specifying an office or year.

Counsel for the Bentsen Committee points out that all of these materials were produced before the primary election in Texas, when Senator Bentsen was a candidate only for the Senate and that there was never any intention in the production of the items to influence the election of any candidate to the Vice Presidency. He further states that "[n]ow that Senator Bentsen is seeking two offices, all production of bumper stickers and brochures will clearly reflect the appropriate office sought by Senator Bentsen, and they will be used only in connection with efforts to influence the election identified." Counsel for the Presidential Committee also notes that the bumper stickers carry a disclaimer identifying them as paid for by the Senate Committee and that the brochures are likewise identified as paid for and sponsored by the Senate Committee. He also argues that the dual candidacy regulations only prohibit the transfers of goods, services, and funds between the two campaigns and do not regulate how a candidate may refer to himself with respect to each office he is seeking.

Counsel for the Respondents assert that these materials were prepared prior to Senator Bentsen's candidacy for Vice President and are identified as paid for by the Senate Committee. An affidavit appended to the complaint tends to corroborate this contention. Counsel for the Senate Committee further asserts that any "generic" materials, such as these will be replaced with materials that more clearly reflect the office sought. Moreover,

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the use of materials using slogans such as "Bentsen '88" are typical and commonplace in congressional campaigns, and such materials were prepared in this case for use in the Senate campaign prior to Senator Bentsen's vice presidential candidacy. Conversely, the use of a vice presidential candidate's name alone on bumper stickers and brochures is rare in presidential campaigns. Nevertheless, there have been no affidavits or other evidence presented by the Respondents to support their contention that the bumper stickers and brochures were produced solely for and by the Bentsen Committee and have not been used in connection with the Presidential or Vice Presidential campaign. Therefore, further investigation is necessary.

Conclusion

Based on the foregoing, there is reason to believe the Senate Committee has made contributions to the Presidential Committee in excess of $1,000 with respect to the 1988 general election in violation of 2 U.S.C. § 441a(a)(1)(A).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 2652
	)	

INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

TO: H. Grant Taylor, Treasurer
Senator Lloyd Bentsen Election Committee
c/o Robert F. Bauer, Esquire
Judith L. Corley, Esquire
Perkins Coie
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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

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

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories 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.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1988 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUESTS FOR DOCUMENTS

A. The following interrogatories and requests for documents relate to the phone bank operation that is the subject of the allegation in the First Supplemental Complaint in MUR 2652 and involving payments by the Senator Lloyd Bentsen Election Committee ("the Committee") to Eighty-Eight Texas, 824 Heights Boulevard, Houston, Texas.

1. Identify Eighty-Eight Texas and its officers and directors.

2. Provide copies of all agreements between Eighty-Eight Texas and the Senator Lloyd Bentsen Election Committee involving service provided to the Committee with respect to the 1988 general election.

3. Describe in detail all services Eighty-Eight Texas is providing or will provide to the Committee with respect to the 1988 general election.

4. Provide copies of each version of all scripts used by Eighty-Eight Texas on behalf of the Committee since July 1, 1988.

5. Provide copies of each version of all instructions to employees or volunteers used by Eighty-Eight Texas on behalf of the Committee since July 1, 1988.

6. List all payment the Committee has made (or expenses it has incurred) since July 1, 1988, to Eighty-Eight Texas and describe the purpose of each payment (or expense) and how the amount of each payment was determined.

7. (a) State whether the Committee has entered into any joint agreement or arrangement, or has acted in conjunction, with any other candidate, political party, or political committee for services to be performed by Eighty-Eight Texas with respect to the 1988 general election.

(b) If so, provide copies of all such joint agreements or arrangements and identify all persons with whom such joint agreements or arrangements have been made or such joint action has been taken.

(c) List all payments made to Eighty-Eight Texas by all other candidates, political parties, or political committees pursuant to such joint agreements or arrangements or joint action and describe how the amounts of these payments were determined.

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8. State whether the Senate campaign or the vendor, Eighty-Eight Texas, has transferred or provided any information obtained from this phone bank operation to the Presidential campaign and, if so, describe in detail all such information so provided to the Presidential campaign. Provide copies of all documents relating to the transfer or provision of such information from the Senate campaign to the Presidential campaign.

B. 1. State whether any campaign staff, especially Jack DeVore, Jack Martin, and Michael Levy, have been shared with or have split their time between the Senate campaign and the Presidential or Vice Presidential campaign and, if so, identify all such staff.

2. State whether any campaign office or facility has been shared between the Senate campaign and the Presidential or Vice Presidential campaign and whether any Senate campaign office or facility or any Presidential or Vice Presidential campaign office or facility has distributed campaign materials for both the Senate and the Presidential or Vice Presidential campaigns. If so, identify all such offices or facilities and the date(s) of such sharing or use.

C. The following interrogatories and request for documents are asked with respect to the July 12 mailgram appended to the First Supplemental Complaint.

1. State whether the mailing of the July 12 mailgram was made by a commercial vendor and, if so, identify the vendor and the payments made to the vendor.

2. State whether the mailing of the July 12 mailgram was made from a list <u>not</u> developed by the candidate.

3. Identify the list used to make the mailing of the July 12 mailgram and to whom the mailgram was sent.

4. Identify all payments made by the Senate Committee with respect to the July 12 mailgram and provide copies of all invoices related to the preparation and distribution of the mailgram.

5. State whether any Presidential or Vice Presidential campaign staff participated in any way in the preparation or distribution of the July 12 mailgram and, if so, identify all such staff.

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D. The following interrogatories and request for documents relate to the Bentsen '88 bumper stickers and the Bentsen brochure appended the First Supplemental Complaint.

1. Identify all payments made by the Senate Committee with respect to the Bentsen '88 bumper stickers and the Bentsen brochure.

2. State whether the Bentsen '88 bumper sticker and the Bentsen brochure have been used in any way by the Presidential or Vice Presidential campaigns or in connection with Presidential or Vice Presidential campaign activities or events.

3. State whether the Bentsen '88 bumper stickers and the Bentsen brochure have been distributed outside the State of Texas.

4. State whether any Presidential or Vice Presidential campaign staff have participated in any way in the preparation or distribution of the Bentsen '88 bumper stickers and Bentsen brochures and, if so, identify all such staff.

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 OCT 28 PM 12:35

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

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

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TOKYO
WILMINGTON

October 26, 1988

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

Attn: James Brown, Esq.

RECEIVED
FEDERAL ELECTION COMMISSION
88 OCT 28 PM 3:43

Re: MUR 2652 Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer

Dear Mr. Noble:

On October 20, 1988, the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, received notification of reason to believe, interrogatories, and requests for documents in the above-referenced matter. The notification letter requests a response within 15 days of receipt.

The information requested in the FEC's interrogatories and requests for documents requires contacting individuals who are in most cases devoting their full attention to the final days of a campaign. It is very difficult to obtain information under these circumstances. Thus, the Dukakis/Bentsen Committee, and Robert A. Farmer, as treasurer, requests a 20 day extension of time to respond to the reason to believe finding, interrogatories and document requests.

Thank you for your consideration of this matter.

Sincerely,

Kenneth A. Gross

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plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1988

Kenneth A. Gross
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 2652
Dukakis/Bentsen Committee, Inc., and
Robert A. Farmer, as treasurer

Dear Mr. Gross:

This is in response to your letter dated October 26, 1988, which we received on October 28, 1988, requesting an extension of 20 days, until November 24, 1988, to respond to the Federal Election Commission's notification of reason to believe, interrogatories, and requests for documents in the above-referenced matter. 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 November 24, 1988.

If you have any questions, please contact Jim Brown, 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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PERKINS COIE

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

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November 21, 1988

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

Attention: Jim Brown and Ken Kellner

Re: MUR 2652 and MUR 2715 - Senator Bentsen Election Committee and H. Grant Taylor, as Treasurer

Dear Mr. Noble:

The Senator Bentsen Election Committee and H. Grant Taylor, its Treasurer ("Bentsen Respondents"), request herewith an additional extension of time in order to respond to the Commission's interrogatories in MUR 2652 and to respond to the notification that a complaint has been filed for MUR 2715. The responses to these two matters are currently due on November 28 and 30, respectively.

The responses to both matters require the gathering of substantial factual information about the 1988 campaign for the United States Senate. After an extremely active and pressured election period, many of the staff of the Senate campaign have been taking well-deserved time off. The upcoming Thanksgiving holiday has further complicated the task. Because the responses cannot be prepared without the information from these individuals, the Bentsen Respondents would like an additional ten days to continue to gather information and to prepare an adequate response. The new due date for responses in both matters would be Friday, December 9.

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This additional time will allow the Bentsen Respondents to more fully prepare its responses to the Commission's communications. If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel to the Bentsen Respondents

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SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

TELEX: 904343
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DIRECT DIAL
(202) 371-

BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

November 21, 1988

BY HAND

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20008

Attn: Kenneth Kellner, Esq.
Jim Brown, Esq.

Re: MURs 2652 and 2715 Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as Treasurer

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Dear Mr. Noble:

In response to a prior request, you granted a 20 day extension to respond to interrogatories and document requests in MUR 2652, and the complaint in MUR 2715. Those responses are due on November 25, 1988. (In MUR 2652 the due date fell on November 24, but carries over to November 25.) The Dukakis/Bentsen Campaign has encountered more difficulty in gathering information than anticipated. Contacting individuals who have pertinent information is difficult because some have moved and others are on leave. It is our understanding that the Bentsen Committee has encountered similar difficulties and will also be requesting an extension of time.

Consequently, the Dukakis/Bentsen Committee, Inc. finds it necessary to request an additional two weeks to respond to the above-referenced MURs. We are requesting an extension in both MURs until December 9, 1988.

Thank you for your consideration of this request.

Sincerely,

Kenneth A. Gross

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 28, 1988

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

RE: MUR 2652
Senator Bentsen Election
Committee and H. Grant Taylor, as
Treasurer

Dear Mr. Bauer:

This is in response to your letter dated November 21, 1988, which we received on November 21, 1988, requesting an additional 11 day extension, until December 9, 1988, to respond to the Federal Election Commission's notification of reason to believe, interrogatories, and requests for documents in the above-referenced matter. 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 9, 1988. Please note that while your letter requested extensions in both MURS 2652 and 2715, this response only grants the extension as to MUR 2652.

If you have any questions, please contact Jim Brown, 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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1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

December 9, 1988

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

Re: MUR 2652 - Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

Attention: Jim Brown

Dear Mr. Noble:

The Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer ("Respondents"), hereby reply through counsel to the Federal Election Commission's Interrogatories and Requests for Production of Documents forwarded to them by letter dated October 18, 1988. In addition to the response to the Interrogatories and Requests for Production of Documents, Respondents are also submitting two affidavits from individuals with direct knowledge of the issues involved in MUR 2652: Blaine Bull, Campaign Director of the Bentsen Committee, and Patti Everitt, President of '88 Texas, Inc.

Respondents also submit for the General Counsel's and the Commission's review the following considerations relevant to the Factual and Legal Analysis prepared by the General Counsel's Office for the Commission in connection with its

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Reason to Believe recommendations.[1/]

"Per Se" Violation

Respondents concur with the General Counsel's and the Commission's position that Complainants' per se argument -- that somehow any spending by the Senate Committee would "unavoidably influence the Presidential race" -- has no basis in law. This argument was rejected decisively by the Commission in its Statement of Reasons in support of its denial of the Petition to Deny Certification of public funds to the Dukakis/Bentsen campaign, and by the Court of Appeals for the District of Columbia, which affirmed the Commission's certification decision in Boulter v. FEC, No. 88-1541 (D.C. Cir. August 3, 1988).

Now, too, the General Counsel correctly finds again that any such "per se" theory "does not provide a basis on which to find reason to believe" that Respondents violated the Act. The General Counsel should recommend, and the Commission should proceed to vote, no probable cause on this count of Complainants' action.

Phone Bank

The General Counsel's discussion of the phone bank conducted by '88 Texas, Inc. is apparently founded on a misunderstanding of the facts. The phone bank was not conducted by the Democratic Party, but instead by a commercial firm offering phone banking and other services to Democratic candidates, including, but not limited to, Senator Bentsen as a candidate for re-election to the Senate, and to other political organizations.

The General Counsel notes that, as of the July Quarterly Reports, no candidate other than Bentsen and no party committee other than the DSCC had paid '88 Texas, Inc. or reported a debt to it. '88 Texas, Inc. advises, however, that numerous such candidates and party organizations became clients of the

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1/ Certain of the positions stated below are also set out in the Respondents' initial response to the Commission in this matter, which they confirm and incorporate by reference here.

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company and made payments for services in the summer and fall of 1988. The group of candidates included, for example, Congressmen Brooke, Pickle, Andrews and Coleman; nonfederal candidates also engaged the services of this organization.

The Bentsen Committee contracted and paid for the services it received, on the same contractual basis as applied to any client of '88 Texas. At no time did the Bentsen Committee make available to or transfer to any other political committee, including the Dukakis/Bentsen Committee, the information generated for it by the '88 Texas, Inc. phone bank or any other '88 Texas, Inc. work product.

The scripts used by '88 Texas, Inc. demonstrate that the phone banking operation was focused on voter identification.[2/] The telephoning did not include any advocacy messages, other than generic messages to support the Democratic ticket. Once '88 Texas, Inc. had identified voters through its phone banking efforts, individual candidates and committees could purchase mailing lists, phone lists or walk-around lists for use in their own campaigns. The campaigns, upon the purchase of such a list, would make advocacy mailings or conduct their own advocacy phone bank.[3/]

2/ The references to Senator Bentsen's name in the scripts, and particularly the emphasis on his hope for broad support for Democratic candidates in November is significant in two respects. First, the Senator is <u>nowhere</u> mentioned as a Vice Presidential candidate. Second, in relying on Senator Bentsen's name to exhort a broad Democratic vote, the phone banking script follows the same approach employed with great success in 1982. Then, too, the Senator was running for re-election and proved a crucial "draw" in the statewide Democratic "get-out-the-vote" efforts.

3/ Upon information and belief, certain of these candidates contracted separately with '88 Texas, Inc. to provide these advocacy mailings or phone bank services. These efforts were, however, separate and distinct from the voter identification phone banks.

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As noted in Respondents' initial response, the phone banking operation, which asked for voter preference on the Presidential campaign, was conducted principally during the period when Senator Bentsen had not been designated as the Vice Presidential nominee. In this context, the Presidential/Vice Presidential preference question is a standard polling inquiry to identify core Democratic voters and to assess any impact of the Presidential campaign on other races. By the beginning of August, the Presidential/Vice Presidential preference question had been eliminated from the scripts, and replaced by the other scripts provided in connection with these interrogatories.

The phone bank services provided by '88 Texas, thus, did not constitute get-out-the-vote or registration activities on behalf of a Presidential candidate, but rather voter identification services for the benefit of all of the participating candidates and political committees. The facts show that voter identification activities of '88 Texas, Inc. did not "specifically further the election of Governor Dukakis as President." Rather, the phone banks were geared toward the identification of voters who would likely support Democratic candidates in general. Each candidate or political committee paid, as charged, an apportioned share of the expenses for any cooperative activity of this nature, the apportionment fairly reflecting the expected benefit to each.

The General Counsel's Reason to Believe recommendation, and apparently the Commission's finding, is based on the legal concern that " . . . each candidate [participating in the phone bank] should pay his or her allocable share of the expenses for this activity." This was done, and having supplied the evidence required to support this point, Respondents request a finding of no probable cause on this issue.

<u>Press Reports</u>

Respondents agree with the General Counsel's analysis that the press reports cited by Complainants were not within the control of the Bentsen Committee; and that statements of Senator Bentsen cited in those reports did not undermine the significance of representations made by the Senator that he would comply in all respects with the Federal campaign finance laws. The General Counsel correctly notes that "Complainants have presented no evidence which indicates the two campaigns have actually shared staff after Senator Bentsen's nomination."

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The General Counsel does seek confirming evidence, particularly sworn affidavit testimony, that legal separation of the Senate and Vice Presidential campaigns was achieved. In response to the interrogatories submitted today, the Bentsen Committee provides such testimony. This makes clear that, in full compliance with the statute, the Bentsen Committee and Dukakis/Bentsen campaign maintained separate campaign staffs and separate campaign organizations in connection with the 1988 general election. The Commission should find no probable cause with respect to this issue, as well.

Mailgram

As stated in its initial response, the Bentsen Committee prepared and funded the July 12, 1988 mailgram before Senator Bentsen was nominated as the Vice Presidential candidate, for the sole and exclusive purpose of maintaining support for his re-election as a federal candidate for the United States Senate. The text of the mailgram makes clear that Senator is seeking the support of the recipients for his Senate campaign: it notes that "regardless of your commitments in the Presidential race, the campaign for the Senate is vital for Texas and must be vigorously conducted." Indeed the General Counsel also concludes that the mailgram "does appear to be directed to supporters of his Senate candidacy and seeks to ensure their continued support."4/

This was, as the General Counsel suggests, the function of the mailgram. This document was not prepared and funded in support of the Presidential/Vice Presidential ticket, certainly

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4/ Recognition of the concern of some Senate campaign supporters over the Senator's Vice Presidential candidacy appears in express terms in the mailgram. "I understand," the mailgram states, "that some of my friends will feel that this latest development creates a predicament for them." This reference to "predicament" makes plain the mailgram's concern with holding Senate re-election campaign support from those with possibly different partisan sympathies in the Presidential campaign. It was a concern communicated by a significant number of Texas voters to Senator Bentsen's Senate office and Senate campaign, by letter and phone, in the days following the Senator's Vice Presidential designation.

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not on any "coat-tails" theory, and the coat-tails exemption is not applicable to its funding.

The General Counsel virtually concedes some doubt that "coat-tails" bears on this issue: "The Act's coat-tail exemption suggests, at least inferentially, that communications by a federal candidate that mention or refer to other federal candidates may constitute a contribution or expenditure unless the communication qualifies for the coat-tail exemption." But the exemption would appear more to contemplate some reference designed to generate or imply support for the other candidate, such as a "Dukakis/Lautenberg" button or bumper sticker promoting support for both the Presidential and Senate candidate in a state (in this example, New Jersey). Here the purpose is different: to reassure supporters who have qualms about the Democratic Presidential/Vice Presidential ticket who were, to that time, supporters of Senator Bentsen's Senate re-election campaign. This purpose is clear, and it is controlling. A finding of no probable cause is again in order.

Bumper Stickers and Brochures

The bumper stickers and brochures cited by Complainants in their First Supplemental Complaint were produced and distributed in connection with Senator Bentsen's 1988 primary campaign. On July 12, the date Senator Bentsen was designated by Governor Dukakis as his Vice Presidential nominee, but before Senator Bentsen actually received the nomination at the Democratic National Party Convention in Atlanta, these materials were collected and stored in a warehouse and not used in connection with either the Senate campaign or the Presidential/Vice Presidential campaign. Affidavits and the responses to the interrogatories submitted today confirm this. As with the other alleged violations, Respondents request that the Commission find no probable cause in this matter.

Conclusion

Based on the foregoing, the Commission should dismiss this Complaint promptly. As noted in our earlier response, Complainants based their arguments on a per se analysis which has been soundly rejected by the Commission and the Courts. The evidence shows, moreover, complete compliance by the Bentsen Committee with the relevant law and regulations governing separation of the Senate and Vice Presidential campaigns.

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If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

Robert F. Bauer
Judith L. Corley
Perkins Coie
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005
(202) 887-9030
Counsel for Respondents

P. Michael Hebert
McGinnis, Lochridge & Kilgore
919 Congress Avenue
Suite 1300
Austin, Texas 78701
(512) 495-6015
General Counsel for Respondents

0488E

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Before the Federal Election Commission

MUR 2652

Respondents: Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

The answers to these interrogatories are based primarily on the recollections of Blaine H. Bull, Campaign Director of the Senator Lloyd Bentsen Election Committee ("Bentsen Committee"), Patti Everitt, President of '88 Texas, Inc., and on information derived from files and records in the Bentsen Committee's possession and control.

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Interrogatory A:

The following interrogatories and requests for documents relate to the phone bank operation that is the subject of the allegation in the First Supplemental Complaint in MUR 2652 and involving payments by the Senator Lloyd Bentsen Election Committee ("the Committee") to Eighty-Eight Texas, 824 Heights Boulevard, Houston, Texas.

1. Identify Eighty-Eight Texas and its officers and directors.

'88 Texas, Inc. is a Texas business corporation incorporated on July 28, 1987, with its principal place of business in Harris County. Its officers are:

Patti Everitt, President
Robert Jara, Secretary-Treasurer

Its director is: Dan McClung

2. Provide copies of all agreements between Eighty-Eight Texas and the Senator Lloyd Bentsen Election Committee involving service provided to the Committee with respect to the 1988 general election.

A copy of the agreement between '88 Texas, Inc. and the Bentsen Committee with respect to the 1988 general election is attached as Exhibit 1.

3. Describe in detail all services Eighty-Eight Texas is providing or will provide to the Committee with respect to the 1988 general election.

'88 Texas, Inc. provided the following services to the Bentsen Committee in connection with the 1988 general election:

a. Provided telephone bank, direct mail, and other general political consulting services;

b. Prepared project plans and budgets for services to be provided;

c. Employed, supervised and assigned adequate staff and subcontractors required to successfully operate the project.

4. Provide copies of each version of all scripts used by Eighty-Eight Texas on behalf of the Committee since July 1, 1988.

Copies of all scripts used by '88 Texas, Inc. on behalf of the Bentsen Committee are attached to these interrogatories as Exhibit 2.

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5. Provide copies of each version of all instructions to employees or volunteers used by Eighty-Eight Texas on behalf of the Committee since July 1, 1988.

The instructions provided by '88 Texas, Inc. to its employees or volunteers are contained in the scripts provided in response to Question A-4.

6. List all payments the Committee has made (or expenses it has incurred) since July 1, 1988 to Eighty-Eight Texas and describe the purpose of each payment (or expense) and how the amount of each payment was determined.

The following payments were made by the Bentsen Committee to '88 Texas, Inc. from July 1, 1988 to the present.

Date	Amount	Description
07/01/88	$21,117	Phone bank/direct mail
07/06/88	$27,000	" " " "
07/25/88	$76,000	" " " "
08/04/88	$52,000	" " " "
10/17/88	$60,000	" " " "
10/22/88	$75,000	" " " "
10/27/88	$75,000	" " " "
11/10/88	$75,000	" " " "

The amount of each payment was determined by the nature of the office (e.g., statewide versus local) and the specific services rendered (e.g., number of calls made, size of mailing, etc.).

7.(a) State whether the Committee has entered into any joint agreement or arrangement, or has acted in conjunction with any other candidate, political party, or political committee for services to be performed by Eighty-Eight Texas with respect to the 1988 general election.

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'88 Texas, Inc. is an independent commercial entity with which the Bentsen Committee contracted for the performance of certain telephone bank, direct mail and related campaign services in connection with the 1988 general election. Upon information and belief, other candidates, both federal and nonfederal, and political party and other political committees also contracted for similar services to be performed by '88 Texas, Inc. with respect to the 1988 general election. There were no "joint" agreements or arrangements made by the Bentsen Committee among or between the various candidates, political party committees, and political committees which contracted with '88 Texas, Inc. to perform these services. Each candidate, party committee or political committee contracted with '88 Texas, Inc. separately for the particular services desired. Upon information and belief, mailing labels, walk lists, and phone lists were provided for a fee by '88 Texas, Inc. to all participating clients.

The Bentsen Committee requested that the Democratic Senatorial Campaign Committee, as part of the coordinated party expenditure authority delegated to it by the Democratic National Committee under 2 U.S.C. § 441a(d), pay $327,000 to '88 Texas, Inc. for services rendered to the Bentsen Committee. DSCC acted in this respect as an "agent" of the Bentsen Committee, as a matter of fact and of law.

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(b) If so, provide copies of all such joint agreements or arrangements and identify all persons with whom such joint agreements or arrangements have been made or such joint action has been taken.

See response to Question 7(a).

(c) List all payments made to Eighty-Eight Texas by all other candidates, political parties, or political committees pursuant to such joint agreements or arrangements or joint action and describe how the amounts of these payments were determined.

The Bentsen Committee does not have the information requested here, inasmuch as any such other candidates and organizations contracted separately with '88 Texas. '88 Texas, Inc. did make clear to all those funding any of the '88 Texas, Inc. activities, such as phone banking, that fees charged would be proportionate to benefit received. Thus, Congressional candidates would pay a fee different from the Bentsen Committee, one smaller in light of the fewer voters contacted for a Congressional campaign, and state (nonfederal candidates) would be assessed their own properly apportioned charge.

8. State whether the Senate campaign or the vendor, Eighty-Eight Texas, has transferred or provided any information obtained from this phone bank operation to the Presidential campaign and, if so, describe in detail all such information so provided to the Presidential campaign. Provide copies of all documents relating to the transfer or provision of such information from the Senate campaign to the Presidential campaign.

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The Bentsen Committee at no time transferred or provided any information obtained from the services provided to it by '88 Texas, Inc. to the Presidential or Vice Presidential campaigns.

Interrogatory B:

1. State whether any campaign staff, especially Jack DeVore, Jack Martin and Michael Levy, have been shared with or have split their time between the Senate campaign and the Presidential or Vice Presidential campaign and, if so, identify all such staff.

No members of the Bentsen Committee staff were shared with or split their time between the Senate campaign and the Presidential or Vice Presidential campaigns.

2. State whether any campaign office or facility has been shared between the Senate campaign and the Presidential or Vice Presidential campaign and whether any Senate campaign office or facility or any Presidential or Vice Presidential campaign office or facility has distributed campaign materials for both the Senate and the Presidential or Vice Presidential campaigns. If so, identify all such offices or facilities and the date(s) of such sharing or use.

No campaign office or facility was shared between the Senate campaign and the Presidential or Vice Presidential campaign, nor did any office or facility of either the Senate campaign or the Presidential or Vice Presidential campaign

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distribute campaign materials for both campaigns. All staff and office facilities of the Senate campaign were separately established and financed.

Interrogatory C:

The following interrogatories and request for documents are asked with respect to the July 12 mailgram appended to the First Supplemental Complaint.

1. State whether the mailing of the July 12 mailgram was made by a commercial vendor and, if so, identify the vendor and the payments made to the vendor.

The mailgram of July 12 was produced and distributed by Western Union Electronic Mail, Inc. The Bentsen Committee paid Western Union $9,964.80.

2. State whether the mailing of the July 12 mailgram was made from a list not developed by the candidate.

The mailgram of July 12 was mailed to a list developed from the Bentsen Committee's own mailing lists.

3. Identify the list used to make the mailing of the July 12 mailgram and to whom the mailgram was sent.

The mailing list used for the July 12 mailgram was developed from various in-house mailing lists of the Bentsen Committee. The mailgram was sent to 2,076 individuals

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including:

a. All 254 Bentsen Committee county coordinators;

b. Selected contributors to the Bentsen Committee who had given more than $1,000 as of July 12, 1988; and

c. Members of two Republican and Independent committees who had endorsed Senator Bentsen's re-election to the United States Senate.

4. Identify all payments made by the Senate Committee with respect to the July 12 mailgram and provide copies of all invoices related to the preparation and distribution of the mailgram.

The Bentsen Committee paid $9,964.80 to Western Union Electronic Mail, Inc. A copy of the invoice received by the Bentsen Committee in connection with the July 12 mailgram is attached as Exhibit 3.

5. State whether any Presidential or Vice Presidential campaign staff participated in any way in the preparation of the July 12 mailgram and, if so, identify all such staff.

No Presidential or Vice Presidential campaign staff participated in the preparation or distribution of the July 12 mailgram.

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Interrogatory D:

The following interrogatories and request for documents relate to the Bentsen '88 bumper stickers and the Bentsen brochure appended to the First Supplemental Complaint.

1. Identify all payments made by the Senate committee with respect to the Bentsen '88 bumper stickers and the Bentsen brochure.

The Bentsen Committee contracted with the Madison Printing Company of Fort Worth, Texas to produce Bentsen '88 bumper stickers.*/ The Bentsen Committee paid this company $2,224.53 for the bumper stickers on March 17, 1988.

The Bentsen brochure identified in the First Supplemental Complaint was a direct mail piece produced in connection with the 1988 Democratic Texas primary. The direct mailing was produced and distributed by '88 Texas, Inc. on February 15, 1988, as part of their contract with the Bentsen Committee.

2. State whether the Bentsen '88 bumper sticker and the Bentsen brochure have been used in any way by the Presidential or Vice Presidential campaigns or in connection with the Presidential or Vice Presidential campaign activities or events.

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*/ The "'88 Bentsen" logo was designed for use by the Bentsen Committee in October 1987.

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None of the Bentsen '88 bumper stickers or the Bentsen brochures identified in the First Supplemental Complaint were used by or authorized to be used by the Bentsen Committee in connection with the Presidential or Vice Presidential campaigns or in connection with Presidential or Vice Presidential campaign activities or events. The instance cited in the Complaint, reflecting action by one Bentsen volunteer without authorization, is the only instance known to the Bentsen Committee.

3. State whether the Bentsen '88 bumper stickers and the Bentsen brochure have been distributed outside the State of Texas.

As noted above, the Bentsen brochure was distributed as part of a direct mailing conducted by '88 Texas, Inc. in connection with the 1988 Democratic primary. The Bentsen '88 bumper stickers and extra copies of the Bentsen brochure were used sparingly at out-of-state fundraisers conducted by the Bentsen Committee on behalf of Senator Bentsen's re-election to the United States Senate prior to July 12, 1988. Copies of these materials were also provided prior to July 12, 1988 to members of Senator Bentsen's official Senate staff in Washington, D.C. for their use in connection with personal volunteer activities. On or about July 12, 1988, remaining copies of the Bentsen '88 bumper stickers were collected and

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stored in a warehouse. They were not used officially in connection with Bentsen Committee activities after that date.

4. State whether any Presidential or Vice Presidential campaign staff have participated in any way in the preparation or distribution of the Bentsen '88 bumper stickers and Bentsen brochures and, if so, identify all such staff.

No Presidential or Vice Presidential campaign staff participated in the preparation or distribution of the Bentsen '88 bumper stickers or the Bentsen brochures identified in the First Supplemental Complaint; these materials were produced and distributed for the primary prior to Senator Bentsen's designation and nomination as the Vice Presidential candidate of the Democratic Party in the general election.

Respectfully submitted,

Robert F. Bauer
Judith L. Corley
Perkins Coie
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005
(202) 887-9030
Counsel for Respondents

cc: P. Michael Hebert

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EXHIBIT 1

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AGREEMENT FOR VOTER CONTACT SERVICES

This Agreement is made by and between '88 Texas, Inc., a Texas corporation duly qualified to do business in Texas, having its principal place of business at 824 Heights Boulevard, Houston, Texas 77007 (hereinafter referred to as "'88 Texas") and the Senator Lloyd Bentsen Election Committee (hereinafter referred to as "the Campaign").

It is the desire of the Campaign to engage the services of '88 Texas to provide telephone bank, direct mail, or other political consulting services as mutually agreed by both parties.

1. Services by '88 Texas. (a) Generally. '88 Texas will perform the following services during the term of this Agreement:

(i). Provide telephone bank, direct mail, or other general consulting services to the Campaign as mutually agreed by both parties;

(ii). Prepare a project plan and budget for services to be provided;

(iii). Project as accurately as possible all costs associated with such effort;

(iv). Employ, supervise, and assign adequate staff and sub-contractors required to successfully operate the project.

(b) Cooperative or Shared Services. The Campaign and '88 Texas agree that '88 Texas may provide phone banking and direct mail services under this paragraph on a shared or cooperative basis with other clients who are seeking public office. '88 Texas shall equitably apportion the fees charged for any shared or cooperative services such that each participating candidate pays in proportion to the benefit contracted for and directly derived.

2. Expenses. The Campaign agrees to advance payment for all direct phone bank and mail expenses accruing to the benefit of the Campaign. Other reasonable expenses, including travel, incurred on behalf of the Campaign will be reimbursed upon submission of invoice. No client, including the Campaign, participating in shared or cooperative services under Paragraph 1(b) shall be billed for the reimbursement of expenses other than those expenses directly incurred by that client.

3. Cost for Services. Subject to the provisions of Paragraph 1(b), '88 Texas will receive fees for the services provided as outlined in the project plan and budget as mutually agreed by both parties.

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4. Length of Service. The effective term of agreement with '88 Texas and the Campaign is April 15, 1988 and the term will expire November 15, 1988.

5. Confidentiality. '88 Texas agrees to keep in strict confidence all confidential information disclosed to '88 Texas during the course of the project; provided however, that '88 Texas may provide information to all clients participating in shared or cooperative services under Paragraph 1(b) which relates directly to the joint activity. Scripts and other related instructions for any and all cooperative phone banking and other shared or cooperative services shall be made available to each client for approval in advance.

6. Limitation on Authority. '88 Texas shall have no authority to bind the Campaign except as expressly authorized under this Agreement. '88 Texas shall at all times operate as an independent contractor, and the Campaign shall have no right to control the time or manner in which '88 Texas carries out its duties under this Agreement.

7. Budget and Project Description. Prior to commencing any activities under this Agreement, '88 Texas shall submit in advance for approval in writing to the Campaign, a proposed budget and detailed description of the project. The detailed description shall set forth arrangements for cooperative or shared services, if applicable, as provided for under Paragraph 1(b). Subsequent amendments to the budget and the project description may be verbally authorized by the campaign manager of the Campaign, but by no other person. '88 Texas shall incur no obligations in the project not specifically authorized by this Agreement.

8. Termination. Either party may terminate this Agreement upon the giving of five (5) days written notice and no expenses shall be incurred after the effective date of such termination. If such termination is initiated by the Campaign by causes not the fault of '88 Texas, the Campaign agrees to pay to '88 Texas, as liquidated damages, the next scheduled fee payment. If such termination is initiated by '88 Texas for causes not the fault of the Campaign, '88 Texas shall pay to the Campaign, as liquidated damages, an amount equal to the last fee payment previously received by '88 Texas.

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9. **Miscellaneous**. This Agreement shall be governed and construed according to the laws of the State of Texas.

EFFECTIVE AS OF April 15, 1988.

'88 Texas, Inc.

BY Patti Everett

President

Title

Senator Bentsen Election Committee

BY [illegible]

Campaign Director

Title

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EXHIBIT 2

9 5 0 4 3 6 7 4 0 1 2

Hello, may I please speak with (voter's name)? Hello, (repeat name) this is (your name). I'm calling again for Senator Lloyd Bentsen.

Senator Bentsen asked me to check back with you to see if you had received the application for a ballot by mail sent to you on behalf of our Democratic candidates.

Has your ballot by mail application arrived yet, (voter's name)? (DESCRIBE IF NECESSARY)

NO: (have not received application in mail) CIRCLE "1"

Well, I'm sorry you haven't received it. Your name is on my list as having been mailed an application. It was red, white and blue and said "IMPORTANT VOTER INFORMATION" on the outside.

(pause to see if they remember receiving it)

Well, if you would like to vote early this year, there's a new Texas law that allows all voters to cast their ballots between October 19 and November 4. If you would like to vote early, all you need to do is call your county clerk and they can tell you where to go to vote early. Would you like their phone number (voter's name)?

YES: want to vote early)

Okay...the phone number you need to call is _____. Just tell them you want to vote early and ask them which location would be closest to you. Thanks very much (voter's name). I sur3e enjoyed talking with you. GOODBYE >

YES: (have received application in mail) CIRCLE "2"

Great! I'm glad to know you have already received it. Texas has a great law which allows voters age sixty-five and older to cast their ballot by mail, therefore avoiding the need to vote in person. If you are interested in having your county clerk mail a ballot to you...which will be exactly the same as one you would get if you vote in person...then all you need to do is

1) sign the application beside the red "X" at the bottom;

2) tear off the bottom part of the letter and put a 25 cent stamp on it;

3) then drop it in the mail.

Do you think you will use the application for a ballot by mail (voter's name)?

YES: (will use ballot) CIRCLE "3"

Wonderful! Senator Bentsen will be happy to know that the ballot by mail application was helpful to you. And he asked me to encourage you to send it in right away so your ballot will arrive in plenty of time.

Remember, once you send in the application the county clerk will still need to send your ballot to you. Along with the ballot will be instructions on how to vote with it. Then, once you have marked your vote, you must send the ballot back to the clerk to be counted with everyone else's votes on election day. It is very simple and will allow you to vote this year without having to go to the polls in person.

Do you have any questions I might be able to help you with (voter's name)?

ANSWER AS MANY QUESTIONS AS YOU CAN. IF THEY NEED ADDITIONAL HELP, BE SURE THEY KNOW THERE IS A PHONE NUMBER IN THE LETTER PORTION OF THEIR APPLICATION.

Well, I sure enjoyed talking with you (voter's name). And remember to sign the application and mail it back right away...then watch the mail for the ballot from the clerk. Thanks again (voter's name). Goodbye.

NO: (will not use application) CIRCLE "4"

Well, I understand (voter's name)? Can I tell Senator Bentsen that you will be voting in person this year (voter's name)?

YES: (Voting in person) CIRCLE "5"

That's great! The important thing is to make sure everyone has the

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opportunity to vote. This election is very close and all of our Democratic candidates are hoping to have your support. Thanks for talking with me (voter's name). Goodbye.

NOT SURE/NOT VOTING (not sure about voting this year) **CIRCLE "6"**

Oh, well I sure hope you will vote this year (voter's name). The application that Senator Bentsen sent you would make it possible for you to vote without leaving your home. All you need to do is sign it and mail it to the clerk and they will send you a ballot to mark in the privacy of your home. I'd be happy to help you if you have any questions (voter's name).

ANSWER AS MANY QUESTIONS AS POSSIBLE...BE SURE THEY KNOW THAT A TELEPHONE NUMBER TO THE COUNTY CLERK IS INCLUDED IN THE LETTER PORTION OF THE APPLICATION.

Well, I sure enjoyed talking with you (voter's name). Our Democratic candidates are hoping to have your support this year. Goodbye.

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Hello, may I please speak with (volunteer's name)? Hello, (repeat name)...this is (your name). I'm calling again for Senator Lloyd Bentsen.

Senator Bentsen asked me to call to thank you for agreeing to visit your neighbors this weekend to distribute literature for our Democratic candidates. The information to use in your walk was mailed this week...do you know if it has arrived yet, (volunteer's name)?

DESCRIBE KIT IF NECESSARY

YES: (received kit) **CIRCLE "1"**

That's great! Senator Bentsen included some suggestions, but the important thing is to distribute the literature and encourage your neighbors to consider voting Democratic this year. We would like you to walk your block this weekend if possible...but if another day is more convenient, that's okay. The important thing is to make sure your neighbors receive this information.

Do you have any questions I might be able to answer **(volunteer's name)**?

ANSWER AS MANY QUESTIONS AS POSSIBLE

One more thing **(volunteer's name)**...it's so good of you to help Senator Bentsen out...we were wondering if we might ask one more thing of you. Would you be willing to call 15 other Democratic supporters on election day to remind them to vote?

YES: (will call supporters) **CIRCLE "3"**

Oh, thanks so much. That will be a big help to our campaign. We have so many supporters and we want to make sure each one remembers to cast their ballot November 8th.

We'll send you a list of names and phone numbers along with some suggestions to help you in making your calls. It will arrive just before election day.

Thanks so much for agreeing to help, **(volunteer's name)**. With the active support you are giving to our campaign I'm sure our Democratic candidates will win this November. Thanks again. Your help means a lot to Senator Bentsen and all of our Democratic candidates. **GOODBYE.**

NO: (will not call supporters) **CIRCLE "4"**

Well, I understand **(volunteer's name)**. You are already doing so much to help our campaign and Senator Bentsen wanted me to let you know how grateful he is for your help. Thanks again **(volunteer's name)**. We really appreciate everything you are doing to help us. **GOODBYE.**

NOT WALK: (unable to visit neighbors) **CIRCLE "5"**

Oh, I'm very sorry to hear that. If you have a friend or family member who would be willing to distribute this literature for Senator Bentsen we'd be very grateful...but we understand how things change. Thank you for talking with me **(volunteer's name)**. And please remember to vote. **GOODBYE.**

VOTING REPUBLICAN: (changed to Republican) **CIRCLE "6"**

Oh, Senator Bentsen will be sorry to hear that. He was hoping to have your support for our Democratic candidates this year. Thank you for talking with me **(voter's name)**. **GOODBYE.**

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NO: **(not received kit)** **CIRCLE "2"**

I'm sorry. The kits were just mailed recently, but with the holiday this Monday the mail may be delayed. Hopefully the information will arrive by Saturday, but if it doesn't, please don't let that keep you from visiting your neighbors another day. The important thing is that your neighbors receive this information.

Do you have any questions I might be able to answer for you **(volunteer's name)**?

ANSWER AS MANY QUESTIONS AS POSSIBLE

One more thing (volunteer's name). It's so good of you to help Senator Bentsen out...we were wondering if we might ask one more thing of you. Would you be willing to call 15 other Democratic supporters on election day to remind them to vote?

YES: **(will call supporters)** **CIRCLE "3"**

Oh, thanks so much.That will be a big help to our campaign. We have so many supporters and we want to make sure each one remembers to cast their ballot November 8th.

We'll send you a list of names and phone numbers along with some suggestions to help you in making your calls. It will arrive just before election day.

Thanks so much for agreeing to help, **(volunteer's name)**. With the active support you are giving to our campaign I'm sure our Democratic candidates will win this November. Thanks again. Your help means a lot to Senator Bentsen and all of our Democratic candidates. **GOODBYE.**

NO: **(will not call supporters)** **CIRCLE "4"**

Well, I understand **(volunteer's name)**. You are already doing so much to help our campaign and senator Bentsen wanted me to let you know how grateful he is for your help.

Thanks again **(volunteer's name)**. We really appreciate everything you are doing to help us. **GOODBYE.**

NOT WALK: **(unable to visit neighbors)** **CIRCLE "5"**

Oh, I'm very sorry to hear that. If you have a friend or family member who would be willing to distribute this literature for Senator Bentsen we'd be very grateful...but we understand how things change. Thank you for talking with me (volunteer's name). And please remember to vote. GOODBYE.

VOTING REPUBLICAN: **(changed to Republican)** **CIRCLE "6"**

Oh, Senator Bentsen will be sorry to hear that. He was hoping to have your support for our Democratic candidates this year. Thank you for talking with me (voter's name). GOODBYE.

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Senior Ballot by Mail Application

Hello, may I please speak with (voter's name)? Hello, (repeat name) this is (your name). I'm calling for Senator Lloyd Bentsen.

Senator Bentsen asked me to call to let you know that he has sent you an application for a ballot by mail on behalf of our Democratic candidates.

He wanted me to make sure you know how the application works and to try to answer any questions you might have. Has your ballot by mail application arrived (voter's name)? (DESCRIBE IF NECESSARY)

NO: (have not received application in mail) CIRCLE "1"

Well, it was just mailed a few days ago. Please watch for it in your mail...it's red, white and blue and says "IMPORTANT VOTER INFORMATION" on the outside.

I'll call back in a few days to see if you've received it and see if I can answer any questions you might have. I've enjoyed talking with you (voter's name). Goodbye.

YES: (have received application in mail) CIRCLE "2"

Great! I'm glad to know you have already received it. Texas has a great law which allows voters age sixty-five and older to cast their ballot by mail, therefore avoiding the need to vote in person. If you are interested in having your county clerk mail a ballot to you...which will be exactly the same as one you would get if you vote in person...then all you need to do is

1) sign the application beside the red "X" at the bottom;

2) tear off the bottom part of the letter and put a 25 cent stamp on it;

3) then drop it in the mail.

<u>Do you think you will use the application for a ballot by mail (voter's name)?</u>

YES: (will use ballot) CIRCLE "3"

Wonderful! Senator Bentsen will be happy to know that the ballot by mail application was helpful to you. And he asked me to encourage you to send it in right away so your ballot will arrive in plenty of time.

Remember, once you send in the application the county clerk will still need to send your ballot to you. Along with the ballot will be instructions on how to vote with it. Then, once you have marked your vote, you must send the ballot back to the clerk to be counted with everyone else's votes on election day. It is very simple and will allow you to vote this year without having to go to the polls in person.

<u>Do you have any questions I might be able to help you with (voter's name)?</u>

ANSWER AS MANY QUESTIONS AS YOU CAN. IF THEY NEED ADDITIONAL HELP, BE SURE THEY KNOW THERE IS A PHONE NUMBER IN THE LETTER PORTION OF THEIR APPLICATION.

Well, I sure enjoyed talking with you (voter's name). And remember to sign the application and mail it back right away...then watch the mail for the ballot from the clerk. Thanks again (voter's name). Goodbye.

NO: (will not use application) CIRCLE "4"

Well, I understand (voter's name)? <u>Can I tell Senator Bentsen that you will be voting in person this year (voter's name)?</u>

YES: (Voting in person) CIRCLE "5"

That's great! The important thing is to make sure everyone has the opportunity to vote. This election is very close and all of our Democratic candidates are hoping to have your support. Thanks for talking with me (voter's name). Goodbye.

NOT SURE/NOT VOTING (not sure about voting this year) CIRCLE "6"

Oh, well I sure hope you will vote this year (voter's name). The application that Senator Bentsen sent you would make it possible for you to vote without leaving your home. All you need to do is sign it and mail it to the clerk and they will send you a ballot to mark in the privacy of your home. I'd be happy to help you if you have any questions (voter's name).

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ANSWER AS MANY QUESTIONS AS POSSIBLE...BE SURE THEY KNOW THAT A TELEPHONE NUMBER TO THE COUNTY CLERK IS INCLUDED IN THE LETTER PORTION OF THE APPLICATION.

Well, I sure enjoyed talking with you (voter's name). Our Democratic candidates are hoping to have your support this year. Goodbye.

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Vote Early Message

Hello, may I please speak with (voter's name). Hello, (repeat name). This is (your name).

I was asked to call you today to let you know about a new law in Texas that allows all voters to cast their vote early.

If you would like to vote early, just in case you will be busy on election day, or for any reason, you can do so any weekday between now and November 4th from 8:00 a.m. until 4:30 p.m....or on Saturday or Sunday, October 29th and 30th from 1:00 p.m. to 6:00 p.m.

I have some information on the voting locations open for early voting if you would like them. Do you think you might want to vote early (voter's name)?

YES: (want to vote early) CIRCLE "1"

Okay (voter's name). There are two locations where you can vote early. There is a satellite location at (**name and address of location for their precinct**). However, if you would like to vote downtown, there is the main location at 49 San Jacinto. Both of these locations will be open from 8:00 a.m until 4:30 p.m. Monday through Friday between now and November 4th and also on one weekend, Saturday October 29th and Sunday October 30th from 1:00 p.m. until 6:00 p.m.

Did you get all of the information (voter's name)?

pause...if they need additional information, try to be helpful.

Well, (voter's name). I enjoyed talking with you and I do hope you'll go vote early. This election is extremely important to our Democratic candidates and we want to make sure everyone votes in the election. By voting early, you won't have to worry about something happening that might keep you from voting on election day. Thanks again (voter's name). GOODBYE.

RIDES: (need a ride to vote early) CIRCLE "2"

Well (voter's name), we have some volunteers who are providing rides to vote early. If you would like, I can take down all of the information and have someone contact you about getting you a ride...how would that be?

FILL OUT A "RIDE TO THE POLLS" CARD. BE SURE TO FILL IT IN COMPLETELY...NAME, ADDRESS, PRECINCT, PHONE NUMBER, PREFERED DAY AND TIME...ETC. SOMEONE WILL CONTACT THEM BY PHONE TO CONFIRM THE ARRANGEMENTS

Okay (voter's name). I'll have someone get in touch with you about a ride. Thanks so much. We really appreciate your support. GOODBYE.

NO (do not want to vote early) CIRCLE "3"

Well, I understand (voter's name). The important thing is that you get a chance to cast your ballot in the election. All of our Democratic candidates are counting on your suport...so please remember to go all the way through the ballot. In fact, you might want to consider using the "Straight Democratic" vote provided on the ballot to be sure your vote counts in every race! Remember, election day is Tuesday, November 8th! Thank you for talking with me (voter's name). GOODBYE.

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Hello, may I please speak with (volunteer's name)? Hello, (repeat name)...this is (your name). I'm calling again for Senator Lloyd Bentsen.

Senator Bentsen asked me to call to thank you for agreeing to call some of our Democratic supporters on election day to remind them to vote.

We just wanted to let you know that your kit is being put in the mail this week. Included in the kit are the names and phone numbers of some of our Democratic supporters in your area. We have also included some instructions on when to make the calls and a suggestion of what you might want to say in your calling.

We wanted to mail your kit to you early to make sure it's not delayed in the mail...but please wait to call these voters until the night before the election...Monday, November 7th. That way, your reminder will have the most effect.

There's one more thing I wanted to tell you, (volunteer's name). There is a new law in Texas that allows all voters to cast their vote early...for any reason at all. Senator Bentsen asked me to let you know that you can cast your vote between now and November 4th if you would prefer. We've been encouraging voters to take advantage of the early voting...that way you can avoid long lines at the polls on election day and also be assured that nothing will occur that might keep you from casting your vote. Your vote is very important to Senator Bentsen and all of our Democratic candidates!

Do you think you might vote early, (volunteer's name)?

YES: (plan to vote early) CIRCLE 1

Great! We really think it's a great new law and we hope a lot of our supporters will take advantage of this opportunity. Just call your county clerk to confirm the times and locations available in your area for early voting. I have that number if you would like it...(**pause...give them telephone number of county clerk if they would like it**). Thanks again (volunteer's name) for doing so much to help in our campaign. We feel confident that we will win this election if all of our supporters vote...and your calls will help us make sure that happens.

NO: (do not plan to vote early)

Well, I understand (voter's name). If you should decided to vote early, just call your county clerk and they can tell you what times and locations are available in your area. But thanks again (volunteer's name) for doing so much to help in our campaign. We feel confident that we will win this election if all of our supporters vote...and your calls will help us make sure that happens. Thanks again. GOODBYE.

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Hello, may I please speak with (volunteer's name)? Hello, (repeat name)...this is (your name). I'm calling again for Senator Lloyd Bentsen.

Senator Bentsen asked me to call to thank you for agreeing to visit your neighbors the weekend before the election to remind them to vote.

We just wanted to let you know that your block walk kit is being put in the mail this week. Included in the kit is the literature to distribute when you visit your neighbors. We have also included some suggestions that might be helpful.

We wanted to mail your kit to you early to make sure it's not delayed in the mail...but please wait to visit your neighbors until just before the election...Saturday or Sunday, November 5th or 6th. That way, your reminder will have the most effect. But if your walk kit is delayed for some reason, please pass the literature out on Monday, November 7th.

There's one more thing I wanted to tell you, (volunteer's name). There is a new law in Texas that allows all voters to cast their vote early...for any reason at all. Senator Bentsen asked me to let you know that you can cast your vote between now and November 4th if you would prefer. We've been encouraging voters to take advantage of the early voting...that way you can avoid long lines at the polls on election day and also be assured that nothing will occur that might keep you from casting your vote. Your vote is very important to Senator Bentsen and all of our Democratic candidates!

Do you think you might vote early, (volunteer's name)?

YES: (plan to vote early) CIRCLE 1

Great! We really think it's a great new law and we hope a lot of our supporters will take advantage of this opportunity. Just call your county clerk to confirm the times and locations available in your area for early voting. I have that number if you would like it...**(pause...give them telephone number of county clerk if they would like it)**. Thanks again (volunteer's name) for doing so much to help in our campaign. We feel confident that we will win this election if all of our supporters vote...and the block walk you are a part of will help us make sure that happens.

NO: (do not plan to vote early)

Well, I understand (voter's name). If you should decided to vote early, just call your county clerk and they can tell you what times and locations are available in your area. But thanks again (volunteer's name) for doing so much to help in our campaign. We feel confident that we will win this election if all of our supporters vote...and the block walk you are a part of will help us make sure that happens. Thanks again. GOODBYE.

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Hello, may I please speak with (voter's name)? Hello, (repeat name), this is (your name). I'm calling for Senator Lloyd Bentsen. Senator Bentsen is working to elect Democratic candidates in Texas this year, and he is hoping you might be willing to help him out in your neighborhood.

He asked me to call and see if you would be willing to visit each of the homes on your block in early October to personally deliver campaign literature on the Democratic candidates running for office in your area this year.

Would you be willing to do that for Senator Bentsen, (voter's name)?

YES (will walk) CIRCLE "W"

That's great! Senator Bentsen will be happy to hear that! We are planning this statewide volunteer door-to-door campaign for the weekend before the election...and we'll send you a packet containing the literature and other materials about a week before the scheduled date. Let me confirm your address **(Read the address on the list and make all changes)**. Thanks again, (voter's name). With your help, Democratic candidates in Texas will win in '88. Goodbye.

NO: (cannot walk)

Well, I understand...not everyone can make time on the weekend to visit their neighbors. There is one other important volunteer project that Senator Bentsen asked me to mention...would you be willing to call 15 other Democratic supporters of the campaign on election day to remind them to vote, (voter's name)?

YES: (will phone) CIRCLE "P"

That's great! We'll send you a list of names of Democratic supporters, along with their phone numbers just before election day, which is November 8th this year. We'll include in the packet some suggestions to help you in your calling. Let me confirm your address **(Read the address on the list and make all changes)**. Thanks so much for agreeing to help, (voter's name). Your help means a lot to Senator Bentsen and to our Democratic candidates. Thanks again. Goodbye.

NO: (cannot walk or phone)

Well, that's okay. Can I tell Senator Bentsen he can count on your support for our Democratic candidates at the polls this November (voter's name)?

YES: (support Democratic candidates) CIRCLE "F"

That's great! Senator Bentsen will be happy to hear that! Thank you for your support, (voter's name). It means a lot to Senator Bentsen. Goodbye.

NOT SURE: (not sure about supporting Democrats) CIRCLE "U"

Oh, well we sure hope you'll consider supporting Democratic candidates...we have a lot of good candidates running for election this year. Thank you for talking with me, (voter's name). Goodbye.

NO: (not supporting Democrats) CIRCLE "A"

Oh, I'm so sorry to hear that. We have a lot of good Democratic candidates running for office this year. I hope you will consider supporting them. But thank you for talking with me, (voter's name). Goodbye.

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Hello, m. I please speak with (voter's name)? Hello, (repeat name), this is (your name). I'm calling for Senator [illegible]d Bentsen. Senator Bentsen is working to elect Democratic candidates in Texas this year, and he i[illegible]oping you might be willing to help him out in your neighborhood.

He asked me to call and see if you would be willing to visit each of the homes on your block the weekend before th[illegible] election (Saturday or Sunday, November 5 or 6) to personally deliver campaign literature on the Dem[illegible]ratic candidates running for office in your area this year.

Would y[illegible] be willing to do that for Senator Bentsen, (voter's name)?

YES (will walk) CIRCLE "W"

T[illegible]'s great! Senator Bentsen will be happy to hear that! We are planning this statewide vo[illegible]nteer door-to-door campaign for the weekend before the election...and we'll send you a packet c[illegible]aining the literature and other materials about a week before the scheduled date. Let me c[illegible] your address (Read the address on the list and make all changes). One more thing, ([illegible]er's name)...we have some volunteers who will be putting up yard signs in your area in O[illegible]tober...would you like for us to have a sign placed in your yard?

(If they agree to a sign thank them...CIRCLE "Y" FOR YARD SIGN)

T[illegible]nks again, (voter's name). With your help, Democratic candidates in Texas will win in '88. G[illegible]dbye.

NO (cannot walk)

Y[illegible] understand...not everyone can make time on the weekend to visit their neighbors. There is [illegible] important volunteer project that Senator Bentsen asked me to mention...would you be w[illegible]g to call 15 other Democratic supporters of the campaign on election day to remind them to vot[illegible] (voter's name)?

YES: (will phone) CIRCLE "P"

That's great! We'll send you a list of names of Democratic supporters, along with their phone numbers just before election day, which is November 8th this year. We'll include in the packet some suggestions to help you in your calling. Let me confirm your address (Read the address on the list and make all changes). One more thing, (voter's name)...we have some volunteers who will be putting up yard signs in your area in October...would you like for us to have a sign placed in your yard?

(If they agree to a sign thank them...CIRCLE "Y" FOR YARD SIGN)

Thanks so much for agreeing to help, (voter's name). Your help means a lot to Senator Bentsen and to our Democratic candidates. Thanks again. Goodbye.

NO: (cannot walk or phone)

Well, that's okay. Can I tell Senator Bentsen he can count on your support for our Democratic candidates at the polls this November (voter's name)?

YES: (support Democratic candidates) CIRCLE "F"

That's great! Senator Bentsen will be happy to hear that! One more thing, (voter's name). Some of our volunteers will be putting up yard signs in your area in October...would you like us to have a sign placed in your yard? (If they agree to a sign thank them, confirm their address...CIRCLE "Y" FOR YARD SIGN.)

Thank you for your support, (voter's name). It means a lot to Senator Bentsen. Goodbye.

NOT SURE: (not sure about supporting Democrats) CIRCLE "U"

Oh, well we sure hope you'll consider supporting Democratic candidates...we have a lot of good candidates running for election this year. Thank you for talking with me, (voter's name). Goodbye.

NO: (not supporting Democrats) CIRCLE "A"

Oh, I'm so sorry to hear that. We have a lot of good Democratic candidates running for office this year. I hope you will consider supporting them. But thank you for talking with me, (voter's name). Goodbye.

9 5 0 4 3 6 7 4 0 2 3

Hello, may please speak with (voter's name)? Hello, (repeat name), this is (your name). I'm calling for Senator Lloyd Bentsen. Senator Bentsen is working to elect Democratic candidates in Texas this year, and he is hoping you might be willing to help him out in your neighborhood.

He asked me to call and see if you would be willing to visit each of the homes on your block in early October to personally deliver campaign literature on the Democratic candidates running for office in your area this year.

Would you be willing to do that for Senator Bentsen, (voter's name)?

YES (will walk) CIRCLE "W"

That's great! Senator Bentsen will be happy to hear that! We are planning this statewide volunteer door-to-door campaign for the second Saturday in October...and we'll send you a packet containing the literature and other materials about a week before the scheduled date. Thanks a lot (voter's name). With your help, Democratic candidates in Texas will win in '88. Goodbye.

NO: (cannot walk)

We understand...not everyone can make time on a Saturday to visit their neighbors. There's another important volunteer project that Senator Bentsen asked me to mention...would you be willing to call 15 other Democratic supporters of the campaign on election day to remind them to vote (voter's name)?

YES: (will phone) CIRCLE "P"

That's great! We'll send you a list of names of Democratic supporters, along with their phone numbers just before election day, which is November 8th this year. We'll include in the packet some suggestions to help you in your calling. Thanks so much for agreeing to help, (voter's name). Your help means a lot to Senator Bentsen and to our Democratic candidates. Thanks again. Goodbye.

NO: (cannot walk or phone)

Well, that's okay. Can I tell Senator Bentsen he can count on your support for our Democratic candidates at the polls this November (voter's name)?

YES: (support Democratic candidates) CIRCLE "F"

That's great! Senator Bentsen will be happy to hear that! Thank you for your support, (voter's name). It means a lot to Senator Bentsen. Goodbye.

NOT SURE (not sure about supporting Democrats) CIRCLE "U"

Oh, well we sure hope you'll consider supporting Democratic candidates...we have a lot of good candidates running for election this year. Thank you for talking with me, (voter's name). Goodbye.

NO: (not supporting Democrats) CIRCLE "X"

Oh, I'm so sorry to hear that. We have a lot of good Democratic candidates running for office this year. I hope you will consider supporting them. But thank you for talking with me, (voter's name). Goodbye.

9 5 0 4 3 6 7 4 0 2 4

Hello, may I please speak with (voter's name)? Hello, (repeat name), this is (your name). I'm calling for Senator Lloyd Bentsen. Senator Bentsen is working to elect Democratic candidates in Texas this year, and he is hoping you might be willing to help him out in your neighborhood.

He asked me to call and see if you would be willing to visit each of the homes on your block in early October to personally deliver campaign literature on the Democratic candidates running for office in your area this year.

Would you be willing to do that for Senator Bentsen, (voter's name)?

YES **(will walk) CIRCLE "W"**

That's great! Senator Bentsen will be happy to hear that! We are planning this statewide volunteer door-to-door campaign for the second Saturday in October...and we'll send you a packet containing the literature and other materials about a week before the scheduled date. One more thing, (voter's name)...we have some volunteers who will be putting up yard signs in your area in October...would you like for us to have a sign placed in your yard?

(If they agree to a sign thank them...CIRCLE "Y" FOR YARD SIGN)

Thanks again, (voter's name). With your help, Democratic candidates in Texas will win in '88. Goodbye.

NO: **(cannot walk)**

Well, I understand...not everyone can make time on a Saturday to visit their neighbors. There is one other important volunteer project that Senator Bentsen asked me to mention...would you be willing to call 15 other Democratic supporters of the campaign on election day to remind them to vote, (voter's name)?

YES: **(will phone) CIRCLE "P"**

That's great! We'll send you a list of names of Democratic supporters, along with their phone numbers just before election day, which is November 8th this year. We'll include in the packet some suggestions to help you in your calling. One more thing, (voter's name)...we have some volunteers who will be putting up yard signs in your area in October...would you like for us to have a sign placed in your yard?

(If they agree to a sign thank them...CIRCLE "Y" FOR YARD SIGN)

Thanks so much for agreeing to help, (voter's name). Your help means a lot to Senator Bentsen and to our Democratic candidates. Thanks again. Goodbye.

NO: **(cannot walk or phone)**

Well, that's okay. Can I tell Senator Bentsen he can count on your support for our Democratic candidates at the polls this November (voter's name)?

YES: **(support Democratic candidates) CIRCLE "F"**

That's great! Senator Bentsen will be happy to hear that! One more thing, (voter's name). Some of our volunteers will be putting up yard signs in your area in October...would you like us to have a sign placed in your yard?

(If they agree to a sign thank them...CIRCLE "Y" FOR YARD SIGN)

Thank you for your support, (voter's name). It means a lot to Senator Bentsen. Goodbye.

NOT SURE: (not sure about supporting Democrats) CIRCLE "U"

Oh, well we sure hope you'll consider supporting Democratic candidates...we have a lot of good candidates running for election this year. Thank you for talking with me, (voter's name). Goodbye.

NO: **(not supporting Democrats) CIRCLE "X"**

Oh, I'm so sorry to hear that. We have a lot of good Democratic candidates running for office this year. I hope you will consider supporting them. But thank you for talking with me, (voter's name). Goodbye.

9504367402 5

Hello, may I please speak with (voter's name)? Hello, (repeat name), this is (your name). I'm calling for Senator Lloyd Bentsen.

Senator Bentsen is running for re-election this year and he asked me to contact you to ask your views regarding election choices this November.

I have three questions . . .

1). At this point, the Presidential contest will be between Democrats Michael Dukakis and Lloyd Bentsen . . . and Republicans George Bush and Dan Quayle. If you were voting today, who would be your choice Democrats Michael Dukakis and Lloyd Bentsen or Republicans George Bush and Dan Quayle?

DUKAKIS/BENTSEN (Democrat)	CIRCLE "1"
BUSH/QUAYLE (Republican)	CIRCLE "2"
UNDECIDED	CIRCLE "3"

2). Fine. Of course Senator Bentsen is anxious to know how you feel about his race. He is being opposed by a Republican Congressman from Amarillo. As of now, do you think you will be supporting Senator Bentsen or his Republican opponent?

BENTSEN (Democrat)	CIRCLE "4"
BOULTER (Republican)	CIRCLE "5"
UNDECIDED	CIRCLE "6"

3). Okay, last question. In local races in (_____) County, (like sheriff, state representative and state senate) do you usually support Democratic candidates or Republican candidates?

DEMOCRATIC	CIRCLE "7"
REPUBLICAN	CIRCLE "8"
UNSURE/OTHER	CIRCLE "9"

(Voter's name), thanks very much for your help on this. I know Senator Bentsen will be happy to know how you feel; it will be very helpful to him. Thanks again. GOODBYE.

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EXHIBIT 3

9 5 0 4 3 6 7 4 0 2 7

Electronic Mail, Inc.
1651 Old Meadow Road, McLean, Virginia 22102

** REMITTANCE COPY **

JULY 31, 1988
ACCOUNT NO HTX3076141

** SEN. PENISEN ELECTION COMMITTEE

AMOUNT DUE $9,964.80

AMOUNT PAID $_____.___

WESTERN UNION
PRIORITY MAIL SERVICES, INC.
P.O. BOX 79171
BALTIMORE, MD 21279-0171

CURRENT CHARGES DUE WHEN RENDERED
FOR INQUIRY CALL (703) 821-5800

** REMITTANCE COPY **

9504367492 8

Western Union
Electronic Mail, Inc.
1651 Old Meadow Road McLean Virginia 22102

Z01386

** INVOICE **

JULY 31, 1988
ACCOUNT NO HTX3076141

** PREMIUM LETTERS **

GET THE BEST RESPONSE AND CONFIRMATION OUT OF YOUR LETTERS. USE WESTERN UNION PRIORITY MAIL SERVICE'S BUSINESS REPLY AND CERTIFIED FEATURES.

** SUMMARY OF CHARGES **

TOTAL DUPMS USAGE	$9,964.80
TEXT STORAGE	$.00
ADDRESS STORAGE	$.00
CURRENT CHARGES	$9,964.80
PREVIOUS BALANCE DUE	$.00
LESS: PAYMENT RECEIVED	$.00
TOTAL DUE	$9,964.80

SEN. PENISEN ELECTION COMMITTEE
LINDA ROGERS
1402 NUECES
AUSTIN TX 78701

CURRENT CHARGES DUE WHEN RENDERED

FOR INQUIRY CALL (703) 821-5800

Western Union
Electronic Mail, Inc.

JOB NUMBER: 1940158

PAGE 1
JULY 31, 1988
ACCOUNT NO HTX3076141

DATE	VOLUME	DESCRIPTION	TYPE	OPTIONS	LENGTH	AMOUNT
07/12	2,076	MAILGRAMS				$9,030.60
07/12		KEYPUNCHING				$726.60
07/12		INSERTS				$207.60
				ACCOUNT TOTAL		$9,964.80

Electronic Mail, Inc. WUPMS ACCOUNT USAGE SUMMARY JULY 31, 1986
1651 Old Meadow Road, McLean, Virginia 22102 ACCOUNT NO H TX3076141

USAGE APPLICABLE TO MINIMUM REQUIREMENTS

2,076 MAILGRAM		$9,030.60
	SUB-TOTAL	$9,030.60

OTHER CHARGES

INSERTS		$207.60
KEYPUNCH		$726.60
	* SUB-TOTAL*	$934.20

TOTAL WUPMS USAGE $9,964.80

Western Union
Electronic Mail, Inc.
1651 Old Meadow Road, McLean, Virginia 22102

** SUMMARY OF PRODUCTS AND SERVICES AVAILABLE **

** MESSAGE SERVICES **

BR -BUSINESS REPLY MLGM	CBR -CERTIFIED BR MLGM	CLB -BUSINESS REPLY LTR
CLR -RTN ENVELOPE LETTER	CLS -COMPOTER LETTER	CM -CANADIAN MAILGRAM
CMG -CERTIFIED MLGM	INTL-CABLEGRAM	ITLX-WORLDWIDE TELEX
ITMG-WORLDWIDE MAILGRAM	MLGM-MAILGRAM	PLB -PRIORITY LTR BRM
PLR -PRIORITY LTR RTN ENV	PLS -PRIORITY LETTER	PTLG-PHYSICAL DELIVERY TLG
TLGM-TELEGRAM	TLX -TELEX MESSAGE	TWX -TWX MESSAGE

** MESSAGE OPTIONS **

ACL -AUTO RTNMAIL CFM LST	ACM -AUTO RTN MAIL CFM	ACY -AUTO WKLY CFM COPIES
ALY -AUTO WKLY CFM LIST	CCL -RTN MAIL CFM LIST	CCM -RTN MAIL CFM COPIES
CCY -WEEKLY CFM COPIES	CLY -WEEKLY CFM LIST	CON -CONFIRMATION MSG
CTX -CONVERT TO STX PRICE	CZP -CONVERT TO ZIP PRICE	FUP -FILE UP-DATE
MICR-MICROFICHE	SGM -SPEC GREETING MSG	STA -STORED ADDRESS MSG
STX -STORED TEXT MSG	ZIP -VARIABLE TEXT MSG	

9504367429

Before the Federal Election Commission

MUR 2652

Respondents: Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

AFFIDAVIT OF BLAINE H. BULL
IN SUPPORT OF RESPONDENTS' ANSWERS TO INTERROGATORIES

District of Columbia))) ss.

I, BLAINE H. BULL, being duly sworn according to law, hereby depose and state as follows:

1. I have personal knowledge of the facts set forth herein, and if called to testify in this matter, I would testify as set forth herein.

2. I was the Campaign Director of the Senator Lloyd Bentsen Election Committee (hereinafter referred to as "the Bentsen Committee") during the 1988 primary and general elections.

3. As Campaign Director, I had personal knowledge of the day-to-day activities of the Bentsen Committee, including its relationship to '88 Texas.

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4. In his 1982 campaign for re-election, Senator Bentsen and other federal and nonfederal Texas candidates participated in a highly successful voter registration and get-out-the-vote effort.

5. In 1988, it was decided to participate in a similar effort.

6. To this end, the Bentsen Committee contracted with '88 Texas, Inc. to provide telephone bank, direct mail, and other general political consulting services in connection with the 1988 primary and general elections in Texas.

7. The Bentsen Committee entered into a written contract with '88 Texas, specifying the services to be provided and relevant terms and conditions.

8. The Bentsen Committee made the payments set forth in the responses to the interrogatories submitted to the Commission in connection with MUR 2652 as payment for services rendered by '88 Texas to the Bentsen Committee.

9. Upon information and belief, other candidates, for both federal and nonfederal office, and political party committees (and other political committees) also contracted for similar services to be performed by '88 Texas.

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10. The Bentsen Committee did not enter into any joint agreement or arrangement with any of the other candidates, political party committees, or political committees which contracted with '88 Texas for services in connection with the general election.

11. The Bentsen Committee requested that the Democratic Senatorial Campaign Committee make, as legal and actual "agent", coordinated party expenditures in the amount of $327,000 to '88 Texas in payment of services provided to the Bentsen Committee by '88 Texas.

12. The payments made by the Bentsen Committee to '88 Texas were in direct relation to the services provided to and benefit received by the Bentsen Committee. The amounts were determined by the nature of the office sought and the specific services provided, such as the number of direct mail pieces sent on behalf of the Bentsen Committee or the amount of information obtained from telephone banks or other similar voter identification or get-out-the-vote activities.

13. The Bentsen Committee at no time transferred or provided any information obtained from the services provided to it by '88 Texas to the Presidential or Vice Presidential campaigns of Michael Dukakis or Lloyd Bentsen.

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14. No members of the Bentsen Committee staff shared or split their time between the Senate campaign and the Presidential or Vice Presidential campaign.

15. Jack DeVore, Jack Martin and Michael Levy did not share or split their time between the Senate campaign and the Presidential or Vice Presidential campaign.

16. No campaign office or facility was shared between the Bentsen Committee and the Presidential or Vice Presidential campaigns; the Bentsen Committee established and funded its own separate staff and facilities.

17. None of the offices or facilities of the Bentsen Committee distributed campaign materials for the Presidential or Vice Presidential campaigns.

18. No materials produced in connection with the Bentsen Committee's activities were provided to the Presidential or Vice Presidential campaigns for distribution.

19. On July 12, 1988, the Bentsen Committee sent the mailgram identified in the First Supplemental Complaint in MUR 2652 to individuals contained in in-house mailing lists developed by the Bentsen Committee.

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20. The purpose of the mailgram was to reassure those Bentsen contributors and supporters concerned with the Senator's nomination for the Vice Presidency and to urge their continued support for the Senator's re-election. The decision to prepare this mailgram followed numerous inquiries from Senate supporters questioning the Senator's acceptance of the Vice Presidential designation by the party's Presidential nominee; and it was expected that some explanation of the Vice Presidential candidacy was required to address those questions, and to hold firm the Senator's support for re-election.

21. No Presidential or Vice Presidential campaign staff participated in the preparation or distribution of the July 12 mailgram.

22. The logo "'88 Bentsen" was designed for use by the Bentsen Committee in October 1987.

23. The Bentsen '88 bumper stickers referred to in the First Supplemental Complaint were produced under a contract by the Bentsen Committee with the Madison Printing Company of Fort Worth, Texas in conjunction with the 1988 primary election in Texas.

24. The Bentsen brochure identified in the First Supplemental Complaint was produced by '88 Texas as part of

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their contract with the Bentsen Committee to provide direct mail services in connection with the Senator's primary election.

25. The Bentsen brochure identified in the First Supplemental Complaint was distributed by '88 Texas in connection with the 1988 Democratic Texas primary in connection with the Senator's primary election.

26. The Bentsen Committee did not provide nor did it authorize the transfer or distribution of the Bentsen '88 bumper stickers or Bentsen brochures identified in the First Supplemental Complaint to the Dukakis/Bentsen campaign.

27. Upon information and belief, none of the Bentsen '88 bumper stickers or the Bentsen brochures identified in the First Supplemental Complaint were used in connection with the Presidential or Vice Presidential campaigns or in connection with the Presidential or Vice Presidential activities or events.

28. The one instance of the distribution of a bumper sticker cited in the complaint designated MUR 2652 was the unauthorized action of an individual acting in a volunteer capacity.

29. No Presidential or Vice Presidential campaign staff

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participated in the preparation or distribution of the Bentsen '88 bumper stickers or Bentsen brochures identified in the First Supplemental Complaint.

30. After Senator Bentsen's designation as the Vice Presidential nominee on July 12, 1988, all remaining Bentsen '88 bumper stickers (approximately 175,000) were collected and stored in a warehouse. The bumper stickers are in the process of being destroyed. Approximately 25,000 Bentsen '88 yard signs were collected and the words "U.S. Senator in" were added to the signs.

31. Use of the Bentsen'88 logo was discontinued, and all advocacy to the public funded by the Bentsen Committee in media, direct mail or other written materials, referred solely to the Senator's candidacy for re-election and made no reference to his Vice Presidential candidacy.

Blaine H. Bull

SUBSCRIBED AND SWORN TO BEFORE ME
this 8th day of December, 1988.

Frances C. Wickes
Notary Public

My Commission Expires:

My Commission Expires May 31, 1989

0486E

9504367403 6

Before the Federal Election Commission

MUR 2652

Respondents: Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

AFFIDAVIT OF PATTI EVERITT
IN SUPPORT OF RESPONDENTS' ANSWERS TO INTERROGATORIES

County of Harris,)
) ss.
State of Texas)

I, PATTI EVERITT, being duly sworn according to law, hereby depose and state as follows:

1. I have personal knowledge of the facts set forth herein and if called to testify in this matter, I would testify as set forth herein.

2. I am President of '88 Texas, Inc., a Texas corporation incorporated on July 18, 1987, with its principal place of business in Harris County, Texas.

3. '88 Texas, Inc. is a business corporation established to provide political consulting services to candidates and political committees in the State of Texas.

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4. The services provided by '88 Texas, Inc. include telephone banks, direct mailings, and general political consulting services.

5. '88 Texas, Inc. prepares project plans and budgets for services requested by particular candidates or political committees.

6. '88 Texas, Inc. employs, supervises, and assigns staff and/or subcontractors to perform the services requested by the various candidates or political committees.

7. '88 Texas, Inc. enters into written contracts with its clients, a sample of which is attached, which establish the terms and conditions of all services rendered by '88 Texas.

8. Clients who contracted with '88 Texas, Inc. for services in connection with the 1988 general election include, among others, state party committees, local party committees, the 1988 Senate nominee, Congressional candidates (e.g., Congressmen Brooke, Pickle, Andrews and Coleman), state and local candidates, and other political committees.

9. One of the principal services provided by '88 Texas, Inc. to its clients was a voter identification phone bank.

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10. The voter identification phone bank did not advocate the election of any specific candidate or candidates, but sought to identify voters with a preference for Democratic candidates.

11. In some of the scripts, '88 Texas, Inc. sought voter preference information on the Presidential/Vice Presidential race. Such questions are a standard polling inquiry to identify core Democratic voters.

12. The scripts used in the voter identification phone bank used Senator Bentsen's name because he is a highly respected and very popular public figure in the state of Texas, and this approach proved successful for the whole Democratic ticket when the Senator last ran for re-election in 1982.

13. Once '88 Texas, Inc. had identified Democratic voters through its phone bank, individual candidates or commitees could purchase mailing lists, phone lists or walk-around lists for use by their own campaigns.

14. Some of the candidates who had participated in the voter identification phone bank also contracted separately with '88 Texas, Inc. to provide advocacy mailings or phone bank services.

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15. The fees paid by each of the entities which contracted with '88 Texas, Inc. are assessed on the basis of the nature of the office sought (statewide versus local, federal versus nonfederal), as well as the specific services requested (e.g., voter identification, mailing lists, direct mail services, consulting services, etc.); the geographic range of the services; and the frequency or number of repetitions of the services.

16. '88 Texas, Inc. did not contract with nor did it transfer or provide any information to the Dukakis/Bentsen Presidential campaign.

17. On February 15, 1988, '88 Texas, Inc. produced and distributed a direct mail piece for the Senator Bentsen Election Committee. This direct mail piece was identified as the Bentsen brochure in the First Supplemental Complaint in MUR 2652.

18. This direct mail piece was produced and distributed in connection with Senator Bentsen's primary election campaign in 1988.

19. All expenses of the production and distribution of the brochure were paid by the Bentsen Committee.

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20. '88 Texas, Inc. did not provide any copies of this brochure to the Presidential or Vice Presidential campaigns in connection with the general election.

Patti Everitt

Patti Everitt

SUBSCRIBED AND SWORN TO BEFORE ME
this 8th day of December, 1988.

Carl S. Richie

Notary Public

My Commission Expires:

CARL S. RICHIE
Notary Public, State of Texas
My Commission Expires 10-12-91

0487E

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06C#1334

RECEIVED
FEDERAL ELECTION COMMISSION
88 DEC 12 AM 9:13

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

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

BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

December 9, 1988

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

Attn: Jim Brown, Esq.

Re: MUR 2652 Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer

Dear Mr. Noble:

Enclosed is the response of the Dukakis/Bentsen Committee and Robert A. Farmer, as treasurer, with regard to the complaint in the above-referenced matter.

Please let me know if you have any questions.

Sincerely,

Kenneth A. Gross

Enclosures

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88 DEC 12 PM 3:06

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF	)	
	)	
Dukakis/Bentsen Committee, Inc.	)	MUR No. 2652
and	)	
Robert A. Farmer, as Treasurer.	)	

RESPONSE OF DUKAKIS/BENTSEN COMMITTEE, INC.
AND ROBERT A. FARMER, AS TREASURER,
TO THE COMMISSION'S FINDING OF REASON TO BELIEVE

INTRODUCTION

The Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer ("Respondents"), hereby submit this response to the Commission's Reason to Believe Finding, Interrogatories, and Requests For Documents. This response demonstrates that neither the Dukakis/Bentsen Committee nor the Bentsen Senate campaign impermissibly benefited from each other's activities. To avoid repeating the arguments the Respondents made in response to the per se violation allegation, the Respondents incorporate by reference their initial response in this matter and turn to the specific factual allegations which form the basis of the reason to believe finding.

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A. Eighty-Eight Texas Phone Bank

Eighty-Eight Texas is a commercial vendor which provided phone banking and other services to the Democratic Senatorial Campaign Committee, and federal and state candidates in Texas. The Eighty-Eight Texas phone bank operation focused on voter identification. The effort identified individuals in Texas who would likely support Democratic candidates. As asserted in our initial response, it is commonplace for candidates in Senatorial and Congressional races to seek voters' opinions on other candidates, particularly the race at the top of the ballot.

The Bentsen Senate campaign did not make available nor did it transfer to the Dukakis/Bentsen Committee any information the Bentsen campaign received from Eighty-Eight Texas. The Dukakis/Bentsen Committee did not enter into an agreement with Eighty-Eight Texas and made no payments to Eighty-Eight Texas. Also, the Dukakis/Bentsen Committee did not enter into an agreement with the party committee for Eighty-Eight Texas services. The Presidential/Vice Presidential campaign in Texas, however, was aware of services provided to the Texas Democratic Party by Eighty-Eight Texas on behalf of the Democratic ticket's "get out the vote" activities when

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such activities included the Dukakis/Bentsen campaign. See attached affidavit. Such activity by the party committee on behalf of Dukakis/Bentsen is entirely permissible as exempt party activities. Thus, the Dukakis/Bentsen Committee received no impermissible benefit from the Eighty-Eight Texas activities and no violation occurred with regard to these activities.

B. Shared Staff

The Commissions' Factual and Legal Analysis properly acknowledges that the Complainants' case with regard to shared staff, particularly Jack DeVore, Michael Levy, and Jack Martin, is based on unsubstantiated news accounts. The analysis also acknowledges the unequivocal denial by the Bentsen campaign that there was no sharing of campaign staff between the Senate campaign and the Presidential/Vice Presidential campaign. The Dukakis/Bentsen campaign did not share staff with or have staff split their time between the Bentsen Senate campaign and the Dukakis/Bentsen Committee. See attached affidavit.

C. Mailgram

No one connected with the Dukakis/Bentsen Committee, Inc. participated in any way with regard to the preparation, payment, or distribution of the July 12 mailgram. As is clear from the message in the mailgram,

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its purpose was to seek the continued backing of Senator Bentsen's Senate supporters without regard to their preference in the presidential race. The Commission's Factual and Legal analysis acknowledges that the mailgram "does appear to be directed to supporters of his Senate candidacy and seeks to insure their continued support despite their views on the presidential race." The fact that the mailgram merely mentions Governor Dukakis as a presidential candidate and Senator Bentsen as a vice presidential candidate does not change the plain fact that the mailgram, on its face, was solely directed to Senate supporters. The coattail exemption has no application here; this was a Senate campaign piece paid for by the Senate campaign.

D. Bumper Stickers and Brochures

The Dukakis/Bentsen Committee, Inc. did not participate in the preparation, payment, or distribution of the Bentsen '88 bumper stickers or the brochures referred to in the Complainants' First Supplemental Complaint. See attached affidavit. Moreover, after Senator Bentsen became the Vice Presidential nominee, the Bentsen '88 bumper stickers were no longer used in connection with the Senate campaign or the Presidential/ Vice President campaign.

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Conclusion

The Bentsen Senate Committee and the Dukakis/Bentsen Committee have made every effort to comply with the letter and spirit of the law. This response demonstrates that the two campaigns remained separate throughout the process in full compliance with statutory and regulatory provisions. Based on the foregoing, the Respondents respectfully request that the Commission find no probable cause to believe any violation occurred in this matter.

Respectfully Submitted,

Kenneth A. Gross
Douglas A. Rediker
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7000

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

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

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BEFORE THE FEDERAL ELECTION COMMISSION

MUR 2652

DUKAKIS/BENTSEN COMMITTEE, INC.
AND
ROBERT A. FARMER, AS TREASURER

Responses to Interrogatories and
Requests for Production of Documents

The responses to these interrogatories are based on information derived from records prepared by the Dukakis/Bentsen Committee, Inc. and on the recollections of Thomas C. Cosgrove, the Texas Campaign Director of the Dukakis/Bentsen Committee, Inc.

Interrogatory A.

The following interrogatories and requests for documents relate to the phone bank operation that is the subject of the allegation in the First Supplemental Complaint in MUR 2652 and involving payments by the Senator Lloyd Bentsen Election Committee to Eighty-Eight Texas, 824 Heights Boulevard, Houston, Texas.

1. (a) State whether the Dukakis/Bentsen Committee, Inc. ("the Committee") has made any agreement or arrangement with Eighty-Eight Texas for it to provide services to the Committee with respect to the 1988 general election.

The Dukakis/Bentsen Committee, Inc. had no agreement or arrangement with Eighty-Eight Texas to provide services with respect to the 1988 general election.

(b) If so, provide copies of all such agreements or arrangements between the Committee and Eighty-Eight Texas.

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Not applicable.

2. (a) State whether the Committee has entered into any joint agreement or arrangement with any other candidate, political party committee, or political committee for services by Eighty-Eight Texas with respect to the 1988 general election.

Dukakis/Bentsen Committee, Inc. did not enter into a joint agreement or arrangement with any other candidate, political party, or political committee for services rendered by Eighty-Eight Texas with respect to the 1988 general election. However, the Dukakis/Bentsen Committee was aware of services provided to the Democratic Party by Eighty-Eight Texas on behalf of the Democratic ticket's "get out the vote" activities when such activities included the Dukakis/Bentsen campaign.

(b) If so, provide copies of all such agreements or arrangements.

Not applicable.

3. List all payments made (or expenses incurred) by the Committee to Eighty-Eight Texas since July 1, 1988, and describe in detail the type of services provided to the Committee and the purposes of all such payments or expenses incurred by the Committee with respect to Eighty-Eight Texas.

The Dukakis/Bentsen Committee, Inc. did not make payments to and owes no debts to Eighty-Eight Texas.

Interrogatory B.

1. State whether any campaign staff, especially Jack DeVore, Jack Martin, and Michael Levy, have been shared with or have split their time between the Bentsen

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Senate campaign and the Presidential or Vice Presidential campaigns and, if so, identify all such staff.

The Dukakis/Bentsen Committee, Inc. did not share staff with or have staff split their time between the Bentsen Senate campaign and the Presidential/Vice Presidential campaign.

2. State whether any campaign office or facility has been shared between the Senate campaign and the Presidential or Vice Presidential campaign and whether any Senate campaign office or facility or any Presidential or Vice Presidential campaign office or facility has distributed campaign materials for both the Senate and the Presidential or Vice Presidential campaigns. If so, identify all such offices or facilities and the date(s) of such sharing or use.

The Dukakis/Bentsen Committee, Inc. did not share any office space or facilities with the Bentsen Senate campaign. The Dukakis/Bentsen Committee, Inc. did not distribute Bentsen Senate campaign materials from the Presidential/Vice Presidential campaign office in the State of Texas.

Interrogatory C.

The following interrogatories relate to the July 12 mailgram appended to the First Supplemental Complaint.

1. State whether any Presidential or Vice Presidential staff participated in any way in the preparation or distribution of the July 12 mailgram, and, if so, identify all such staff.

The Dukakis/Bentsen Committee, Inc., did not participate in any way in the preparation or distribution of the July 12 mailgram.

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2. State whether the Presidential Committee has made any payments with respect to the July 12 mailgram and, if so, identify all such payments.

The Dukakis/Bentsen Committee, Inc. made no payments with respect to the July 12 mailgram.

Interrogatory D.

The following interrogatories relate to the Bentsen '88 bumper stickers and Bentsen brochure appended to the First Supplemental Complaint.

1. State whether any Presidential or Vice Presidential campaign staff have participated in any way in the preparation or distribution of the Bentsen '88 bumper stickers and the Bentsen brochure and, if so, identify all such staff.

The Dukakis/Bentsen Committee, Inc. did not participate in any way in the preparation or distribution of the Bentsen '88 bumper stickers or the Bentsen brochure identified in the First Supplemental Complaint.

2. State whether the Bentsen '88 bumper stickers and the Bentsen brochures have been used in any way in connection with the Presidential or Vice Presidential campaign activities or events or whether such materials have been distributed outside the State of Texas.

The Dukakis/Bentsen Committee, Inc. did not distribute or authorize the distribution of any Bentsen '88 bumper stickers or Bentsen brochures on behalf of the Presidential/Vice Presidential campaign. The Dukakis/Bentsen Committee did not distribute and Bentsen Senate campaign materials inside or outside of State of Texas.

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BEFORE THE FEDERAL ELECTION COMMISSION

MUR 2652

DUKAKIS/BENTSEN COMMITTEE, INC.
AND ROBERT A. FARMER, AS TREASURER

AFFIDAVIT OF THOMAS C. COSGROVE

District of Columbia)
) ss
)

I, THOMAS C. COSGROVE, being duly sworn according to law, hereby depose and state as follows:

1. I have personal knowledge of the facts set forth herein.

2. I was the Texas Campaign Director of the Dukakis/Bentsen Committee, Inc.

3. As Campaign Director, I had personal knowledge of the day-to-day activities of the Dukakis/Bentsen Committee, Inc. operation in the State of Texas during the 1988 general election.

4. The Dukakis/Bentsen Committee, Inc. had no agreement or arrangement with Eighty-Eight Texas with respect to the 1988 general election.

5. While there was no joint agreement between the Dukakis/Bentsen Committee, Inc. and any other candidate, political party, or political committee with regard

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to Eighty-Eight Texas, I was aware of services provided to the Texas Democratic Party by Eighty-Eight Texas on behalf of the Democratic ticket's "get out the vote" activities when such activities included the Dukakis/ Bentsen campaign.

6. The Dukakis/Bentsen Committee, Inc. did not make payments and owes no debts to Eighty-Eight Texas.

7. The Dukakis/Bentsen Committee, Inc. did not share staff with or have staff split their time between the Bentsen Senate Campaign and the Presidential/Vice-Presidential campaign.

8. The Dukakis/Bentsen Committee, Inc. did not share any office space or facilities with the Bentsen Senate campaign. The Dukakis/Bentsen Committee, Inc. did not distribute Bentsen Senate campaign materials from the Presidential/Vice-Presidential campaign office in the State of Texas.

9. The Dukakis/Bentsen Committee, Inc. did not participate in any way in the preparation or distribution of the July 12 mailgram.

10. The Dukakis/Bentsen Committee, Inc. made no payments with respect to the July 12 mailgram.

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11. The Dukakis/Bentsen Committee, Inc. did not prepare or distribute Bentsen '88 bumper stickers or the Bentsen brochure identified in the First Supplemental Complaint.

Thomas C. Cosgrove

Thomas C. Cosgrove

SWORN TO AND SUBSCRIBED
BEFORE ME
this 9th day of December, 1988

Notary Public

My Commission Expires:
My Commission Expires Jan. 31, 1991

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

November 7, 1989

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MURs 2652 & 2715 - Approval of Recommendations made in the September 19, 1989 First General Counsel's Report.

On October 3, 1989, the Commission voted to return the First General Counsel's Report in the above-referenced matters for a redrafting of the proposed factual and legal analyses and interrogatories. On October 27, 1989, the Office of the General Counsel circulated these revised documents for the Commission's consideration in conjunction with the First General Counsel's Report. On November 1, 1989, the Commission approved the redrafted factual and legal analyses and interrogatories, apparently without voting on the original recommendations of the First General Counsel's Report. Accordingly, the Office of the General Counsel now recommends that the Commission approve the recommendations contained in the September 19, 1989 First General Counsel's Report in this matter.

RECOMMENDATION

1. Approve the recommendations as contained in the September 19, 1989 First General Counsel's Report for MURs 2652 and 2715.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Approval of Recommendations made in the September 19, 1989 First General Counsel's Report	)	MURs 2652 & 2715

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 26, 1989, the Commission decided by a vote of 4-0 to approve the recommendations contained in the September 19, 1989 First General Counsel's Report for MURs 2652 and 2715, as recommended in the General Counsel's Report dated November 7, 1989.

Commissioners Aikens, Elliott, McGarry, and Thomas voted affirmatively for the decision; Commissioners Josefiak and McDonald did not cast votes.

Attest:

11/12/89
Date

Hilda Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Tuesday, November 7, 1989 4:18 p.m.
Circulated to the Commission: Wednesday, November 8, 1989 11:00 a.m.
Deadline for vote: Monday, November 13, 1989 11:00 a.m.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Approval of Recommendations made in the September 19, 1989 First General Counsel's Report	)	MURs 2652 & 2715

CERTIFICATION (CORRECTED)

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 13, 1989, the Commission decided by a vote of 5-0 to approve the recommendations contained in the September 19, 1989 First General Counsel's Report for MURs 2652 and 2715, as recommended in the General Counsel's Report dated November 7, 1989.

Commissioners Aikens, Elliott, McDonald, McGarry and Thomas voted affirmatively for the decision; Commissioner Josefiak did not cast a vote.

Attest:

11-15-89
Date

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

Received in the Secretariat: Tuesday, November 7, 1989 4:18
Circulated to the Commission: Wednesday, November 8, 1989 11:00
Deadline for vote: Monday, November 13, 1989 11:00

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MUR 2715

COMPLAINT - OCTOBER 7, 1988

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OGC# 626

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 OCT -7 PM 3:52

IN THE MATTER OF

Dukakis/Bentsen for President Committee, Inc.	)	MUR NO. 2715
Senator Lloyd Bentsen Election Committee	)	

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COMPLAINT

I. Introduction

Democrats Michael Dukakis and Lloyd Bentsen continue to make a mockery of the $46 million presidential spending limit by using Bentsen's private Senate campaign money to fund their presidential effort in Texas. This Complaint presents specific evidence that the Dukakis-Bentsen campaign is illegally supplementing its government allotment in violation of the Presidential Election Campaign Fund Act ("Act"), 26 U.S.C. 9001-9013.

As the New York Times reported on September 19, 1988 in an article on Bentsen:

> By November, the candidate's campaign committee expects to spend $8 million, more than almost any other Senate nominee in the country. The candidate is Senator Lloyd Bentsen, and the curious campaign is not for the Vice Presidency, which he is actively pursuing almost every day, but for the Senate seat, which he hardly mentions in public.

See Exhibit A.

The simple fact is that Bentsen's Senate campaign has not been kept separate from the Dukakis-Bentsen presidential effort, thereby violating the strict spending limits of the Act. As The San Antonio Express-News reported of a typical day with Bentsen: "Democrat Lloyd Bentsen visited an oil rig and met with conservative East Texas businessmen Thursday as he pressed his dual campaigns for the vice presidency and reelection to the Senate." Exhibit B. This Complaint demonstrates the impermissible commingling of private and public campaign funds through the following examples:

* Bentsen's Senate campaign funds paid for a "Campaign Newsletter" distributed throughout Texas attacking Bentsen's Vice Presidential opponent, Senator Dan Quayle. Exhibit C.
* Bentsen, in telling Texas campaign audiences how to deal with the issue of his appearing twice on Texas ballots in November, has repeatedly committed a prima facie violation of the Act by advocating: "Vote twice for Bentsen." Exhibits D-F.
* While going on trips allegedly paid for by the taxpayer financed Vice Presidential campaign, Bentsen has held closed door meetings with Senate supporters. Exhibits B, G, H. The FEC needs to investigate whether the Senate campaign is ever discussed in these sessions. If so, it raises a host of federal election law questions.

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* Bentsen's dual candidacy also places in legal hot water incorporated entities in Texas that invite Bentsen to speak, but not his Senate opponent, Congressman Beau Boulter. Exhibits I and J discuss an example of such a situation involving the Houston Chamber of Commerce.

As The New York Times observed, the actions of the Dukakis-Bentsen campaign raise legal questions:

> -- Does the $8 million being spent on Mr. Bentsen's Senate race in Texas amount, at least in part, to an illegal contribution to the Dukakis-Bentsen national campaign? It is difficult to argue that this investment is not helping Mr. Bentsen help Gov. Michael S. Dukakis of Massachusetts, the Democratic Presidential nominee, carry a critically important state. But the national candidates are limited by law to the $46 million Federal subsidy they receive for the post-convention campaign.
>
> -- Does the fact that Mr. Bentsen is spending part of that Federal subsidy on the Texas portion of his Vice-Presidential campaign give him an unfair advantage over Mr. Boulter, who has no such source of campaign funds?

Exhibit A. To date, the FEC, the agency charged with ensuring the sanctity of the taxpayer-financed presidential spending system, has done nothing to address these obvious questions. This Complaint seeks FEC action either to enjoin the spending of Dukakis-Bentsen's $46 million or to freeze Bentsen's ability to spend his Senate campaign money.

In fact, Bentsen is doing precisely what he and his supporters said he would do after he received the nomination. At the time of Bentsen's nomination, Texas Attorney General Jim Mattox told ABC News: "Lloyd Bentsen has got $6 million [now estimated at between $8 million and $10 million] in the bank that he can help use to carry Texas for the ticket." Bentsen himself told ABC News on July

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19, 1988: "I think I can [campaign for both offices at the same time] and do it very well because as I campaign across different parts of the country, that message will be getting back to Texas, and at the same time I won't be neglecting Texas. I'll spend a lot of time there running for re-election, and I think in turn all of that will be helpful overall."

The only way to remedy the situation is for the FEC to take immediate action to ensure that the law is not broken by Michael Dukakis and the Democrats.

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II. Law

Federal election law explicitly prohibits candidates for President and Vice President who are receiving payments from the federal treasury from accepting contributions or incurring campaign expenses "in excess of the aggregate payments to which they will be entitled" under the Act. 26 U.S.C. 9012(a). In addition, presidential-vice presidential campaigns may not accept contributions from any source other than the federal treasury in the general election campaign. 26 U.S.C. 9003(b). Presidential campaigns that knowingly and willfully incur campaign expenses in excess of the statutorily established spending limits are subject to fines and criminal penalties. 26 U.S.C. 9012.

The statutory scheme strictly insulates the funds used on behalf of a presidential campaign. The Regulations include special rules that apply when taxpayer funds are involved in a federal election:

> (3) Except for Presidential candidates receiving ... General Election Public Financing, campaigns may share personnel and facilities, as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation. (emphasis supplied).

11 C.F.R. 110.8(d)(3). Accordingly, a candidate may transfer funds and other resources between two committees if the candidate is running for more than one federal office unless one of the candidacies is a taxpayer-financed one for President or Vice President. Thus, the law on its face prohibits the Dukakis-Bentsen ticket from supplementing its taxpayer funds with contributions privately raised by Bentsen's Senate committee.

The special nature of taxpayer money used for campaigns and the restrictions put on its use is evident from 11 C.F.R. 9002.11(b)(3):

> Expenditures that further the election of other candidates for any public office shall be allocated [between the candidates involved] and will be considered qualified campaign expenses only to the extent that they specifically further the election of the candidate for President and Vice President. A candidate may make expenditures under this section in conjunction with other candidates for any public office, but each candidate shall pay his or her proportionate share of the cost.

Because of the unique nature of a dual candidacy involving a taxpayer-funded election and a simultaneous Senate election involving the private funds of the same candidate, this provision must be read to bar the spending of Bentsen's Senate funds. The fact is, any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket.

Any public funds funneled through the Dukakis-Bentsen campaign that constitute a contribution to Bentsen's Senate

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committee are subject to the Act's limits and reporting requirements. AO 1980-103, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5557 (1980); AO 1984-48, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5789 (1984).

The Commission has already recognized the inherent illegalities in what Dukakis and Bentsen are doing. When Bentsen first tried to run simultaneously for two federal offices in 1975, the Commission told him the benefits of spending Senate campaign money from a White House campaign cannot be separated. In an opinion involving two federal offices, both of which at the time had spending limits, the FEC ruled Bentsen could not spend up to the limit in both races because of "the unfair advantages which Bentsen would undoubtedly gain by being able to spend more money than opposing candidates who seek only one office." AO 1975-11, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5118 (1975). Explained the Commission: "The ruling preserves the basic spirit of the Federal Election Campaign laws, which seek to foreclose the possibility that one federal candidate will hold an insurmountable financial advantage over another." Id. at 10,048-49.

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III. Discussion

As a practical matter, keeping the Dukakis-Bentsen campaign separate from Bentsen's Senate campaign is impossible. The following examples illustrate that impossibility and show how the Dukakis-Bentsen campaign is illegally supplementing its permissible spending through Bentsen for Senate committee expenditures.

A. Senate campaign newsletter attacking Quayle

On September 23, 1988, Bentsen's Senate committee published and distributed a newsletter to "Interested Texans" from Jack Martin, the Senate campaign chairman. According to the disclaimer, the mailing was paid for with private funds raised by the Senate campaign. Exhibit C.

Yet the newsletter attacked Bentsen's opponent for Vice President, Senator Dan Quayle. The Senate campaign newsletter includes the following passages:

> There is a candidate in the presidential race who is an enemy of the Texas oil and gas industry, a candidate who once said he 'despised' oil companies, but it is certainly not Senator Bentsen's running mate Michael Dukakis.
>
> Indiana Senator Dan Quayle, the Republican nominee for vice president, is the enemy of the oil patch. ...
>
> Quayle has voted numerous times against the Texas oil industry and in addition to that he has cast some votes that didn't do our state's agriculture industry any good either.

This use of private Senate campaign money to aid Bentsen's campaign for vice president is an illegal contribution to the supposedly publicly-financed Dukakis-Bentsen campaign. This newsletter on its face violates 26 U.S.C. 9003(b), 9012. In addition, since the persons who wrote, prepared, printed and mailed the newsletter were aiding both Bentsen campaigns, they violated 26 U.S.C. 9002(11) and 11 C.F.R. 110.8(d)(2), (3).

B. "Vote Twice for Bentsen"

In his travels around Texas Bentsen has dealt with his dual candidacy with a statement that illustrates his violation of the law and the impossibility of separating his campaigns. It has

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been widely reported, see Exhibits D, E, F, that Bentsen is telling Texas voters that there's a simple answer to his double appearance on the ballot: "Vote twice for Bentsen," he tells them.

But when he advocates his election in that manner on a trip paid for with Senate funds, he is illegally supplementing the $46 million in public funding he has sworn to live within. The simple fact is that if George Bush or Dan Quayle make an appearance with a United States Senate candidate, they cannot use the Senate candidate's funds to pay for any portion of the event, including travel. It must come out of the $46 million allotment. Yet Lloyd Bentsen has found a way to circumvent that law.

The converse situation also raises legal problems for Lloyd Bentsen. When he makes such a statement on a trip paid for with taxpayer money, he is tapping the American taxpayers for the costs of his Senate campaign. This reservoir of money is not available to Congressman Boulter (or any other Senate or House candidate). Bentsen should answer to the American taxpayer on this use of their money. Bentsen's Senate committee has also failed to report the receipt of any such contributions, as required by the federal election laws.

C. Dual Purpose Campaign Trips

It has also been widely reported that while on Vice Presidential campaign trips allegedly paid for with taxpayer funds, Bentsen has always found time to meet in closed sessions with Senate supporters. Exhibits B, G, H. These news reports illustrate how the private Senate campaign funds supplement trips that are supposed to be exclusively vice presidential. Id.

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> Earlier this month in West Palm Beach, Fla., Mr. Bentsen arrived by his vice-presidential jet for a vice-presidential campaign event for the ticket, but then attended a closed Senate fund-raiser -- on which his traveling press secretary, who carefully labeled himself an unofficial observer of the event, later briefed national reporters. In keeping the two campaigns apart, "a lot of it is perception," said Mr. DeVore, who noted that the campaign replaced a batch of "Bentsen '88" posters with "Bentsen for Senate '88" posters for appearance's sake.

Exhibit G.

> Though the campaign swing was billed as a strictly vice presidential tour, Bentsen held private meetings in Fort Worth, Lubbock and Tyler with longtime Senate supporters. Bentsen staffers insisted that the closed meetings were not geared to the Senate campaign.

Exhibit H.

> Juggling the two campaigns, he tailored his public events for the White House effort. He continued to meet with his Senate supporters behind closed doors. Staff insisted the entire nine-day swing through Texas was a vice-presidential trip, but for the second straight day his Senate campaign buttons and signs were everywhere and Michael Dukakis' name scarce.

Exhibit B.

Obviously to Senator Bentsen and his staff, "perception" is a greater goal than "compliance" with the law. As these news reports show, the effort to keep the campaigns apart is so impossible that Bentsen's spokesmen can't keep the rules straight even when trying to get it right. Under the law, Bentsen Senate campaign materials cannot be used at a vice presidential event without violating the Act's prohibitions. Nor can staff paid by one campaign aid the other, even if they try to adopt the role of "unofficial observer." The FEC needs to investigate this, and also determine which campaign did the advance work, the telephoning to invite participants, and the arrangements. Any mix is a violation of the prohibition on a vice presidential campaign

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sharing any personnel with a Senate campaign. 11 C.F.R. 110.8(d)(3).

The FEC should also determine who paid for the Secret Service protection, the automobile and the communications equipment. The tangible contributions of logistical planning and extra staff that come from Secret Service protection are not available to the Senate campaign opposing Bentsen.

Even in trying to spread a "perception" of legality, the Bentsen campaign's own statements show it is violating both the letter and spirit of the law. The FEC must utilize its powers to take sworn statements or depositions to determine from participants what was really said at the closed door meetings. Which of his elections did Senator Bentsen advocate? Were any contributions solicited, and for which election? In general, Senator Bentsen's travels raise questions about his compliance with 11 C.F.R. 106.3 and the correct allocation of payments for these events.

D. Corporate Contributions Caused by Dual Candidacies

Senator Bentsen's dual candidacies are also presenting legal problems for corporations and trade associations that invite him to speak about the election, but fail to extend the same invitation to both Congressman Boulter and Senator Quayle. The FEC's Regulations state that a corporation or trade association may invite a candidate to address or meet with the corporation's management and employees or the association's members and employees as long as other candidates for the same office are given the same opportunity to appear if they request to do so. 11 C.F.R. 114.4(a)(2), (d).

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Thus, a corporation or trade association that wishes to have Senator Bentsen address it must allow both his Senate and Vice Presidential opponents the same opportunity. Although it is by no means the only organization put in legal jeopardy by Senator Bentsen's dual candidacies, the Houston Chamber of Commerce has failed to recognize this requirement of federal election law.

In its August newsletter the Chamber notes it has extended an invitation to Bentsen to speak: "Although Bentsen was invited to speak prior to his vice presidential nomination, The Greater Houston Chamber of Commerce will extend a similar invitation to the Republican nominee when named." Exhibit I. Despite an official request from Congressman Boulter's campaign, Exhibit J, the Chamber has thusfar refused to grant Congressman Boulter the same forum as Senator Bentsen, a violation of 11 C.F.R. 114.4(a)(2), (d).

IV. Relief Sought

Under the Act, the Commission is charged with protecting the taxpayers' monies and insuring that the law is not violated. It is empowered under 26 U.S.C. 9011 to seek injunctive relief or declaratory judgments to implement or construe any provisions of the Act. Since the Dukakis-Bentsen campaign is rapidly making the Act's "spending limits" a joke, the Commission should move quickly either to enjoin the Dukakis-Bentsen committee from spending its entire $46 million in taxpayer money or to freeze Bentsen's Senate campaign committee from spending additional funds.

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V. Conclusion

The Dukakis-Bentsen campaign continues to violate the law. When the Commission refused to investigate the intentions of the Democratic ticket with regards to Senator Bentsen's dual candidacy before certifying, the FEC made prophetic the concurring opinion in In re Carter-Mondale Reelection Committee, Inc., 642 F.2d 538, 551 (D.C. Cir. 1980) (Wald, J., concurring):

> If there were no circumstances under which a pre-certification investigation were permissible the public could conceivably witness the spectacle of millions of taxpayer dollars being channelled to a candidate who had, before certification, either flouted the eligibility requirements or stated his intention to defy the restrictions imposed by the Fund Act on publicly financed candidates.

Verification

The undersigned swear that the allegations and facts set forth herein in this Complaint are true to the best of their knowledge, information and belief.

The Honorable Beau Boulter, M.C.
Candidate for the United States Senate
15110 Dallas Parkway - Suite 216
Dallas, TX 75240

Jann L. Olsten
Executive Director
National Republican
Senatorial Committee
440 First Street, N.W.
Suite 600
Washington, D.C. 20001

Subscribed to and sworn to before me this 7 day of October 1988.

Lara C. Giler
Notary Public

My Commission Expires:
July 14, 1992

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EXHIBIT A

THE NEW YORK TIMES POLITICS MONDAY, SEPTEMBER 19, 1988

Bentsen's Dual Campaigns Raise Financial Issues

By WARREN WEAVER Jr.

Special to The New York Times

DALLAS, Sept. 16 — There's a prominent Democrat running for statewide office in Texas this year who is campaigning all over the state but almost never mentions the job he is seeking or asks voters to give it to him instead of his Republican opponent.

This diffidence, hardly characteristic of Texans, politicians or Democrats, is particularly unusual because this is a high-stakes political contest. By November, the candidate's campaign committee expects to spend $8 million, more than almost any other Senate nominee in the country.

The candidate is Senator Lloyd Bentsen, and the curious campaign is not for the Vice Presidency, which he is actively pursuing almost every day, but for his Senate seat, which he hardly mentions in public.

Part of Texas Political History

Texas is one of a few states that permit the same candidate to run for both national office and the Senate on the same ballot in the same election.

The accommodating Texas Legislature made this arrangement in 1959 so that Lyndon B. Johnson could run for President without risking his Senate seat and his post as majority leader. He lost the Democratic nomination to John F. Kennedy but wound up as his running mate, was elected and had to resign the Senate seat he had sought as an insurance policy.

Actually, an earlier Texan ran simultaneously for the Vice Presidency and Congress under similar circumstances. In 1932, John Nance Garner ran for Vice President with Franklin D. Roosevelt and also for his seat in the House, where he was the Speaker. That was legal at the time because the names of electors rather than national candidates were printed on the ballot, so Mr. Garner's name appeared only once.

Associated Press

Senator Lloyd Bentsen is running simultaneously for the Vice Presidency and his Senate seat.

Mr. Bentsen, like his illustrious predecessors, holds a key job on Capitol Hill, the chairmanship of the Senate Finance Committee, which neither he nor the State of Texas is eager to see him lose. In fact, he had little choice about running in the Senate race because state law now prohibits filling a vacancy created by a late-July withdrawal of a Senate candidate. Thus, such a move by Mr. Bentsen after the Democratic National Convention would have effectively forfeited the election to Representative Beau Boulter, his Republican opponent.

The dual candidacy has raised a number of intricate and murky legal questions for the first time since new Federal campaign laws went into effect in 1976. On the advice of lawyers, Mr. Bentsen is keeping the Vice-Presidential and Senate operations separate. Each has its own treasury, contributors and expenses, and staff. Officially, the staffs ignore one another. The only thing they have in common, in fact, is the candidate.

The Texan is running separate operations for his two races.

Most of Senator Bentsen's political appearances in Texas, where he spends about a quarter of his time these days, are officially part of the Vice-Presidential campaign. On those stops the candidate never mentions the Senate race, although the resulting publicity almost certainly helps his Senate candidacy.

The only Senate campaign stops in Texas are a few fund-raising events, one of which was recently held in Dallas. Tentative plans have been made for a Senate campaign event perhaps even two, in Texas later this fall.

The Senate campaign aired three television spots in August: one in which Mr. Bentsen explained why he was on the ballot twice and two others about his Senate achievements. More will be coming in October, again separate from television spots promoting the Democratic national candidates.

Among the legal questions raised by the double race are these:

¶Does the $8 million being spent on Mr. Bentsen's Senate race in Texas amount, at least in part, to an illegal contribution to the Dukakis-Bentsen national campaign? It is difficult to argue that this investment is not helping Mr. Bentsen help Gov. Michael S. Dukakis of Massachusetts, the Democratic Presidential nominee, carry a critically important state. But the national candidates are limited by law to the $46 million Federal subsidy they receive for the post-convention campaign.

¶Does the fact that Mr. Bentsen is spending part of that Federal subsidy on the Texas portion of his Vice-Presidential campaign give him an unfair advantage over Mr. Boulter, who has no such source of campaign funds?

The Republican has officially protested to the Federal Election Commission on these and other grounds, but thus far the commission has unanimously rejected his case, as has a three-judge Federal District Court on appeal.

As a practical political matter, Mr. Bentsen is such an odds-on favorite to retain his Senate seat, however the national election goes, that his concentration on the Vice-Presidential campaign and Mr. Boulter's financial handicaps may not materially affect the outcome.

Cocaine Raid in Florida

MIAMI, Sept. 19 (AP) — United States Customs agents seized 1,000 pounds of cocaine and arrested eight men in a raid of the sport-fishing boat "What's Up" Saturday, the Customs Service reported. A Customs spokesman, Cliff Stallings, said the cocaine was worth about $12 million whosesale. Also seized were the boat and five vehicles. Customs agents, acting on a tip, began surveillance of the 38-foot boat at a Key Largo marina two weeks ago, Mr. Stallings said.

Former Agency Head

EXHIBIT B

POLITICS

Democrats rally today

Bexar County Democrats will kick off their fall election campaign at a rally starting at 5 p.m. Friday in Villita Assembly Hall.

The rally features U.S. Rep. Henry B. Gonzalez; H.G. "Hal" Garcia, candidate for state Senate, District 26; Don McBlanns, candidate for 37th District judge; Andy Mireles, candidate for 73rd District judge; Carlton Spears, candidate for 150th District judge; Steve Takas, candidate for 226th District judge; Charles Rodriguez, candidate for sheriff, and Richard [illegible], candidate for justice of the peace, Precinct 1.

Admission is $5.

Bentsen, East Texans huddle

Associated Press

LONGVIEW — Democrat Lloyd Bentsen visited an oil rig and met with conservative East Texas businessmen Thursday as he stressed his dual campaigns for the vice presidency and re-election to the Senate.

Along the way, he declined to criticize Republican counterpart Dan Quayle's service in the National Guard during the Vietnam War.

"I'm not going to question that," said Bentsen, a bomber pilot in World War II. "I'm a strong supporter of the National Guard and always have been. One of my own sons served in the National Guard."

Bentsen, a former Houston businessman, has long been popular with the Texas business community of both political parties — as a powerful senator.

In a speech before the East Texas Regional Development Group, he said he rejected the "old stickbacker" about the vice presidency being an unimportant job.

"Now the vice president is in the loop," he said.

The lanky senator strolled and shook hands as he walked down the main street of the oil city of Kilgore, starting at Larry Tate's stripper well and ending up at "The World's Richest Acre" — a site where there were once 30 wells that produced more than 2.5 million barrels of crude in the 1930's through 1950's.

City manager Ron Cox said there were once 1,200 wells in Kilgore, but that number was down to about 200.

Standing in the moist East Texas heat, Bentsen told a group of local oil businessmen of his work to repeal the windfall profits tax, which would be complete if President Reagan signs the trade bill.

"I understand very much the kind of predicament we're in here in East Texas," Bentsen said.

The men thanked him for his work as chairman of the Senate Finance Committee, and expressed hope he'd continue to help them out if he's elected vice president.

Ronnie Patton, owner of the Patton Corp., a supplier of drilling rigs and equipment, said business was bad.

"The phones are dead. There ain't anybody calling," he said.

Rusty Bowell, of Marshall Exploration, told Bentsen he hoped the trade bill would result in "jobs and money, dollars" for East Texas.

Bowell told reporters afterward that he had "mixed emotions" about Bentsen leaving the Senate if he's elected vice president.

"I'm definitely going to vote for Lloyd for senator," he said. "In all probability, I will vote for him for (vice) president," he said.

Juggling the two campaigns, he tailored his public events for the White House effort. He continued to meet with his Senate supporters behind closed doors.

Staff insisted the entire nine-day swing through Texas was a vice presidential trip, but for the second straight day his Senate campaign buttons and signs were everywhere and Michael Dukakis was scarce.

SHOP FULEY'S MONDAY THROUGH FRIDAY 10-9. DOWNTOWN DALLAS 10-5:45. DOWNTOWN HOUSTON 9:30-6.

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EXHIBIT C

Senator Bentsen
Election Committee

CAMPAIGN NEWSLETTER SEPTEMBER 23, 1988

TO: Interested Texans
FROM: Jack Martin, Campaign Chairman for Senator Lloyd Bentsen
RE: Campaign News

PRACTICE WHAT YOU PREACH, BEAU BOULTER!

Amarillo Congressman Beau Boulter has been saying recently in his race against Senator Bentsen that the Senator "is teamed with an enemy of the state's oil and gas industry."

He's got that backwards. There is a candidate in the presidential race who is an enemy of the Texas oil and gas industry, a candidate who once said he "despised" oil companies, but it is certainly not Senator Bentsen's running mate Michael Dukakis.

Indiana Senator Dan Quayle, the Republican nominee for vice president, is the enemy of the oil patch. He once told reporters "I will do anything not to be perceived as being part of the big oil companies."

Quayle has voted numerous times against the Texas oil industry and in addition to that he has cast some votes that didn't do our state's agriculture industry any good either.

Well! You can imagine our surprise when Boulter announced recently -- apparently with a good deal of pride -- that he will be squiring Quayle around Texas for two days later this month.

Why on earth would Boulter do that? Doesn't he know the Indiana Senator will be asked questions like "Why did you vote for the windfall profit tax?" "Why did you cosponsor legislation to repeal both the percentage depletion allowance and the intangible drilling cost deduction?" "Why did you vote against retraining for oilfield workers laidoff by rising oil imports?" "Why did you vote so many times to cut back the Strategic Petroleum Reserve?"

He may also be asked to explain why he believes "anybody who gives the appearance of being on the side of the oil companies is in big trouble."

And those are just the questions Senator Quayle can expect in the oil patch. In farm areas he may well be asked about his 1981 vote against ending the Russian grain embargo. Or, most embarassing of all, his 1985 vote against a policy later adopted by the Reagan Administration under Treasury Secretary James Baker. The policy spurred farm exports by lowering the dollar and it has been more

1402 A Nueces, Austin, Texas 78701 512/322-9696

Paid for by the Senator Bentsen Election Committee, H. Chase Hyde, Treasurer. A copy of our report is filed with the Federal Election Commission and is available for purchase from the FEC, Washington, D.C. 20463.

9504367407 3

effective than any other action in boosting farm sales and giving American farmers a glimmer of hope.

But the two biggest questions are: Why is Senator Quayle coming to Texas in the first place? And, why does Congressman Boulter want to be with him?

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EXHIBIT D

Bentsen has to wear 3 hats for Texas voters

Juggling of campaigns is testing Democrat

By Nolan Walters
Knight-Ridder News Service

BROWNSVILLE — Sen. Lloyd Bentsen is just too big a part of the Democrats' plans in Texas to fit into just one person.

He's a trinity.

• When Texans see Bentsen in person here, he'll mainly be campaigning as the Democratic vice presidential nominee.

• When Texans see him in television ads, he'll usually be asking them to re-elect him to the Senate.

• And when Texans are buried by an avalanche of political mail or blitzed by telephone campaigning as Election Day approaches, Bentsen will manifest himself as just another Democratic officeseeker trying — via a party-funded entity called "Campaign 88" — to get out the vote.

How's a confused Texan to sort this out? Bentsen has a simple answer:

"Vote twice for Bentsen," he said.

Such are the oddities of politicking in a state whose 29 electoral votes will be a key to the 1988 presidential election. The Democrats have never won the presidency without carrying Texas — a main reason Democratic nominee Michael Dukakis chose Bentsen — and the campaign already is turning into a rollicking, full-bore attempt to flatter the largest of Texas egos.

Dukakis will join Bentsen in Texas here this week, possibly for a political pilgrimage to the LBJ ranch. Bentsen spent Sunday with his family in McAllen.

The chief local oddity of this political year is Bentsen's dual campaign for Senate and vice president, last seen in 1960 when then-Sen. Lyndon Johnson got the law changed to allow him to run with John Kennedy while also standing for re-election.

Bentsen characterizes the "twofer" race as something he couldn't avoid. He was already on the state's ballot when Dukakis offered him the other spot on the ticket, and state law would require that he forfeit the race to his Republican opponent if he dropped out.

But the GOP sees it differently — as a cynical effort to get around the spending limits on publicly funded presidential campaigns. Bentsen expects to spend as much as $9 million on his Senate campaign, most of it on television ads. That's in addition to the multimillion-dollar budget of the Dukakis-Bentsen campaign — and the $4 million "Campaign 88" get-out-the-vote effort financed by the party that also doesn't count against the presidential spending limit. (The Republicans will run a similar $4 million effort.)

Analysis

AP

U.S. Sen. Lloyd Bentsen meets the crowd at a Brownsville rally.

9504367407 5

EXHIBIT E

Bentsen vows to revive oil, gas industry

LLOYD BENTSEN
'... showed priorities.'

KINGSVILLE (AP) - Democratic vice presidential candidate Lloyd Bentsen Saturday promised a revival of Texas' battered oil industry, a resurgence in U.S.-Mexico twin-plant operations and employment revitalization for depressed areas with the election of Michael Dukakis to the White House.

In campaign stops in Kingsville, Laredo and Brownsville, Bentsen told his South Texas neighbors that they would be getting a voice for their employment and economic needs if he and Dukakis are elected.

"Michael Dukakis plans on having half a billion dollars a year put into a fund to help those areas of the country that have high unemployment, where the economy has passed them by, and that means help for Brownsville," Bentsen told about 500 supporters at an outdoor rally in that Democratic city.

Asked what Texans should do if confused about finding him twice on the ballot as a candidate for the Senate and vice presidency, Bentsen said, "Vote twice for Bentsen."

Bentsen made optimistic to urge his Brownsville supporters, "Dale gas con la palanca (Go for it and pull the straight Democratic voting lever)."

Later addressing the region's struggling economy in Laredo, Bentsen told the Border Trade Alliance he supports the twin-plant "maquiladora" program in which workers on the Mexican side of the border assemble goods for re-export to the United States.

But he said, "We need more than a billboard on our side and a factory in Mexico, so both sides benefit from the program - as long as the maquiladoras are located close to the border."

Speaking at Texas A&I University earlier Saturday, Bentsen criticized the U.S. Department of Energy for spending $2 billion on research and development but using only 1.6 percent of that amount to study oil and natural gas development.

"And yet 65 percent of the energy supplied in this country is oil and gas," Bentsen said. "Those are some skewed priorities."

Of 300 billion barrels of oil known to be in the ground in the United States, Bentsen said current technology makes only 20 billion barrels recoverable.

"If we can make a breakthrough of just 10 percent, you'll more than double the recoverable oil in this country," Bentsen told a crowd of about 250. "Think what that means to the tax base in your school district. Think what that means in jobs in all of the energy-producing states."

A plunge in oil prices during the 1980s has caused a surge in imports of cheap foreign oil, driven thousands of Texans out of work and played a major role in throwing the state into an economic decline.

A native of Mission in the lower Rio Grande Valley, Bentsen reminded the crowd that he was "back in South Texas, back where I was born and reared," and said the area's low average income and high unemployment are "not good enough."

"My Belief"

By Eddie Grigsby

[illegible]

Eddie

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EXHIBIT F

This is what should be done

Bentsen pitch strong on Texas

KINGSVILLE (AP) – Democratic vice presidential candidate Lloyd Bentsen on Saturday promised a rebound for the battered Texas oil industry, a resurgence in U.S.-Mexico twin-plant operations and employment revitalization for depressed areas with the election of Mike Dukakis to the White House.

In campaign stops here and in Laredo and Brownsville, Bentsen told his South Texas neighbors they would be getting a voice for their employment and economic needs if he and Dukakis are elected.

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Asked what Texans should do if confused about finding him twice on the ballot as a candidate for the Senate and vice presidency, Bentsen said, "Vote twice for Bentsen."

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Later addressing the region's struggling economy in Laredo, Bentsen told the Border Trade Alliance he supports the twin-plant "maquiladora" program in which workers on the Mexican side of the border assemble goods for re-export to the United States.

But he said, "We need more than a billboard on our side and a factory in Mexico, so both sides benefit from the program – as long as the maquiladoras are located close to the border."

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"And yet 65 percent of the energy supplied in this country is oil and gas," Bentsen said.

Of 300 billion barrels of oil known to be in the ground in the United States, Bentsen said current technology makes only 28 billion barrels recoverable.

"If we can make a breakthrough of just 10 percent, you'll more than double the recoverable oil in this country," Bentsen told a crowd of about 250. "Think what that means to the tax base in your school district. Think what that means in jobs in all of the energy-producing states."

A plunge in oil prices during the 1980s has caused a surge in imports of cheap foreign oil, driven thousands of Texans out of work and played a major role in throwing the state into an economic decline.

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EXHIBIT G

Rival exposes Bentsen's 2-race dilemma

By Jennifer Spevacek
THE WASHINGTON TIMES

WT 9-26-84

VICTORIA, Texas — In Sen. Lloyd Bentsen's "other race," Republican Rep. Beau Boulter is on a long-shot mission to unseat the state's top Democratic heavyweight, armed with little more than his opponent's own record, humor and early-morning fund-raisers.

A Boulter victory would be the upset of the century, his aides acknowledge, if the little-known, underfunded challenger could come from far behind late in the campaign to deny Mr. Bentsen re-election to a third term in the Senate.

"If he can beat Bentsen, it will be like David and Goliath," said Bette Noble, a longtime Victoria GOP activist who got up early to attend Mr. Boulter's "breakfast club" here at daybreak Wednesday morning.

The populist point of Mr. Boulter's breakfasts, held in little towns across the state, is that any Texan with $10 can head down to the local Holiday Inn, and attend — unlike the $10,000-per-head version Mr. Bentsen offered to Washington lobbyists in 1986, which he quickly disbanded, admitting a "doozy" of a mistake.

While Mr. Bentsen may be chairman of the powerful Senate Finance Committee — capable of bringing home the bacon — Texans should be ripe for a change to someone whose loyalties are outside the Beltway, not an "old-style elitist politician with no convictions," Mr. Boulter argues.

When Texans sent Sen. Phil Gramm and himself to Washington in 1984, Mr. Boulter told his breakfast audience, "we really weren't sent there to work the system of tax and spend. We were sent there to change the system."

But even campaigning against a man who clearly intends to give up the seat if elected vice president, Mr. Boulter's Senate campaign faces numerous formidable obstacles.

A three-term congressman from the Texas panhandle, Mr. Boulter began the race virtually unknown outside his home district. As of Labor Day, he was still running 30 points behind Mr. Bentsen, one of the state's most popular politicians, according to a poll by the Houston Post.

Coming from the same school of conservatism as Mr. Gramm and Rep. Jack Kemp, New York Republican, the 46-year-old Boulter started off with rocky relations with the Bush wing of the Texas GOP because he headed the New Yorker's unsuccessful campaign for the White House.

And while Mr. Boulter is now getting campaign help from President Reagan, Mr. Bush, GOP vice presidential candidate Dan Quayle, former Texas Sen. John Tower and Mr. Kemp, Mr. Bentsen still holds a massive money advantage, with a campaign budget that should allow him to outspend Mr. Boulter by a ratio of at least 3 to 1.

If there is a chink in Mr. Bentsen's armor, however, it is his dual candidacy for Senate re-election and for the vice presidency — allowed by a loophole in Texas law that was opened to allow Lyndon Johnson to do the same thing in 1960.

"Our first strategy was to tie him to the national Democratic ticket," said Greg Graves, Mr. Boulter's campaign manager. "That strategy is moot now. He is the national ticket."

Mr. Bentsen can hardly run as a Texas conservative while also trying to sell Texans on making a Massachusetts liberal president, Mr. Boulter argues.

"There's always been two Lloyd Bentsens. And now they're both running for two different offices and asking to be elected on the same day," Mr. Boulter said.

As Mr. Bentsen has noted, he could not withdraw from the Senate race now without forfeiting the seat to Mr. Boulter. If he declines the Senate seat after winning it, it will be subject to a special election.

Trying to ride two horses at once puts Mr. Bentsen in an awkward position, as a recent Boulter television ad points out graphically with clips from old black-and-white slapstick movies in which people topple off the backs of horses and into the mud.

"Old Lloyd is really hedging his bets," the narration goes. "But any real Texan will tell you, you can only ride one horse at a time."

The Houston Post poll showed Texas voters split over the fairness of a dual candidacy, but Mr. Boulter's campaign says the issue is far from dead.

"He's been married to Mrs. Texas now for 18 years, the one-and-only, but he's gotten bored lately," said Mr. Graves. "He's found exciting new Miss Massachusetts, who speaks with a little bit of an accent and has a little bit wilder lifestyle than we do.

"So he is courting Miss Massachusetts, and if they like each other and everything works out, he's going to stay with her. But if he doesn't win, he wants to come back to good old Mrs. Texas like nothing ever happened. Well, that won't wash."

While the dual campaign also raises questions about potential violations of federal campaign law, the Federal Election Commission has rejected the National Republican Senatorial Committee's arguments that Mr. Bentsen's Senate campaign spending obviously must benefit the national ticket in Texas, circumventing the $46 million spending cap on the presidential campaign.

Mr. Bentsen has been in Texas weekly, but his public campaigning has been only for vice president, not for senator, said spokesman Jack DeVore.

Mr. Bentsen's continues to raise money for the Senate race, but the fund-raisers have been closed to the national press that follows Mr. Bentsen's vice presidential race.

Despite efforts to keep the two campaigns seperate, the line between them sometimes gets fuzzy.

Earlier this month in West Palm Beach, Fla., Mr. Bentsen arrived by his vice-presidential campaign jet for a vice-presidential campaign event for the ticket, but then attended a closed Senate fund-raiser — on which his traveling press secretary, who carefully labeled himself an unofficial observer of the event, later briefed national reporters.

In keeping the two campaigns apart, "a lot of it is perception," said Mr. DeVore, who noted that the campaign replaced a batch of "Bentsen '88" posters with "Bentsen for Senate '88" posters for appearance's sake.

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EXHIBIT H

Reporters tracking Bentsen in Texas are puzzled, playful

By Anne Marie Kilday
Austin Bureau of The Dallas Morning News

SAN ANGELO, Texas — The noon sun was beating on a tin-roofed warehouse insulated by stacks of sheep and billy goat wool as Democratic vice presidential nominee Lloyd Bentsen met with a dozen prominent local farmers and ranchers.

Bentsen wholeheartedly agreed with the ranchers that the "heifer tax" should be repealed.

Confused looks crossed the sweaty faces of the national television crews, Secret Service agents and Washington-based reporters following Bentsen on a sweep across the Lone Star State.

The "heifer tax"?

In a campaign swing designed to maintain the Democratic Party's visibility during the Republican National Convention, Bentsen led a nine-day expedition across the "key battleground" in the presidential campaign.

For some observers, it was an introduction to Texas-style campaigning.

Besides the debate over heifer taxes — a tax that farmers pay on calves before selling them — there were the usual mariachis in Kingsville and Laredo, and a Brownsville "pachanga" — a political rally in a park, with free beer to ensure a large turnout.

There were staged political events featuring oil rigs and fire ants in the Piney Woods of East Texas, a cavalry charge at historic Fort Concho in San Angelo, a tour of NASA's Lyndon B. Johnson Space Center in Houston and speeches to business leaders in crowded hotel ballrooms.

But it wasn't quite the typical Texas barnstorming tour. Instead of a dusty road trip, Bentsen criss-crossed the state in a leased 140-seat America West 737 jet. His motorcade stopped noonday traffic on the usually congested Gulf Freeway in Houston and blocked motorists on the Dallas North Tollway.

He was always under the watchful eyes of the Secret Service and the national press.

And the oppressive August heat.

"It's so dry here the jackrabbits have to carry canteens," said one Bentsen supporter in Lubbock.

By midweek, the heat had begun to take its toll. As the temperatures rose, so did the level of zaniness.

The staid Secret Service agents wore Lone Star beer suspenders under their jackets, and won numerous rounds in a game of "seat-o," a $1 lottery based on seat numbers. Members of the new media made a game of rolling oranges up the aisle on takeoff.

At one point, the senator's wife, B.A. Bentsen, was asked whether her husband's body could be compared to that of his 41-year-old opponent, Republican vice presidential nominee Dan Quayle.

"You bet. No question about it," Mrs. Bentsen responded.

Even Bentsen got into the act. When one of the oranges finally made it into the cockpit Friday, the senator, who was sitting in the front of the plane, captured the traveling fruit and autographed it: "Aft to cabin award."

Reporters, meanwhile, prayed for another miracle in Lubbock, and got one: a bank of telephones, in an air-conditioned hallway, courtesy of the friendly and efficient staff of the Texas Tech University Health Sciences Center.

By midweek, the tour group had begun to grasp some of the traditions of Texas.

The Alamo is across the street from Woolworth's. Brownsville is south of half of Mexico, and American citizens can walk across the border for a dime toll. Towns with names like Seguin include enclaves of immigrants from Germany, Czechoslovakia and Poland.

Texas Hispanics are traditionally conservative on defense issues. Labor union members in Texas are not "liberal," they are "populist." Democrats who consistently vote the straight ticket are "yellow dog Democrats," not "red dogs." And the Rio Grande in some places is hot, so grand.

The diversity of Texas Democrats was demonstrated by the acid-tongued wit of state Sen. Carl Parker, D-Beaumont, and the folksy manner of U.S. Rep. Charles Stenholm.

Parker introduced Bentsen at a Beaumont lunch with a comparison to GOP presidential nominee George Bush.

"You don't have to be born in Texas to be a true Texan," Parker said. "But a true Texan puts down roots here." The difference between Bentsen and Bush, Parker said, "is like the difference between an oak tree and a potted plant."

Stenholm introduced Bentsen in San Angelo by praising "his good, Texas, tractor-seat common sense."

But again and again, the question came up: How can Lloyd Bentsen run for vice president and re-election to his fourth U.S. Senate term at the same time?

Bentsen repeatedly defended his dual candidacy. If he were to win the vice presidency and not be on the ballot for the Senate, Texas law would force him to forfeit his Senate seat to GOP nominee Beau Boulter.

Bentsen said running for two offices at one time is almost a tradition — LBJ and John Nance "Cactus Jack" Garner both did it.

Though the campaign swing was billed as a strictly vice presidential tour, Bentsen held private meetings in Fort Worth, Lubbock and Tyler with longtime Senate supporters. Bentsen staffers insisted that the closed meetings were not geared to the Senate campaign.

Bentsen's own television ads summed up the mood of the week: "We're different in Texas."

EXHIBIT I

At Work

THE GREATER HOUSTON CHAMBER OF COMMERCE

August 1990 Volume 43, Number 8

ROUTE TO

Bentsen to address Chamber on August 15

"Issues Affecting Texas Business Today" will be the topic of Senator Lloyd Bentsen's address when he speaks to Chamber members at a special luncheon Monday, August 15, at the Westin Oaks Hotel at noon. His appearance in August marks an acceptance to the Chamber's invitation extended this spring to speak from his perspective as chairman of the Senate Finance Committee.

Although Bentsen was invited to speak prior to his vice presidential nomination, The Greater Houston Chamber of Commerce will extend a similar invitation to the Republican nominee when named.

The luncheon will be held in the Consort Ballroom of the Westin Oaks, beginning with a cash bar at 11 a.m.

Cost is $25 and tickets must be picked up at the door. Reservations can be secured by calling the Chamber at 658-2459. Δ

Worker's compensation seminar set for September

While business is paying more and more in insurance premiums, injured workers deserving compensation benefits are receiving less and less.

In fact, Texas has the 11th highest worker's compensation rates of the 48 continental states, but pays 41st in employee benefits.

Many insurance carriers are refusing to write policies, forcing many employers into the assigned risk pool or a decision to forego coverage altogether. By greatly increasing the cost of doing business in Texas, these inadequacies are impairing economic growth in the state.

The Greater Houston Chamber of Commerce predicts there will be a need for comprehensive and immediate reforms to the worker's compensation system in Texas.

A worker's compensation seminar is being planned for Chamber members by the Government Relations and small business (Houston Business Group) committees of the Chamber in conjunction with the Texas Association of Business (TAB).

The one-day seminar is scheduled for September 27 at the Westin Galleria. Chamber volunteer Robert Strauser (partner with Baker & Botts and one of the top experts on the issue) plans to bring all the key players together in this conference to present the facts.

Planners expect to have representatives of the state's political leadership, representatives from labor, service providers, and trade associations that are currently addressing this issue.

"Many small and medium-sized businesses are keenly aware of the escalating costs of the compensation system, but are not aware of the efforts being made to stress reform in the upcoming legislative session," said Dane Harris, president of the Texas Association of Business, a co-sponsor of the seminar.

The proposed agenda includes:

- An overview of the system
- Specifics on employer/employee associations
- A report on the House/Senate committee's interim study
- A luncheon speech on the political climate for reform
- The role of self-insurance
- Service providers' perspective on reform

The Chamber anticipates a sell-out crowd for this all-encompassing business issue conference.

There is a need for comprehensive reform to the system in Texas.

Make plans now to attend this one-day seminar on Tuesday, September 27.

The September issue of *At Work* will include more details.

For additional information, call 658-2459 Δ

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EXHIBIT J

PHILLIP A. ARONOFF
1717 EAST LOOP, SUITE 400
HOUSTON, TEXAS 77029
(713) 676-1744

August 10, 1988

Mr. Ned Holmes, Chairman
Government Affairs Committee
Houston Chamber of Commerce
Houston, Texas

By Fax

Dear Ned:

I was surprised when I received the At Work bulletin today which announced the August 15th speaking engagement of Lloyd Bentsen. The announcement also indicated that an invitation will be extended to the Vice Presidential nominee.

Ned, I am the Harris County Chairman for Beau Boulter's Campaign. Congressman Boulter should not be punished because Lloyd Bentsen decided to go for both positions thereby causing the Chamber to have only one of Lloyd Bentsen's opponents speak.

I spoke with Mr. Gilbert Turrieta of the Chamber who said to me that he will "try" to arrange a speaking engagement for Congressman Boulter. This is really not quite sufficient. We must really insist that an equal time be given to Congressman Boulter to speak to the Chamber, as well as the Republican Vice Presidential candidate.

I would appreciate it very much that after you have reviewed this letter you will please telephone me, or have Mr. Turrieta telephone me, to arrange the speaking engagement for Congressman Boulter.

I hate to put you in a difficult position such as this, especially understanding that your work for the Chamber is volunteer work and the whole community benefits from your efforts. However, I too have a job to do. My job is to get Beau Boulter's name spread throughout the community as well as to allow him the opportunity to prove to leaders of the City that he is a credible candidate, and one who deserves their consideration for the position of United States Senator.

I look forward to hearing from you shortly.

Very truly yours,

Phillip A. Aronoff

cc: Congressman Beau Boulter

9504367408 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 17, 1988

Executive Director
Houston Chamber Of Commerce
1100 Milam Street
Houston, TX 77002

RE: MUR 2715
Houston Chamber Of Commerce

Dear Sir:

The Federal Election Commission received a complaint which alleges that you 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 2715. 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 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.

9504367408 2

If you have any questions, please contact Kenneth E. Kellner, the attorney assigned to this matter, at (202) 376-5690. 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

95043674083

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 17, 1988

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

RE: MUR 2715
Dukakis/Bentsen Committee, Inc.

Dear Ms. Darr:

The Federal Election Commission received a complaint which alleges that your clients, 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 2715. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the 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.

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9504367408 4

If you have any questions, please contact Kenneth E. Kellner, the attorney assigned to this matter, at (202) 376-5690. 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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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 17, 1988

Jann L. Olsten
Executive Director
National Republican Senatorial
Commitee
440 First Street, NW
Suite 600
Washington, DC 20001

RE: MUR 2715

Dear Mr. Olsten:

This letter acknowledges receipt on October 7, 1988, of your complaint 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, the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, and the Houston Chamber Of Commerce. 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 2715. 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 Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 17, 1988

The Honorable Beau Boulter, M.C.
15110 Dallas Parkway
Suite 216
Dallas, TX 75240

RE: MUR 2715

Dear Mr. Boulter:

This letter acknowledges receipt on October 7, 1988, of your complaint 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, the Senator Lloyd Bentsen Election Committee and F. Grant Taylor, as treasurer, and the Houston Chamber of Commerce. The respondents will be notified of this complaint within five days.

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Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 17, 1988

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

RE: MUR 2715
Senator Lloyd Bentsen
Election Committee 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 2715. 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.

9 5 0 4 3 6 7 4 0 8 8 1

If you have any questions, please contact Kenneth E. Kellner, the attorney assigned to this matter, at (202) 376-5690. 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
703 Hart Senate Office Building
Washington, DC 20510

95043674089

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 17, 1988

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

RE: MUR 2715
Dukakis/Bentsen Committee, Inc.

Dear Mr. Taylor:

The Federal Election Commission received a complaint which alleges that your clients, 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 2715. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the 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.

9504367409 0

If you have any questions, please contact Kenneth E. Kellner, the attorney assigned to this matter, at (202) 376-5690. 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

95043674091

DGC-797

JAN W. BARAN
GENERAL COUNSEL

RICHARD D. HOLCOMB
LEGAL COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
88 OCT 28 AM 10:40

320 FIRST STREET, S.E.
WASHINGTON, D.C. 20003

202-479-7025

NATIONAL REPUBLICAN
CONGRESSIONAL COMMITTEE

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF
88 OCT 28 AM 11:12

October 20, 1988

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20004

Dear Mr. Noble:

Re: MUR 2722

On behalf of the National Republican Congressional Committee ("NRCC"), I hereby request a 20-day extension of the time granted the NRCC for responding to the above-captioned matter. NRCC requests this extension in order to gather all the information and exhibits needed to respond to the complaint. Accordingly, NRCC will submit its response on or before November 21, 1988.

Thank you for your consideration.

Sincerely,

Richard D. Holcomb
Legal Counsel

9504367409 2

PAID FOR BY THE NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE. NOT PRINTED AT GOVERNMENT EXPENSE

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2722

NAME OF COUNSEL: Jan W. Baran, General Counsel
Richard D. Holcomb, Legal Counsel

ADDRESS: National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

TELEPHONE: (202) 479-7025

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.

Date

Signature

RESPONDENT'S NAME: Jack McDonald, Treasurer

ADDRESS: National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

HOME PHONE:

BUSINESS PHONE: 479-7000

95043674093

DOC-836

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

88 OCT 31 AM 4:31

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

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

(202) 371-7000

TELEX 904343
SKARSLAW WASH
TELECOPIER
(202) 393-5760

DIRECT DIAL
(202) 371-

BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

October 31, 1988

By Hand

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

Attn: Kenneth E. Kellner, Esq.

Re: MUR 2715 Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer

Dear Mr. Noble:

Enclosed is a copy of a signed designation of counsel form concerning this matter. We are requesting a twenty day extension of time to respond to the allegations in this matter. In order to properly respond it will be necessary to call upon individuals who are presently preoccupied with the final days of the presidential campaign. It is very difficult to obtain information and documentation under these circumstances. Thus, we are requesting this extension of time to permit us to obtain and to analyze the necessary information to respond. Based on the receipt date of the complaint, if the extension is granted the response will be due on November 25, 1988.

Thank you for your consideration in this matter.

Sincerely,

Kenneth A. Gross

Enclosure

9504367409 4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2715

NAME OF COUNSEL: ~~Kenneth A. Gross~~ Scott Blake Harris

ADDRESS: ~~Skadden, Arps, Slate Meagher~~ Williams & Connolly
~~1440 New York Avenue, N.W.~~ 910 17th Street, N.W.
Washington, D.C. 20005 Washington DC 20006

TELEPHONE: (202) 371-7000 (202) 331-5000

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.

October 28, 1988
Date

Signature
Treasurer

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

ADDRESS: 105 Chauncy Street
Boston, Massachusetts 02111

HOME PHONE:

BUSINESS PHONE: (617) 451-2480

9504367409 5

BAKER & BOTTS

OTHER OFFICES:
WASHINGTON, D.C.
DALLAS
AUSTIN

ONE SHELL PLAZA
910 LOUISIANA
HOUSTON, TEXAS 77002-4995

TELEPHONE: (713) 229-1234
TELECOPIER: (713) 229-1730
TELEX: 76-2779

October 28, 1988

Mr. Kenneth E. Kellner
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Kellner:

In confirmation of your October 27 telephone call with Kelli Nickle, this shall serve as a formal request by the Houston Chamber of Commerce for a one week extension to respond to the allegations in the matter MUR 2715, which complaint was received by the respondent on October 19, 1988. If granted, this would then extend the 15 day response deadline to November 10, 1988 rather than November 3, 1988.

Thank you for your attention to this matter.

Very truly yours,

Scott E. Rozzell

Scott E. Rozzell

9504367409 6

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 NOV -1 AM 8:53

MUR 2715

NAME OF COUNSEL: Mr. Scott E. Rozzell

ADDRESS: Baker & Botts
3000 One Shell Plaza
Houston, Texas 77002

TELEPHONE: 713/229-1502

88 NOV -1 AM 10:07

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.

October 27, 1988
Date

Signature

RESPONDENT'S NAME: Mr. Gerald D. Griffin

ADDRESS: The Greater Houston Chamber of Commerce
1100 Milam. 25th Floor
Houston, Texas 77002

HOME PHONE:

BUSINESS PHONE: 713/658-2400

9504367409 7

OGC 906

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 NOV -4 AM 11: 17

Senator Bentsen

Election Committee

November 2, 1988

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

RECEIVED
FEDERAL ELECTION COMMISSION
88 NOV -4 PM 1:50

RE: MUR 2715
Senator Lloyd Bentsen
Election Committee and
H. Grant Taylor, as
Treasurer.

Dear Mr. Noble:

I am herewith forwarding a "Statement of Designation of Counsel" regarding MUR 2715, 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.

9504367409 8

P. O. Box 61202 Houston, Texas 77208

95043674099

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2715

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.

November 2, 1988
Date

H Grant Taylor
Signature

RESPONDENT'S NAME: H. Grant Taylor, Treasurer

ADDRESS: SENATOR LLOYD BENTSEN ELECTION COMMITTEE
Post Office Box 61202
Houston, Texas 77208

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

06044896

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 NOV -4 AM 9:15

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

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

BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

November 1, 1988

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

Attn: Kenneth E. Kellner, Esq.

Re: MUR 2715

Dear Mr. Noble:

Enclosed is the original designation of counsel signed by Robert A. Farmer, treasurer of Dukakis/Bentsen Committee, Inc.

Very truly yours,

Kenneth A. Gross

Enclosure

RECEIVED
FEDERAL ELECTION COMMISSION
88 NOV -4 PM 1:51

95043674100

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2715

NAME OF COUNSEL: Kenneth A. Gross

ADDRESS: Skadden, Arps, Slate Meagher
1440 New York Avenue, N.W.
Washington, D.C. 20005

(202) 371-7000

TELEPHONE:

Scott Blake Harris
Williams & Connolly
910 17th Street, N.W.
Washington DC 20006

(202) 331-5000

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.

October 28, 1988
Date

Signature
Treasurer

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

ADDRESS: 105 Chauncy Street
Boston, Massachusetts 02111

HOME PHONE:

BUSINESS PHONE: (617) 451-2480

9504367410 1

OGC # 911

PERKINS COIE

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

November 4, 1988

RECEIVED
FEDERAL ELECTION COMMISSION
88 NOV -4 PM 4:58

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

Re: MUR 2715 - Senator Bentsen Election Committee and H. Grant Taylor, as Treasurer

Dear Mr. Kellner:

Pursuant to our conversation today, this letter requests an extension of time in the above-referenced Matter Under Review to allow the Respondents to prepare a reply.

This extension is necessary due to the pressures of an election-year schedule. The Respondents will be engaged until after November 8 in the full-time pursuit of Senator Bentsen's reelection to the United States Senate. There is virtually no staff time or other resources available to support the preparation of a response within the timetable set forth by the Commission. This response time has been shortened even further due to some confusion by the Bentsen Committee over the service of the complaint.

Respondents request an extension until November 30, 1988. This will allow for the time typically required for a return to normal operations at the Bentsen Committee after the pre-election period and the Thanksgiving holiday.

As I also mentioned on the phone, we will arrange to have a Designation of Counsel filed as soon as possible by the Bentsen Committee.

Thank you for your consideration in this matter. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel for Respondents

9 5 0 4 3 6 7 4 1 0 2

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 7, 1988

Scott E. Rozzell, Esquire
Baker & Botts
One Shell Plaza
910 Louisiana
Houston, Texas 77002

RE: MUR 2715
Houston Chamber of
Commerce

Dear Mr. Rozzell:

This is in response to your letter dated October 28, 1988, which we received on November 1, 1988, requesting an extension of seven (7) days to respond to the complaint. 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 November 10, 1988.

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

Sincerely,

LMNoble (KEK)

Lawrence M. Noble
General Counsel

9504367410 3

flm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 7, 1988

Kenneth A. Gross, Esquire
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005

RE: MUR 2715
Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer

Dear Mr. Gross:

This is in response to your letter dated October 31, 1988, which we received on October 31, 1988, requesting an extension of twenty (20) days to respond to the complaint. 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 November 25, 1988.

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

Sincerely,

Lawrence M. Noble
General Counsel

cc: Scott Blake Harris, Esquire
Carol C. Darr, Esquire
Daniel A. Taylor Esquire

9504367410 4

plm

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 9, 1988

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

RE: MUR 2715
Senator Lloyd Bentsen
Election Committee and H.
Grant Taylor, as treasurer

Dear Mr. Bauer:

This is in response to your letter dated November 4, 1988, which we received on that date, requesting an extension until November 30, 1988 to respond to the complaint. 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 November 30, 1988.

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

Sincerely,

Lawrence M. Noble
General Counsel

cc: P. Michael Hebert, Esquire

95043674105

EXHIBIT 3

1100 Milam, 25th Floor
Houston, Texas 77002
713 651-1313

May 31, 1988

Mr. Scott J. Atlas
Vinson & Elkins
Attorneys At Law
3300 First City Tower
1001 Fannin
Houston, TX 77002-6760

Dear Scott:

Thank you for agreeing to assist us in helping to secure Senator Lloyd Bentsen to speak at a Greater Houston Chamber of Commerce luncheon prior to the end of August. As I had mentioned, we have been attempting to obtain a commitment from the Senator for a number of months. While the staff has attempted to accommodate us by assigning us a date, the "lead time' which we find necessary to set up a luncheon has not enabled us to accepted their proposed dates.

Let me review again what our needs are relative to this luncheon. We would like to secure a commitment from the Senator to speak at a luncheon prior to the end of August. Chamber policy prohibits us from scheduling someone running for office too close to the election, so August would probably be our deadline. As we do not have a print shop, our inability to print invitations "in-house" restricts our flexibility in being able to make arrangements on a short time-line. Consequently, we need approximately six weeks notice to make all the necessary arrangements.

Wednesday, Thursday and Fridays would be our "choice days" for the luncheon. As with all Chamber luncheons, we would start at 12:00 noon and adjourn at 1:30 p.m. The Senator would be asked to make a twenty minute speech and allow time for "Q & As". He would start to speak at approximately 1:00 p.m.

Please let me know if you can assist us in trying to get the Senator to address our members. I think you would be pleased with the luncheon program. Our members always come out in droves when we host national elected officials.

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You may reach me at 658-2430 if you have any questions.

Sincerely,

Rosie

Rosie Barrera
Program Manager
Governmental Relations

RB:lh

9504367410 7

06C1020

RECEIVED
FEDERAL ELECTION COMMISSION

88 NOV 10 PM 4:18

BAKER & BOTTS

ONE SHELL PLAZA

910 LOUISIANA

HOUSTON, TEXAS 77002-4995

OTHER OFFICES
WASHINGTON, D.C.
DALLAS
AUSTIN

TELEPHONE: (713) 229-1234
TELECOPIER: (713) 229-1730
TELEX: 76-2779

88 NOV 14 PM 4:03

November 10, 1988

Mr. Kenneth E. Kellner
Office of General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 2715

Dear Sir:

Enclosed for filing pursuant to 11 CFR § 111.6 is the response of the Houston Chamber of Commerce to the complaint filed by Congressman Beau Boulter. It is the position of the Houston Chamber of Commerce that Congressman Boulter's complaint, which is primarily directed at the campaigns of Senator Lloyd Bentsen for reelection to the Senate and to the Vice Presidency, does not raise an issue with respect to the Chamber which warrants action by the Federal Election Commission. We believe your review of this matter will confirm the Chamber's position.

This letter will also serve to confirm the willingness of the Chamber to discuss, at any time, the prompt resolution of this matter.

Very truly yours,

Scott E. Rozzell

Scott E. Rozzell
Attorney for Houston
Chamber of Commerce

:100
Enclosure

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UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

IN THE MATTER OF	§	
	§	
Dukakis/Bentsen for President Committee Inc.	§	MUR No. 2715
	§	
Senator Lloyd Bentsen Election Committee	§	

Response of the
Houston Chamber of Commerce

On October 19, 1988 the Greater Houston Chamber of Commerce (the Chamber) was served with a copy of a complaint filed with the Federal Election Commission (Commission) by Congressman Beau Boulter, who was, at that time, the Republican candidate for the Texas Senate seat held by Lloyd Bentsen. The thrust of Congressman Boulter's complaint is that Senator Lloyd Bentsen was unlawfully diverting funds raised in connection with his Senatorial reelection campaign to the Dukakis/Bentsen campaign for President and Vice-President of the United States. (Complaint, p. 1.) Congressman Boulter was seeking an injunction from the Commission prohibiting "the Dukakis-Bentsen committee from spending its entire $46 million in taxpayer money or to freeze Bentsen's State campaign committee from spending additional funds." (Complaint, p. 11.)

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The only interest that the Chamber has in this matter is that Congressman Boulter's complaint alleges that the Chamber violated 11 C.F.R § 114.4(a)(2) by inviting Senator Bentsen to speak at one of its luncheons in August without extending a similar offer to Congressman Boulter. The Chamber respectfully submits that there is no basis for an allegation of any violation of the Commission's regulations and respectfully requests that the Commission strike the allegation from Congressman Boulter's complaint or otherwise dismiss it without further action.

I.

Procedural Matters

The undersigned has been designated as counsel for the Chamber pursuant to 11 C.F.R. § 111.23. See Exhibit 1. While this response was originally due to be filed on November 3, the Chamber was given a one week extension of time. See Exhibit 2.

II.

Statement of Facts

The Chamber is a non-profit, incorporated business league exempt from taxation pursuant to § 501(c)(6) of the Internal Revenue Code. As a part of its ongoing activities, it routinely invites civic leaders and government officials to address Chamber members and guests at various Chamber functions, including public affairs forums sponsored by its

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Government Relations Committee. The forums are an ongoing activity and are not restricted to election years. In 1987 for instance 20 federal, state and local officials addressed Chamber functions. In 1988, there have been 33 such appearances. Both Texas Senators have appeared before the Chamber twice during the last two years.

The Chamber goes to great lengths to see that these forums are nonpartisan and are not supportive of any campaign for elected office. Elected officials who are also candidates are generally not invited to appear at such luncheons during the two months preceding an election. Such officials are also advised that they may neither solicit financial or other support for their campaigns during any such appearance nor make campaign speeches. The Chamber also makes every attempt to make sure that its activities do not present the appearance of favoring one party over the other. To that end, the Chamber has a long-standing policy of "balancing" its invitations over time so that no party is disproportionately represented in Chamber appearances.

In May 1988 the Chamber invited Senator Bentsen to speak at a Chamber-sponsored luncheon. A copy of that invitation is attached as Exhibit 3. Senator Bentsen accepted the invitation and was the featured speaker at a luncheon

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held on August 15, 1988. In accordance with Chamber guidelines, Senator Bentsen did not solicit campaign contributions nor expressly advocate his election to the Senate or the Vice-Presidency. Senator Bentsen did briefly describe his recent Vice-Presidential nomination and indicated that, if elected, he would be involved in the new administration's space-related activities. There was no mention at all of the Senator's reelection campaign or of Congressman Boulter. Nevertheless, Congressman Boulter claims that the Chamber violated 11 C.F.R. § 114(a)(2),(d) by failing to extend him an invitation.

III.

Argument.

The Chamber respectfully submits that the complaint as it relates to the Chamber should be dismissed because (1) Congressman Boulter has not requested the Commission to take any action with respect to the Chamber and (2) Senator Bentsen's speech before the Chamber was not a campaign appearance which would trigger the "equal time" provisions of 11 C.F.R. § 114.4(a)(2).

The first argument is straightforward, clear from the face of the complaint and, we submit, dispositive. The second argument is more fully discussed below.

The question of whether the Chamber was required by 11 C.F.R. § 114.4(a) to extend an invitation to

9504367411 2

Congressman Boulter to appear at a Chamber function turns on the issue of whether Senator Bentsen's speech was a "campaign appearance" and thus made in connection with a federal election. See, FEC Advisory Opinion 1986-37 (1986). At one time, it was presumed that any speech made before a substantial number of people who comprise a part of the electorate with the respect to which the individual was a candidate was presumed to be connected with an election. This is no longer the case. See, FEC Advisory Opinion 1981-38 (1981).

The Commission now takes the position that public appearances by candidates at public affairs programs will be deemed to be campaign-related if such events include any express advocacy of the election or defeat of any candidates or the solicitation of contributions to any candidate or political committee. While specific fact situations may present other indications of an event which is connected to a campaign, these are the two principal factors which are consistently cited by the Commission. See, FEC Advisory Opinion 1986-37 (1986).

In this instance, the luncheon speech by Senator Bentsen does not fall within the definition of a campaign appearance. There can be no doubt that his speech was part of a continuing series of public affairs forums held by the Chamber. These forums are held for the educational benefit of Chamber members and their guests at various

9504367411 3

times each year. They are not keyed to any election and in fact, efforts are made not to hold such forums in close proximity to an election. See Exhibit 3, ¶2.

When Senator Bentsen addressed the Chamber on August 15, he did not advocate the election or defeat of any candidate nor did he solicit contributions to any candidate or political committees. He spoke for approximately 25 minutes on the topic "Issues Affecting Texas Business Today" and answered questions from the floor. It was a classic public affairs program of the kind hosted by the Chamber throughout every year.

Congressman Boulter cites the fact that the Chamber later invited Republican Vice-Presidential nominee Quayle to appear at another Chamber function as support for his theory that 11 C.F.R. § 114.4(a)(2) compelled the Chamber to extend him a similar invitation. However, the Chamber's decision to comply with its long-standing policy of balancing party appearances by seeking to have Senator Quayle to fill the next Republican "slot" does not change the fact that Senator Bentsen's August 15 speech does not meet the definition of a campaign appearance. Moreover, if Senator Bentsen's mere acknowledgement of the fact that he was a nominee for the Vice-Presidency were somehow to be considered sufficient to render his speech a campaign appearance, it clearly would have to be an appearance in connection with his Vice-Presidential campaign. If this is the case, the Chamber

9504367411 4

fully complied with 11 C.F.R. § 114.4(a) when it extended an invitation to the Republican Vice-Presidential nominee to address the Chamber.

The Chamber's primary interest in hosting public affairs programs is to keep its members informed about the important issues facing the business community. The views of governmental officials, both elected and appointed, are an important part of that effort. The Chamber's ability to provide its members and the citizens of Houston with a balanced and interesting series of public affairs programs would be seriously hampered if 11 C.F.R. § 114.4(d) were applied to each appearance at a Chamber program of an elected official who was or could become a federal candidate, thereby turning the Chamber's regular educational forums into mandatory candidate debates. Such an extension of the Commission's policy is neither required law nor warranted by the circumstances. The Commission should dismiss Congressman Boulter's Complaint as it relates to the Chamber.

Respectfully submitted,

Scott E. Rozzell

Scott E. Rozzell
Attorney for the Greater
Houston Chamber of Commerce
Baker & Botts
3000 One Shell Plaza
Houston, Texas 77002
(713) 229-1502

9504367411 5

OGC#1139

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

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

BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

November 21, 1988

BY HAND

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20008

Attn: Kenneth Kellner, Esq.
Jim Brown, Esq.

Re: MURs 2652 and 2715 Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as Treasurer

Dear Mr. Noble:

In response to a prior request, you granted a 20 day extension to respond to interrogatories and document requests in MUR 2652, and the complaint in MUR 2715. Those responses are due on November 25, 1988. (In MUR 2652 the due date fell on November 24, but carries over to November 25.) The Dukakis/Bentsen Campaign has encountered more difficulty in gathering information than anticipated. Contacting individuals who have pertinent information is difficult because some have moved and others are on leave. It is our understanding that the Bentsen Committee has encountered similar difficulties and will also be requesting an extension of time.

Consequently, the Dukakis/Bentsen Committee, Inc. finds it necessary to request an additional two weeks to respond to the above-referenced MURs. We are requesting an extension in both MURs until December 9, 1988.

Thank you for your consideration of this request.

Sincerely,

Kenneth A. Gross

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PERKINS COIE

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

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 NOV 21 PM 4:12

November 21, 1988

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

Attention: Jim Brown and Ken Kellner

Re: MUR 2652 and MUR 2715 - Senator Bentsen Election Committee and H. Grant Taylor, as Treasurer

Dear Mr. Noble:

The Senator Bentsen Election Committee and H. Grant Taylor, its Treasurer ("Bentsen Respondents"), request herewith an additional extension of time in order to respond to the Commission's interrogatories in MUR 2652 and to respond to the notification that a complaint has been filed for MUR 2715. The responses to these two matters are currently due on November 28 and 30, respectively.

The responses to both matters require the gathering of substantial factual information about the 1988 campaign for the United States Senate. After an extremely active and pressured election period, many of the staff of the Senate campaign have been taking well-deserved time off. The upcoming Thanksgiving holiday has further complicated the task. Because the responses cannot be prepared without the information from these individuals, the Bentsen Respondents would like an additional ten days to continue to gather information and to prepare an adequate response. The new due date for responses in both matters would be Friday, December 9.

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This additional time will allow the Bentsen Respondents to more fully prepare its responses to the Commission's communications. If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel to the Bentsen Respondents

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

November 25, 1988

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR 2715 Requests for Additional Extension of Time

By letters from counsel dated November 21, 1988, the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, and the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, requested additional extensions of fourteen (14) days and ten (10) days, respectively, to respond to the allegations of the complaint in MUR 2715.[1]

The letters explain that an extension is necessary because the difficulty in gathering information after "an extremely active and pressured election period[.]" Evidently, staff members of both committees essential to responding to the complaint have taken leave after the general election.

The Office of General Counsel had previously granted extensions of time to these above respondents. The additional extensions of time would require both the committee's responses to be submitted by the close of business on December 9, 1988.

After considering the above circumstances, the Office of General Counsel recommends that the Commission grant the requested extensions.

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1. The letters from respondents' counsel also request an extension of time to respond to the Commission's reason to believe findings in MUR 2652. The Commssion has given this Office discretion to grant extensions of time up to 45 days to respondents to respond to reason to believe findings. Therefore, this Office has granted the requested extensions in MUR 2652.

RECOMMENDATIONS

1. Grant an extension of 14 days to the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer.

2. Grant an extension of 10 days to the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer.

2. Approve the attached letters.

Attachments
1. Requests for additional extensions of time
2. Letters

Staff: Kenneth Kellner

95043674120

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer	)	MUR 2715
	)	
Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 30, 1988, the Commission decided by a vote of 5-0 to take the following actions in MUR 2715:

1. Grant an extension of 14 days to the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, as recommended in the General Counsel's Memorandum Report to the Commission dated November 25, 1988.

2. Grant an extension of 10 days to the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, as recommended in the General Counsel's Memorandum Report to the Commission dated November 25, 1988.

3. Approve the letters, as recommended in the General Counsel's Memorandum Report to the Commission dated November 25, 1988.

(Continued)

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Commissioners Aikens, Elliott, Josefiak, McDonald, and McGarry voted affirmatively for the decision. Commissioner Thomas did not cast a vote.

Attest:

12-1-88
Date

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

Received in the Office of Commission Secretary:	Mon.,	11-28-88,	10:09
Circulated on 48 hour tally basis:	Mon.,	11-28-88,	4:00
Deadline for vote:	Wed.,	11-30-88,	4:00

cmj

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1988

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

RE: MUR 2715
Senator Lloyd Bentsen
Election Committee and H.
Grant Taylor, as treasurer

Dear Mr. Bauer:

This is in response to your letter dated November 21, 1988, which we received on that date, requesting an extension of ten (10) days to respond to the complaint. After considering the circumstances presented in your letter, the Federal Election Commission has granted the requested extension. Accordingly, your response is due by the close of business on December 9, 1988.

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

Sincerely,

Lawrence M. Noble
General Counsel

cc: P. Michael Hebert, Esquire

9504367412 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1988

Kenneth A. Gross, Esquire
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005

RE: MUR 2715
Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer

Dear Mr. Gross:

This is in response to your letter dated November 21, 1988, which we received on that date, requesting an extension of fourteen (14) days to respond to the complaint. After considering the circumstances presented in your letter, the Federal Election Commission has granted the requested extension. Accordingly, your response is due by the close of business on December 9, 1988.

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

Sincerely,

Lawrence M. Noble
General Counsel

cc: Scott Blake Harris, Esquire
Carol C. Darr, Esquire
Daniel A. Taylor, Esquire

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

December 9, 1988

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

Re: MUR 2715 - Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

Attention: Kenneth E. Kellner

Dear Mr. Noble:

The Senator Lloyd Bentsen Election Committee ("Bentsen Committee") and H. Grant Taylor, as Treasurer (hereinafter referred to as "Respondents"), hereby reply through counsel to the Commission's notification that a complaint has been filed against them by Congressman Beau Boulter and the National Republican Senatorial Committee. Respondents are also submitting an affidavit from an individual with direct knowledge of the issues involved in MUR 2715: Blaine H. Bull, Campaign Director of the Bentsen Committee.

Complainants once again seek to have the Commission impose a per se theory of violation of the campaign laws. Complainants argue that all spending undertaken by Senator Bentsen's Senate campaign committee violated the campaign laws because it "unavoidably" influenced the publicly funded Democratic Presidential/Vice Presidential campaign of 1988.

Complainants purport to offer "specific evidence that the Dukakis/Bentsen campaign illegally supplemented its government allotment in violation of the federal campaign laws. The "specific evidence" offered includes:

1. A newsletter published on the occasion of Senator Quayle's visit to Texas to endorse Beau Boulter;

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2. News reports of Senator Bentsen's statements encouraging voters to "vote twice for Bentsen";

3. News reports of trips by Senator Bentsen for the Vice Presidential campaign during which he met with Senate supporters;

4. News reports of an appearance by Senator Bentsen before the Houston Chamber of Commerce.

Once again, Complainants asked the Commission to enjoin all spending by Senator Bentsen's Senate campaign or, in the alternative, to reduce public funding of the Presidential and Vice Presidential campaigns.

Complainants fail to recognize that as a matter of law their arguments must fail. The Federal Election Commission and the Court of Appeals for the District of Columbia have both ruled that dual candidacy, and spending for such dual candidacy, is lawful. The desperation of Complainants' argument is shown in their continued reliance on the Commission's Advisory Opinion 1975-11. The Commission has clearly held this Opinion to be superseded by the later adoption of regulations which specifically allow for dual candidacies. In its Legal and Factual Analysis for the reason to believe finding in MUR 2652, the General Counsel's Office stated:

> For the reasons previously stated by the Commission, the Complainants' argument that any expenditure by the Senate Committee must necessarily influence or aid the Presidential campaign is unpersuasive and does not provide a basis on which to find reason to believe either committee has violated or will violate the Act and regulations.

See also, First General Counsel's Report in MUR 2666.

The Commission should once again find that Complainants' arguments are "unpersuasive" and refuse to find reason to believe in this case. The discussion below will show that each of the purported pieces of "evidence" that Complainants allege demonstrate a per se violation of the Act are without foundation in fact or in law.

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Newsletter

Complainants cite a newsletter published by the Bentsen Committee which discusses Dan Quayle's poor Senate voting record on issues of importance to Texas. The newsletter was published on the occasion in question because Dan Quayle had been invited to Texas by Beau Boulter to appear on Boulter's behalf: to influence Boulter's, not Quayle's, election. The newsletter raises the question of why Boulter would associate himself, through Quayle, with positions inimical to Texas interests. This was treated as a reflection on Boulter's fitness to be a Senator from Texas. And Boulter, by inviting Quayle's appearance, raised the issue to which Bentsen, as a Senate candidate, was entitled to respond.

The thrust of the newsletter is clearly to benefit Senator Bentsen's Senate campaign. There is no advocacy of Senator Bentsen's Vice Presidential candidacy. The single mention of Michael Dukakis was a direct response to an attack by Beau Boulter. Complainants' selective excerpts of the newsletter in the Complaint was designed to conceal the decisive emphasis on the Senate campaign in the newsletter as a whole.

The newsletter was mailed to a Bentsen Committee mailing list which contained the names of approximately 8,000 individuals, including Bentsen coordinators, Bentsen contributors, Bentsen volunteers and various other individuals identified by the Bentsen Committee as participants in particular interest groups, such as labor leaders. The Presidential/Vice Presidential campaign was in no way involved, consulted or, in any legally relevant sense, at issue.

Vote Twice for Bentsen

Complainants also cite newspaper reports of Senator Bentsen urging voters to "vote twice for Bentsen."[1/] The federal campaign laws regulate campaign money -- political spending -- and not political speech. The Courts have drawn a clear constitutional distinction between the two. Senator Bentsen's statements were pure political speech.

[1/]The Commission should note that two of the three articles attached to the Complaint are identical Associated Press stories run in different newspapers.

The statements by Senator Bentsen to vote twice were occasioned by politics, principally attacks by the Republicans who urged voters to "vote once for Bentsen." The statements made by Senator Bentsen did not reflect an official theme of the Senate campaign. They were not systematically repeated; there were no media, buttons, bumper stickers or other materials in which the "vote twice" theme was incorporated by the Senate campaign. In this case, in matters relating to the financial management of the Senate and Vice Presidential campaigns, complete separation was achieved, as required by the federal campaign laws.

Campaign Trips

The Complaint alleges that Senator Bentsen, while traveling for his Vice Presidential campaign, held "closed door sessions" which his Senate supporters. These meetings did, in fact, take place. Some of the meetings were held to advocate support of Senator Bentsen's Vice Presidential effort to his Senate supporters.

Any other occasionally held meetings for Senate purposes were separate and distinct from the Vice Presidential campaign efforts. The meetings were arranged by Senate campaign committee staff and any costs incurred in connection with the meetings were paid with Senate committee funds.

Furthermore, all such meetings were incidental to the Vice Presidential travel. The Commission's regulations provide at 11 C.F.R. § 106.3(b)(3):

> Where a candidate conducts any campaign-related activity at a stop, the stop is a campaign-related stop and travel expenditures made are reportable. Campaign-related activity shall not include any incidental contacts.

None of the meetings held by Senator Bentsen for Senate campaign purposes lasted longer than an hour and, for the most part, they were of much shorter (15 to 30 minutes) duration. The meetings did not result in any additional expenses to the Vice Presidential campaign. There was no public advocacy associated with the Senate meetings during any of the Vice Presidential campaign travel.

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Appearance at Chamber of Commerce

The last allegation by Complainants is confusing. It is unclear exactly how Complainants allege that Senator Bentsen has violated the campaign laws by making an appearance before the Houston Chamber of Commerce. The Complaint appears to allege a violation of the prohibition on corporate contributions and cites to 11 C.F.R. § 114.4(a)(3). These regulations address non-partisan appearances by a candidate before corporate employees.

The appearance made by Senator Bentsen before the Houston Chamber of Commerce was part of an ongoing non-political program sponsored by the Chamber of Commerce. The program involved the periodic invitation of Texas public figures to appear before the business community in Houston to discuss issues of interest. The invitation sent by the Houston Chamber of Commerce specifically prohibited the advocacy of anyone's candidacy or the solicitation of political contributions.

The Chamber of Commerce had originally scheduled Senator Bentsen's appearance in April, long before his designation as Vice Presidential nominee. For internal reasons, the Chamber of Commerce delayed this appearance until later. Senator Bentsen spoke on Texas business issues and did not discuss either his Senate candidacy or his candidacy for the Vice Presidency. The appearance was not campaign-related and it is unclear how the Commission would apply Section 114.4 to this appearance.[2/]

Conclusion

This Complaint is another effort by the Republicans to have the Federal Election Commission endorse an absolute bar on spending by Senator Bentsen in connection with his Senate campaign. This per se approach on its face fails, and the

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2/ Even if it could somehow be argued that the appearance fell under the provisions of Section 114.4, the Bentsen Committee cannot be held responsible for the actions of the Chamber of Commerce in failing to comply with this section of the regulations.

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evidence proferred is without factual foundation or legal relevance. The Commission must dismiss this Complaint without further action.

Respectfully submitted,

Robert F. Bauer
Judith L. Corley
Perkins Coie
Suite 1200
1110 Vermont Avenue, N.W.
Washington, D.C. 20005
(202) 887-9030

Special Counsel for
Respondents

P. Michael Hebert
McGinnis, Lockridge &
Kilgore
Suite 1300
919 Congress Avenue
Austin, Texas 78701
(512) 495-6015

General Counsel for
Respondents

0502E

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BEFORE THE FEDERAL ELECTION COMMISSION

MUR 2715

Respondents: Senator Lloyd Bentsen Election Committee
and H. Grant Taylor, as Treasurer

AFFIDAVIT OF BLAINE H. BULL

DISTRICT OF COLUMBIA)
) ss
)

I, BLAINE H. BULL, being duly sworn according to law, hereby depose and state as follows:

1. I have personal knowledge of the facts set forth herein and if called to testify in this matter, I would testified as set forth herein.

2. I was the Campaign Director of the Senator Lloyd Bentsen Election Committee (hereinafter referred to as the "Bentsen Committee") during the 1988 primary and general elections.

3. The Bentsen Committee newsletter cited by Complainants in MUR 2715 was published for the purpose of criticizing Beau Boulter's decision to invite Senator Dan Quayle to Texas to endorse Boulter. The Bentsen Committee wished to call attention to Boulter's decision to associate himself, through Quayle, with a voting record in the United States Senate directly contrary to the interests of Texas.

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4. The newsletter was mailed to approximately 8,000 individuals including Bentsen coordinators, Bentsen contributors, Bentsen volunteers and various other individuals on special interest lists, such as labor leaders, etc. It was not part of any Vice Presidential mailing or other campaign activity, and its preparation and distribution was not coordinated in any way with the Presidential or Vice Presidential campaigns.

5. Senator Bentsen occasionally met with Senate supporters while he was on campaign trips for his Vice Presidential candidacy. Some of these meetings were held with Senate supporters to advocate his election as Vice President.

6. Where such meetings were held for Senate campaign purposes, all arrangements for such meetings were made by the Bentsen Committee staff and all costs, if any, were paid by the Bentsen Committee.

7. These meetings never lasted over one hour and most were considerably shorter (between 15 and 30 minutes).

8. The Senate campaign did not publicize such meetings, or conduct any public advocacy in connection with them.

9. The purpose of these meetings was completely secondary to the Vice Presidential appearances.

10. Senator Bentsen's appearance before the Houston Chamber of Commerce was originally scheduled to take place in April and was delayed at the request of the Chamber of Commerce.

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11. The invitation to appear before the Houston Chamber of Commerce specifically asked that the remarks made by the invitee contain no solicitation of campaign contributions and no advocacy of anyone's candidacy.

12. Senator Bentsen spoke to the Houston Chamber of Commerce on business issues of interest to Texas. He made no mention of his candidacy for either the Senate or the Vice Presidency.

BLAINE H. BULL

SUBSCRIBED AND SWORN to
before me this 8th day
of December, 1988.

Frances C. Wickes
Notary Public
My Commission Expires: My Commission Expires May 31, 1989

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88 DEC 12 AM 9:13

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

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

BOSTON
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SAN FRANCISCO
TOKYO
WILMINGTON

December 9, 1988

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

Attn: Kenneth Kellner, Esq.

Re: MUR 2715 Dukakis/Bentsen Committee, Inc.
and Robert A. Farmer, as treasurer

Dear Mr. Noble:

Enclosed is the response of the Dukakis/Bentsen Committee and Robert A. Farmer, as treasurer, with regard to the complaint in the above-referenced matter.

Please let me know if you have any questions.

Sincerely,

Kenneth A. Gross

Enclosures

88 DEC 12 PM 3:06

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF	)	
	)	
Dukakis/Bentsen Committee, Inc.	)	MUR No. 2715
and	)	
Robert A. Farmer, as Treasurer.	)	

RESPONSE OF DUKAKIS/BENTSEN COMMITTEE, INC.
AND ROBERT A. FARMER, AS TREASURER,
TO THE COMPLAINT OF CONGRESSMAN BEAU BOULTER AND
THE NATIONAL REPUBLICAN SENATORIAL CAMPAIGN COMMITTEE

INTRODUCTION

This complaint represents yet another attempt by these Complainants to rehash the arguments already rejected by the Commission and the D.C. Circuit. As the Commission is aware, the basic arguments set forth in this complaint are similar to those set forth in MURs 2652, 2666 and in The Honorable Beau Boulter, et al., v. Federal Election Commission, No. 88-1541, (D.C. Cir. Aug. 3, 1988). Complainants have put before the Commission no new legal argument which alters the plain fact that Governor Michael Dukakis and Senator Lloyd Bentsen, as nominees of the Democratic Party for President and Vice President, respectively, pledged to comply in all respects with federal election laws -- and adhered to that pledge.

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See letter of Governor Dukakis and Senator Bentsen to the Honorable Thomas Josefiak; 26 U.S.C. § 9003; 11 C.F.R. § 9003.2.

As was the case in the earlier complaints, the allegations set forth herein fail to provide any basis for the Commission to initiate an investigation separate from that already ongoing in MUR 2652. The Commission has repeatedly found that the per se attack on Senator Bentsen's dual candidacy must fail. Further, the new allegations proffered to the Commission provide no evidence that the regulations governing dual candidacies have been violated.

ARGUMENT

I. The Dual Candidacies of Senator Bentsen Have Previously Been Held to be Lawful

At the heart of the complaint is little more than the Complainants' recitation of its failed "per se" argument -- that Senator Bentsen should simply be prohibited from running dual campaigns for Vice President and Senator. The Commission has previously dismissed the same legal arguments in both its Factual and Legal Analysis issued in MUR 2652 on October 18, 1988, and in the First General Counsel's Report in MUR 2666 which was dismissed on November 30, 1988. As stated in the analysis of MUR 2652 "[T]he Complainants' argument that any

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expenditure by the Senate Committee must necessarily influence or aid the presidential campaign is unpersuasive and does not provide a basis on which to find reason to believe either committee has violated or will violate the Act and regulations." Factual and Legal Analysis (MUR 2652) (October 18, 1988) at 7. The Commission should again dismiss the per se argument.

II. The Latest "Evidence" Alleged by the Complainants Offers Nothing to Support any Allegation of Wrongdoing by the Dukakis/Bentsen Committee, Inc.

This complaint alleges four examples of Senator Bentsen's misuse of either his Vice Presidential candidacy or his Senate candidacy. None has merit.

A. The Senate Campaign Newsletter

Complainants set forth a portion of a newsletter dated September 23, 1988, which was written, published and distributed by the Bentsen Senate campaign. The newsletter included an attack on Senator Dan Quayle, the Republican Vice Presidential nominee. The distribution of the newsletter is alleged to be an improper expenditure by the Senate campaign on behalf of the Presidential/Vice Presidential campaign because such attacks, the argument goes, improperly aided Senator Bentsen's Vice Presidential bid. A full reading of this newsletter (titled "Practice What You Preach, Beau Boulter!") puts

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the comments in context and demonstrates that it was generated as a response to Congressman Boulter's invitation to Senator Quayle to appear with him in Texas; an invitation intended to further Boulter's own race for the Texas Senate, and not Senator Quayle's Vice Presidential run.

Senator Quayle was invited to Texas to campaign with Congressman Boulter presumably to demonstrate the national ticket's support of Mr. Boulter's candidacy. The attacks on Senator Quayle's record in the Bentsen Committee newsletter were made on behalf of the Senate campaign. The statements in the newsletter merely pointed out to the voters of Texas that Congressman Boulter had chosen to campaign with a Senator whose record did not reflect the interests of Texans. Further, the sole reference in the newsletter to Governor Dukakis was a direct response to charges leveled by Congressman Boulter. It was Mr. Boulter who, in the context of the Senate race, raised the issue of Governor Dukakis' positions on issues of importance to Texans.

The newsletter did not advocate Senator Bentsen's Vice Presidential bid. The Dukakis/Bentsen campaign had no involvement in its preparation or

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distribution and was not the recipient of any illegal benefit therefrom.

B. Vote Twice For Bentsen

Complainants cite press accounts of Senator Bentsen stating that Texans should "vote twice for Bentsen." This statement was made in response to a question, and was neither an organized campaign theme, nor a planned campaign slogan. The suggestion that this incidental and extemporaneous comment somehow resulted in either an impermissible expenditure on behalf of the Dukakis/Bentsen campaign or an improper expenditure by the Dukakis/Bentsen campaign is far-fetched and must fail as a matter of law.

In making this allegation, the Complainants have lost sight of the dictates of Section 110.8(d). The dual candidacy regulation that prohibits the sharing of staff and personnel does not suggest that a dual candidate cannot make an informal reference concerning the candidacy without a formal allocation. In fact, the allegation involves such incidental conduct that in reality the Complainants' argument amounts to nothing more than the per se argument, i.e. any spending by the Senate Committee would "unavoidably influence the presidential race" and vice-versa. Thus, the Commission must also

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reject allegations that such conduct as alleged here is somehow improper.

C. Campaign Trips

Complainants next cite press accounts of Senator Bentsen having improperly met with Senate supporters while on Vice Presidential campaign trips. Actually, such meetings were either for purposes related to the Vice Presidential campaign or were incidental to the purpose of the overall trip. None of these meetings lasted more than an hour, and most lasted only 15 to 30 minutes.

If a candidate is engaged in non-campaign related travel, the Commission's regulations provide that "campaign-related activity shall not include any incidental contacts." 11 C.F.R. § 106.3(b)(3). Senator Bentsen's brief visits were merely incidental to the purpose of the trips and the conduct should be treated the same in this context as in the case of incidental political contacts on non-campaign related travel.

Campaign trips for Senate purposes were coordinated by the Senate campaign, and did not include public statements regarding the Vice Presidency. Likewise, any trips on which Senator Bentsen was campaigning as the Vice Presidential nominee were paid for and coordinated

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by the Dukakis/Bentsen Committee, and did not include public references to his Senate candidacy. In those few instances where Senator Bentsen, while on Vice Presidential campaign trips, met with supporters for purposes related to his Senate candidacy, all arrangements for such meetings were made by the Bentsen Senate Committee and any costs were likewise paid by the Senate Committee.

D. Houston Chamber of Commerce

Complainants' last allegation is not only substantially erroneous, but it has been leveled at the wrong entity. The alleged wrongdoing was committed by an entity distinct from either of the campaigns -- the Houston Chamber of Commerce. In fact, as far as the Dukakis/Bentsen Committee is concerned, the complaint showed no indication that Senator Quayle ever requested an appearance before the Chamber of Commerce. See 11 C.F.R. § 114.4(a)(2).

In any event, Senator Bentsen's appearance before the Chamber was not a campaign appearance, but rather an appearance by the Senator in his capacity as the senior Senator from Texas for an issue-oriented discussion. During the course of the presentation, Senator Bentsen did not advocate his candidacy or solicit contributions for either the Senate or the Vice

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Presidential campaign. Furthermore, the invitations sent by the Chamber made clear the non-partisan nature of the Senator's appearance.

Thus, no violation of the corporate prohibition could have occurred in that the prohibition does not apply to non-political appearances by a public official. Moreover, the Dukakis/Bentsen Committee, Inc. is not implicated in these allegations of wrongdoing.

CONCLUSION

This complaint provides no new arguments, and indeed merely reasserts the old ones, as to why Senator Bentsen should not have been permitted to run for both the Vice Presidency and the United States Senate when the law clearly allowed him to do so. The strained attempt to introduce new evidence to keep these rejected allegations alive again falls short of providing any basis for a violation of the campaign finance laws.

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For the foregoing reasons, the Commission should dismiss this Complaint without further action.

Respectfully Submitted,

Kenneth A. Gross
Douglas A. Rediker
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7000

Daniel A. Taylor
Carol Darr
Dukakis/Bentsen Committee, Inc.
105 Chauncy Street
Boston, Mass. 02111

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

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR 2715
DATE COMPLAINT RECEIVED
BY OGC: 10/11/88
DATE OF NOTIFICATION TO
RESPONDENTS: 10/17/88
STAFF MEMBER: J. Albert Brown

COMPLAINANTS: Rep. Beau Boulter and
Jann L. Olsten as executive director of the
National Republican Senatorial Committee

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

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

The Houston Chamber of Commerce

RELEVANT STATUTES:
2 U.S.C. § 431(8)(B)(xi)
2 U.S.C. § 441a(a)(5)(C)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(7)(B)
2 U.S.C. § 441a(b)
2 U.S.C. § 441a(f)
26 U.S.C. § 9002(11)
26 U.S.C. § 9003(a)
26 U.S.C. § 9004
26 U.S.C. § 9003(b)
26 U.S.C. § 9012(a)(2)
11 C.F.R. § 100.7(b)(16)
11 C.F.R. § 106.1(a)
11 C.F.R. § 106.3
11 C.F.R. § 110.8(d)
11 C.F.R. § 110.9(a)
11 C.F.R. § 114.3
11 C.F.R. § 114.4(a)(2)
11 C.F.R. § 9002.11(b)(3)
11 C.F.R. § 9003.2(a)(2)
11 C.F.R. § 9004.7(b)(2)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: NONE

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I. **GENERATION OF MATTER**

This matter arose from a complaint (Attachment I) filed on October 7, 1989, alleging that because of Senator Lloyd Bentsen's dual candidacy for the Senate and Vice Presidency, the Dukakis/Bentsen Committee, Inc. (the "Presidential Committee") was illegally circumventing the limitations imposed upon candidates receiving funding under the Presidential Election Campaign Fund Act, 26 U.S.C. §§ 9001 - 9013 ("the Fund Act"). In particular, the complaint alleges that Senator Bentsen's dual candidacy resulted in the improper commingling of the two campaigns' activities and funds; that the Senator Lloyd Bentsen Election Committee's (the "Senate Committee") funds were used to finance Presidential Committee efforts; and that the Presidential Committee's public funds and staff were used to benefit the Senate Committee. Complainants also allege that the Houston Chamber of Commerce violated 11 C.F.R. §§ 114.4(a)(2) & (d) by not allowing Senator Bentsen's Senate opponent equal time to address that body.

The Houston Chamber of Commerce ("the Chamber") submitted a response to allegations involving the Chamber on November 14, 1988 (Attachment II). Subsequently, the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer submitted their response via counsel on December 9, 1988 (Attachment III), and the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, submitted their response on December 12, 1988 (Attachment IV).

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II. FACTUAL AND LEGAL ANALYSIS

A. The Facts

Governor Michael Dukakis and Senator Lloyd Bentsen were the nominees of the Democratic Party seeking election as President and Vice President in the 1988 general election. They designated the Dukakis/Bentsen Committee, Inc. as their principal campaign committee and received $46.1 million in public financing under the Fund Act. At the same time, Senator Bentsen was also a candidate seeking re-election to the United States Senate from Texas in the 1988 general election. He designated the Senator Lloyd Bentsen Election Committee as his principal campaign committee for his Senate campaign. Dual candidacies, such as Senator Bentsen's, are explicitly permitted by Texas law. Texas Election Code Ann. § 141.033 (Vernon 1986).

B. The Act and Regulations

The Federal Election Campaign Act of 1971, as amended ("the Act" or "the FECA"), limits the amount that any person, other than a multicandidate political committee, may contribute to any candidate for federal office to an aggregate of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The Act also prohibits a candidate or political committee from knowingly accepting contributions or making expenditures in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f). The Act treats expenditures made in coordination with a candidate as contributions. 2 U.S.C. § 441a(a)(7)(B).

The Act also limits the amount of expenditures that can be made by or on behalf of candidates for President and Vice

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President who accept public financing. 2 U.S.C. § 441a(b). Under the Fund Act, candidates for President and Vice President agree not to accept contributions as part of their eligibility requirements for 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).

The Fund Act provides that it is unlawful for candidates for the Presidency and Vice Presidency to "knowingly and willfully" incur greater qualified campaign expenses than that allotted to those candidates out of the public treasury under 26 U.S.C. § 9004. See 26 U.S.C. § 9012. The Fund Act also provides that if Presidential or Vice Presidential candidates, or their committees, incur expenses to further the election of one or more other individuals to another office, the expenses incurred by them that are not specifically to further the election of such other individual(s) shall be considered as incurred to further the election of the Presidential and Vice Presidential candidates "in such proportion as the Commission prescribes by rules or regulations." 26 U.S.C. § 9002(11)(C). By regulation, the Commission has prescribed that expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a) such that the candidate pays his or her proportionate share.
11 C.F.R. § 9002.11(b)(3). The regulation further provides that such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election

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of the candidates for President or Vice President. Id.

Moreover, the Act and the Commission have recognized that a person may maintain dual candidacies for more than one federal office, including President or Vice President. See 2 U.S.C. § 441a(a)(5)(C), 11 C.F.R. § 110.8(d)(1) and Advisory Opinion 1975-11. The regulations require that a candidate who is seeking more than one federal office designate separate principal campaign committees and establish completely separate campaign organizations for each office sought. 11 C.F.R. § 110.8(d)(1). No funds, goods or services, including loans and loan guarantees may be transferred between or used by the separate campaigns, except as permitted in Section 110.3(a)(2)(iv) of Commission regulations. 11 C.F.R. § 110.8(d)(2). Finally, Commission regulations create a limited exception to the separation requirements imposed upon dual candidacies by authorizing the 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. This exception allowing shared personnel and facilities, however, is not available to a candidate who is eligible for public financing, as in the present case. 11 C.F.R. § 110.8(d)(3).

C. Analysis of the Allegations

As a threshold matter, Complainants contend that "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket," and argue that the spending by the Senate Committee in the context of this dual candidacy is inherently

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illegal. Complaint at 5-6. This same per se argument was raised unsuccessfully by complainants in MUR 2652 and in Boulter v. FEC, No. 88-1541 (D.C. Cir. August 3, 1988), and it warrants no further consideration by the Commission here. Instead, the proper focus for the Commission's analysis is on whether the specific activities detailed by the complaint provide a sufficient basis for finding reason to believe that violations of the FECA, the Fund Act or Commission regulations have occurred. The activities in question involve a Senate Committee financed newsletter; candidate comments and campaign posters; and, the alleged use of publicly financed staff and facilities to accommodate Senate campaign travel and meetings. Finally, the complaint alleges that the Houston Chamber of Commerce violated Commission regulations by failing to provide Senator Bentsen's Senate opponent, Beau Boulter, equal time to address that incorporated body.

1. Senate Campaign Newsletter

As noted earlier, under 26 U.S.C. § 9003(b), candidates must agree not to accept contributions in order to receive public financing. One allegation in the present complaint concerns an alleged in-kind contribution to the Presidential campaign arising from a newsletter paid for and distributed by the Bentsen Senate Committee on September 23, 1988 (Attachment I, page 15). Complainants contend that because this newsletter attacks Senator Bentsen's Vice Presidential opponent, Dan Quayle, it constituted a contribution to the Dukakis/Bentsen Committee in violation of 26 U.S.C. §§ 9003(b) and 9012.

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Complainants further allege that the involvement of Senatorial campaign staff in preparing and distributing the newsletter resulted in violations of 11 C.F.R. § 110.8(d)(2) and (3).

The flier in question is printed on Senator Bentsen Election Committee stationery and is entitled "CAMPAIGN NEWSLETTER." It is addressed to "Interested Texans," and below this is the subheading "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" At the bottom of the first page there is a disclaimer stating that the letter is "[p]aid for by the Senator Bentsen Election Committee." The newsletter consists of nine short paragraphs; the first of which quotes Beau Boulter as saying Senator Bentsen "is teamed with an enemy of the state's oil and gas industry." The second paragraph identifies Michael Dukakis as Senator Bentsen's running mate in the presidential race but denies that Dukakis is an enemy of Texas. According to the newsletter's third paragraph, the alleged enemy is Senator Dan Quayle, who is referred to as "the Republican nominee for Vice-President." All of the remaining paragraphs specifically reference Senator Quayle's positions, which are characterized as adverse to Texas' interests.

The Senate and Presidential responses assert that the clear thrust of the newsletter was directed toward the Senate election, and that the references to the Presidential campaign were in direct response to an attack by Beau Boulter. (Attachment III, page 3 and Attachment IV, page 4). In his campaigning, Beau Boulter apparently had been emphasizing Senator Bentsen's association with Michael Dukakis' policy

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positions. Thus, the Senate Committee maintains that it merely was responding to Boulter's campaign criticism by associating Boulter with the policies of Vice-Presidential candidate, Dan Quayle, especially since he was to accompany Quayle on an upcoming visit to Texas. The Senate response confirms that the Senate Committee paid for the newsletter which was produced independently of the Presidential Committee. The response also states that the newsletter was mailed to a Bentsen Committee mailing list, comprised of approximately 8,000 Senate supporters, volunteers and labor leaders.

Under the "coattail exemption" communications by a federal candidate that mention or refer to other federal candidates do not necessarily constitute a contribution or expenditure, provided that the payment is not for the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication. 2 U.S.C. § 431(8)(B)(xi); 11 C.F.R. § 100.7(b)(16); Advisory Opinion 1984-28; The Factual and Legal analysis in MUR 2652. Here, the fact that the mailing list for the newsletter was developed by the Senate Committee would appear to pre-empt the mailing from being considered direct mail. See 11 C.F.R. § 100.7(b)(16).

Expenditures on materials that go beyond merely mentioning or referring to other federal candidates do not fall within the "coattail exemption," but rather constitute contributions to or expenditures on behalf of the other candidates. Such disbursements usually are required to be attributed to and reported by each candidate in proportion to the benefit

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reasonably expected to be derived. 11 C.F.R. § 106.1(a). Expenditures specifically furthering the election of candidates seeking the office of President or Vice President will be considered qualified campaign expenses. 11 C.F.R. § 9002.11(b)(3).

Contrary to Respondents' assertions, the newsletter cannot fairly be read as simply advancing Bentsen's senatorial campaign. The newsletter specifically references the presidential race, names Dukakis as Bentsen's running mate and identifies Dan Quayle as Bentsen's Vice-Presidential opponent, and then attacks Quayle's position on various issues. The newsletter, when read in full, thus appears to emphasize and further the national ticket while only tangentially targeting the senatorial election. As such, the Senate Committee appears to have made an in-kind contribution by paying for a newsletter which benefited the Vice Presidential campaign. Presently, it is unknown how much the Senate Committee spent on this newsletter, but there appears to be reason to believe that the Senate Committee violated the $1,000 statutory contribution limitation set forth at 2 U.S.C. § 441a(a)(1)(A). Accordingly, this Office recommends that the Commission find reason to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee as a result of the production and distribution of this newsletter. Due to the fact that Senator Bentsen is an agent of both Senate and Presidential campaigns, his actions in

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sponsoring the Senate newsletter leads this Office to also recommend that the Commission find reason to believe that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 26 U.S.C. § 9003(b) and 2 U.S.C. § 441a(f) by accepting an excessive in-kind contribution.[1] Finally, this Office recommends that the Commission approve the attached interrogatories, which are designed in part to determine the amount of the Senate Committee's in-kind contribution.

2. **Vote Twice For Bentsen and "Bentsen for Senate '88" Posters**

As noted above, campaigns generally may share personnel and facilities as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation. In cases of dual candidacies, however, no funds, goods, or services may be transferred between the principal campaign committees of the separate campaigns. 11 C.F.R. § 110.8(d)(2). Furthermore, candidates receiving public financing are not allowed to share personnel and facilities and then allocate expenditures for them. 11 C.F.R. § 110.8(d)(3).

Complainants cite to news articles that quote Senator Bentsen as exhorting people in Texas to "Vote twice for Bentsen" as evidence of improper commingling of the two campaigns. Complainants assert that such statements during Senate campaign

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1. The regulatory provisions, 11 C.F.R. §§ 110.8(d)(2) and (3), are subsumed within the concept of an in-kind contribution and therefore no recommendation is made regarding the alleged violation of these provisions as it pertains to this newsletter.

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trips should be viewed as unreported contributions to the Dukakis/Bentsen Committee in violation of 11 C.F.R. § 110.9(a) and 11 C.F.R. § 110.8(d), and, conversely, as contributions to the Senate campaign during trips financed with public funds.

The statement "Vote twice for Bentsen" by itself, however, does not imply that either of the candidate's committees contravened the legal requirements for dual candidacies. The dual candidacy requirements only prohibit the transfers of goods, services, and funds between two campaigns; they do not regulate how candidates may refer to their respective candidacies. Moreover, the news accounts cited by complainants clearly state that the "Vote Twice for Bentsen" comment was made by Bentsen in response to a reporter's question. As the Senate and Federal responses point out, the "Vote twice for Bentsen" theme was never incorporated into media, button, bumper sticker or other campaign materials. Thus, there appears to be no violation of the Act in this instance.

As another example of improper commingling of the senate and vice-presidential campaigns, Complainants again rely solely on newspaper reports that the senate campaign replaced "Bentsen '88" posters with "Bentsen for Senate '88" posters, allegedly for appearance's sake. (Attachment I, page 20). There is no discussion in the newspaper articles, the complaint or responses as to when or where the exchange of posters occurred. It should be noted, however, that in response to the complaint in MUR 2652, Respondents stated that to avoid any possible problems that such "generic" materials could create, they would be

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replaced with materials that would more clearly reflect the office sought. It would appear that it is this precautionary measure, taken by Respondents as a result of the complaint in MUR 2652, that the newspaper article appears to document, and there is no other support for Complainants' inference that the substitution of posters reflects a further violation of the Act via commingling of goods between the two committees. The Office of the General Counsel thus recommends that the Commission find no reason to believe that a violation occurred related to Senator Bentsen's comment, "Vote twice for Bentsen" or with regard to the Senate campaign's substitution of campaign-specific posters for the earlier generic campaign materials.

3. Allocation of Expenses For Campaign Travel

Complainants cite news articles in which Senator Bentsen is reported to have met in closed sessions with supporters of his Senate campaign while on campaign trips for his Vice Presidential campaign as additional evidence of illegal commingling of the two campaigns and their finances. (Attachment I, pages 20 & 21). The Senate and Presidential Committees acknowledge such meetings occurred, but argue that they were either related to the presidential campaign or incidental contacts under 11 C.F.R. § 106.3(b)(3). The Senate and Presidential Committee responses note that any such "incidental" meetings held by Senator Bentsen for Senate campaign purposes usually lasted less than an hour or shorter than 15 to 30 minutes (See Attachment III, page 4 and Attachment

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IV, page 7). For such Senate related meetings, the Senate Committee asserts that it made all arrangements independently of the Presidential committee and that "any costs incurred in connection with the meetings were paid with Senate committee funds." Attachment III, page 4. In support thereof, the Senate Committee relies on the affidavit of its Campaign Director, Blaine H. Bull, who avers to have personal knowledge of those events. Attachment III, page 8. The Presidential Committee response states that "any trips on which Senator Bentsen was campaigning as the Vice Presidential nominee were paid for and coordinated by the Dukakis/Bentsen Committee, and did not include public references to his Senate candidacy." Attachment IV, pages 7-8. The Presidential response then goes on to acknowledge that when meetings related to the Senate race were held during Vice Presidential campaign trips, "all arrangements for such meetings were made by the Bentsen Senate Committee and any costs were likewise paid by the Senate Committee." Id. at page 8.[2]

Respondents' reliance on the incidental contacts exemption in 11 C.F.R. § 106.3(b)(3) is misplaced. First, subsection 106.3(a) explicitly states that the provision does not apply to Presidential and Vice Presidential candidates who receive federal funds. Second, Section 106.3(b) only appears to address allocation of expenses between campaign and personal,

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2. Such elements of the responses seem to indicate that each campaign used its own staff to do the necessary advance work, telephoning and inviting of participants that the complaint alleges might constitute violations of the Act.

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non-campaign related travel. It would not appear to apply here where the allocation would be between two campaigns. See also 11 C.F.R. § 9004.7(b)(2) (distinguishing between campaign and non-campaign related travel). For these reasons, Senate candidacy related meetings held during Vice Presidential campaign trips cannot be viewed as "incidental" under Section 106.3(b)(3).

Commission regulations, 11 C.F.R. § 9002.11(b)(3) and 11 C.F.R. § 110.8(d), provide the proper framework for analyzing Senate campaign related meetings which were held while Senator Bentsen was on publicly funded Vice Presidential campaign travel. Pursuant to Section 9002.11(b)(3), when a Presidential or Vice Presidential candidate makes an expenditure that furthers the election of another candidate for any public office, each candidate must pay the proportionate share of the cost in accordance with 11 C.F.R. § 106.1(a). Section 106.1(a) mandates that expenditures made on behalf of more than one candidate shall be allocated and reported according to the proportionate benefit derived by each candidate.

Certain restrictions imposed upon dual candidacies are addressed directly in 11 C.F.R. § 110.8(d). That section provides that candidates for more than one Federal office shall establish and maintain completely separate campaign organizations. The regulation also precludes goods, funds or services from being transferred between or used by the candidate's separate campaigns. In addition, expenditures for shared personnel and facilities may be allocated between dual

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candidacies, but such sharing is completely prohibited in the context of Presidential candidates receiving public funds.

The Act, as previously noted, expressly contemplates dual candidacies. 2 U.S.C. § 441a(a)(5)(C). A narrow interpretation of Commission regulations 11 C.F.R. §§ 110.8(d)(2) & (3) so as to forbid the sharing of all personnel and facilities by the separate campaigns of an individual running for more than one office effectively would preclude dual campaigns, and thus thwart the statute's clear intent. As a practical matter, it is inescapable that there will be some overlapping of certain items within the context of dual candidacies. A dual candidate, for example, cannot fly to one location on two planes at the same time, nor would it be reasonable for the candidate to maintain separate lodging and consume distinct meals during dual campaigns. Allocation of such common expenditures that benefit both campaigns would appear to allow for dual candidacies while ensuring that each campaign be held financially accountable for its share of expenses. On the other hand, the common use of certain facilities such as meeting or conference rooms, could quite easily be prohibited under 11 C.F.R. § 110.8(d)(3) without unduly burdening, physically or financially, the ability of individuals to maintain dual candidacies.

In the present situation, all of Senator Bentsen's Vice Presidential campaign trips were paid for and coordinated by the Presidential Committee (Attachment IV, page 7-8), even though some Senate candidacy related meetings were held during such trips. The Senate response states that Senate related meetings

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"were arranged by Senate campaign committee staff and any costs incurred in connection with the meetings were paid with Senate committee funds." Attachment III, page 4. There is no indication, however, as to what costs actually were "incurred in connection with the [Senate-related] meetings" or whether the Senate Committee paid a proportionate share of the costs associated with the air travel, food and lodging necessary for Senator Bentsen to attend these Senate related meetings. Therefore, for the reasons discussed above, this Office recommends that the Commission find reason to believe that the Dukakis/Bentsen Committee and Robert A. Farmer, as treasurer, as well as the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 11 C.F.R. § 106.1(a) by illegally sharing facilities without allocating the costs between the committees, where appropriate. In addition, this Office recommends the Commission find reason to believe that the Dukakis/Bentsen Committee and Robert A. Farmer, as treasurer, as well as the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 11 C.F.R. § 110.8(d)(2) and (3) in that these Respondents inappropriately shared certain facilities.

Finally, given the apparent failure of the committees to allocate their proportionate share of airfare, room, and board for Senator Bentsen on at least two campaign trips as denoted in the newspaper accounts attached to the complaint (See Attachment I, pages. 20 & 21), it would appear that such expenditures may have exceeded $1,000. Thus, this Office also recommends the

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Commission find reason to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(f) by accepting in-kind contributions in excess of the $1,000 limit under 2 U.S.C. § 441a(a)(1)(A). This Office similarly recommends that the Commission find reason to believe that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee.[3] To determine the extent of these potential violations, this Office has prepared interrogatories and requests for production of documents to each campaign designed to determine which expenses should have been allocated between the Senate and Presidential campaigns.

4. Bentsen's Appearances at the Houston Chamber of Commerce

Finally, the complaint challenges the Houston Chamber of Commerce's decision to invite Senator Bentsen to speak without offering the same forum to Beau Boulter. Complainants argue that the Chamber violated 11 C.F.R. § 114.4(a)(2) by failing to grant Beau Boulter's request to address the Chamber. (Attachment I, pages 22 & 23). Section 114.4(a)(2) provides that if corporations permit candidates to address or meet stockholders, executive or administrative personnel, or other

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3. Depending upon information provided in response to future audit discoveries and the attached interrogatories, such in-kind contributions may result in a finding that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 26 U.S.C. § 9004(c) by making nonqualified campaign expenditures.

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employees of the corporation, equal time must be granted, upon request, to the candidate's opponent. In this instance the Houston Chamber of Commerce invited Senator Bentsen to speak and then extended an invitation to his Vice-Presidential opponent, Dan Quayle. In fact, the flier announcing Senator Bentsen's appearance stated that a similar invitation would be extended to the Republican nominee for Vice President. Beau Boulter's campaign committee made an appearance request which the Chamber denied.

In its response, the Chamber maintains that Bentsen's luncheon speech was not a campaign appearance that would trigger the "equal time" provisions of 11 C.F.R. § 114.4(a)(2). The Chamber states that the invitation for Senator Bentsen to speak at its August 15, 1988 luncheon was part of the Chamber's ongoing edification efforts and that it routinely invites civic leaders and government officials to speak on various issues facing the business community (Attachment II). The forums presented apparently are ongoing and not limited to election years. The Chamber states that it was addressed by 20 federal, state and local officials in 1987 and 33 in 1988. The Chamber's response also indicates that invitations to address that body are "balanced" over time so as not to favor one party. Its policies are specifically designed to make such Chamber luncheon speeches nonpartisan and non-election related: elected officials who are also candidates are generally not invited to appear during the two months preceding an election; officials who are candidates are advised that they may neither solicit

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financial or other support during Chamber appearances; and speeches are not to be campaign oriented (Attachment II, page 3). Enclosed as an attachment to the response is a copy of the May 1988 letter to Senator Bentsen inviting him to address the Chamber. See Id. at 11 - 12. That letter outlines the time limitations imposed by the Chamber to insure that a candidate does not speak too close to an election or use the forum to solicit election support.

The Chamber relies on Advisory Opinion 1986-37 for its argument that Senator Bentsen's speech was not campaign related within the meaning of 11 C.F.R. § 114.4(a)(2). In Advisory Opinion 1986-37, the Commission recognized that express advocacy or the solicitation of contributions are factors indicative of a "campaign appearance." The Houston Chamber of Commerce seemingly ignores that in that advisory opinion, the Commission emphasized that while express advocacy or the solicitation of contributions are certainly indicative of a campaign appearances, "[t]he Commission has also concluded that the absence of express advocacy or solicitations will not preclude a determination that public appearances by candidates are campaign related." AO 1986-37, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5875.

While the Chamber asserts that its policies, which barred Senator Bentsen from expressly advocating his election or soliciting funds, demonstrate that the luncheon was not a campaign appearance, it also notes other factors which it claims are indicative of an "officeholder" appearance. The Chamber

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notes that Senator Bentsen and the other Texas Senator each appeared before the Chamber in their capacity as sitting Texas Senators twice during the previous two years. The Commission previously has taken the position that no violation of the Act occurs when officeholders accept invitations received in their official capacities, particularly when they have been invited as officials in the past. See MUR 2760 and MURs 2775 and 2872. Furthermore, the Chamber points to the fact that the invitation to speak was first extended in May of 1988, well before the Senator actively began campaigning.

On the other hand, as noted in the Chamber's response, Senator Bentsen did mention his recent Vice-Presidential nomination during his Chamber appearance and expressed his desire to be involved with space-related activities as Dukakis' Vice-President. The fact that Senator Bentsen did mention his recent Vice-Presidential nomination and his hoped for role in an area of economic concern to the Houston area appears sufficient to make the speech related to his Vice-Presidential campaign. Contrary to the references regarding his Vice-Presidential candidacy, however, Bentsen apparently did not mention his Senate re-election effort at all. Thus, to the extent Bentsen's appearance is deemed campaign related so as to trigger the "equal-time" provisions of 11 C.F.R. § 114.4(a)(2)(ii), the Chamber appears to have complied with the regulatory requirements when it invited Republican Vice-Presidential

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nominee Quayle to address the Chamber.[4] For the foregoing reasons, this Office recommends that the Commission find no reason to believe that the Houston Chamber of Commerce violated 11 C.F.R. §§ 114.4(a)(2) or (d).

D. Merger

MUR 2652 originated as a result of a complaint filed by the same Complainants as in the present matter. MUR 2652 also challenged the propriety of Senator Bentsen's dual campaign under the FECA, the Fund Act and Commission regulations. On October 4, 1988, the Commission found that there is reason to believe in MUR 2652 that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A). The Commission further found that there is reason to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2). Due to the similarity of parties and allegations involved in these matters,

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4. Commission regulations provide that an incorporated membership organization may allow a candidate to address its members and executive or administrative personnel and their families, plus employees necessary to administer the meeting and limited guests and observers and representatives of the news media as part of a partisan appearance.
11 C.F.R. §§ 114.3(a)(2) and (c)(2). The Commission has concluded that partisan candidate appearances can be made in corporate forums as long as the audience is limited to those persons specified in 11 C.F.R. § 114.3(c)(2), and a limited number of guests. See AO 1984-13. The Chamber's response indicates that the luncheon at which Senator Bentsen spoke was attended by Chamber members and their guests. There is no evidence that the luncheon audience extended beyond the permissible class of attendees. See MURs 2775 and 2872. Thus, it does not appear that this event constituted a general public appearance facilitated by the use of corporate funds.

this Office recommends that MUR 2652 be merged with MUR 2715.

III. RECOMMENDATIONS

1. Find reason to believe the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); 26 U.S.C. § 9003(b); 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3).

2. Find reason to believe the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3).

3. Find no reason to believe the Houston Chamber of Commerce violated 11 C.F.R. §§ 114.4(a)(2) or (d).

4. Merge MUR 2652 with MUR 2715.

5. Approve the attached letters, factual and legal analyses, and interrogatories and requests for documents.

9/18/89
Date

Lawrence M. Noble
General Counsel

Attachments
1. October 7, 1988 Complaint.
2. Houston Chamber of Commerce Response dated November 10, 1988.
3. December 9, 1988 Response of the Senator Lloyd Bentsen election committee and H. Grant Taylor, as treasurer.
4. December 12, 1988 Response of the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer.
5. Proposed letters (3), factual and legal analyses (2), and interrogatories and requests for documents (2).

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES R. HARRIS
COMMISSION SECRETARY

DATE: SEPTEMBER 21, 1989

SUBJECT: MURS 2652 & 2715 - FIRST GENERAL COUNSEL'S REPORT DATED SEPTEMBER 18, 1989

The above-captioned document was circulated to the Commission on Tuesday, September 19, 1989 at 11:00 a.m.

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

Commissioner Aikens	XXXX
Commissioner Elliott	
Commissioner Josefiak	XXXX
Commissioner McDonald	
Commissioner McGarry	XXXX
Commissioner Thomas	XXXX

This matter will be placed on the meeting agenda for Tuesday, September 26, 1989 at 10:00 a.m.

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. and Robert A. Farmer, as treasurer	)	
	)	
Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer	)	MUR 2715 MUR 2652
	)	
The Houston Chamber of Commerce	)	

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CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 26, 1989, do hereby certify that the Commission decided by a vote of 6-0 to continue to the executive session of October 3, 1989, the General Counsel's report dated September 19, 1989 on the above-captioned matter.

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

Attest:

9-27-89
Date

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer	)	
Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer	)	MUR 2715
The Houston Chamber of Commerce	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of October 3, 1989, do hereby certify that the Commission decided by a vote of 6-0 to return the September 19, 1989 report on the above-captioned matter to the Office of General Counsel for a redraft of the proposed factual and legal analyes and Interrogatories in accord with the discussion held at the meeting.

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

Attest:

Oct. 6, 1989
Date

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

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RECEIVED
FEDERAL ELECTION COMMISSION
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 27, 1989

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MURs 2652 & 2715 - Redrafted proposed factual and legal analyses and interrogatories.

On October 3, 1989, the Commission voted to return the First General Counsel's Report in the above-referenced matters for a redrafting of the proposed factual and legal analyses and interrogatories. This Office is submitting the attached redrafted documents for Commission consideration in conjunction with the September 19, 1989 First General Counsel's Report in MURs 2652 & 2715.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MURS 2652 & 2715
Proposed Factual and Legal	)	
Analyses and Interrogatories	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 1, 1989, the Commission decided by a vote of 5-0 to approve the redrafted proposed factual and legal analyses and interrogatories, as recommended in the General Counsel's Memorandum dated October 27, 1989.

Commissioners Aikens, Elliott, Josefiak, McGarry and Thomas voted affirmatively for the decision. Commissioner McDonald did not cast a vote.

Attest:

Nov. 1, 1989
Date

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

Received in the Secretariat: Friday, October 27, 1989 12:15
Circulated to the Commission: Monday, October 30, 1989 11:00
Deadline for vote: Wednesday, November 1, 1989 11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Robert F. Bauer & Judith L. Corley
Perkins Coie
Suite 1200
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 2715
The Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer

Dear Mr. Bauer and Ms. Corley:

On October 17, 1988, the Federal Election Commission notified your clients, the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer ("the Committee"), of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"), Chapters 95 and 96 of Title 26, U.S. Code ("the Fund Act"), and Commission regulations. A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, your clients, and other Respondents, the Commission, on November 13, 1989, found that there is reason to believe the Committee and its treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(f), 11 C.F.R. § 106.1(a), and 11 C.F.R. §§ 110.8(d)(2) and (3), provisions of the Act and Commission regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information. On November 13, 1989, the Commission also merged MUR 2652 with MUR 2715 and both matters will henceforth be referred to as MUR 2715.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and its treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

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In the absence of any additional information demonstrating that no further action should be taken against the Committee and its treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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 the 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 the 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, the Commission will not entertain requests for pre-probable cause conciliation 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 the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

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

Sincerely,

Danny L. McDonald
Chairman

Enclosures
Questions
Factual & Legal Analysis

cc: P. Michael Hebert
McGinnis, Lockridge & Kilgore
Suite 1300
919 Congress Avenue
Austin, Texas 78701

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

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

MUR: 2715

A. The Facts

Governor Michael Dukakis and Senator Lloyd Bentsen were the nominees of the Democratic Party seeking election as President and Vice President in the 1988 general election. They designated the Dukakis/Bentsen Committee, Inc. as their principal campaign committee and received $46.1 million in public financing under the Fund Act. At the same time, Senator Bentsen was also a candidate seeking re-election to the United States Senate from Texas in the 1988 general election. He designated the Senator Lloyd Bentsen Election Committee as his principal campaign committee for his Senate campaign. Dual candidacies, such as Senator Bentsen's, are explicitly permitted by Texas law. Texas Election Code Ann. § 141.033 (Vernon 1986).

B. The Act and Regulations

The Federal Election Campaign Act of 1971, as amended ("the Act" or "the FECA"), limits the amount that any person, other than a multicandidate political committee, may contribute to any candidate for federal office to an aggregate of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The Act also prohibits a candidate or political committee from knowingly accepting contributions or making expenditures in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f). The Act

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treats expenditures made in coordination with a candidate as contributions. 2 U.S.C. § 441a(a)(7)(B).

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

The Fund Act provides that it is unlawful for candidates for the Presidency and Vice Presidency to "knowingly and willfully" incur greater qualified campaign expenses than that allotted to those candidates out of the public treasury under 26 U.S.C. § 9004. See 26 U.S.C. § 9012. The Fund Act also provides that if Presidential or Vice Presidential candidates, or their committees, incur expenses to further the election of one or more other individuals to another office, the expenses incurred by them that are not specifically to further the election of such other individual(s) shall be considered as incurred to further the election of the Presidential and Vice Presidential candidates "in such proportion as the Commission prescribes by rules or regulations." 26 U.S.C § 9002(11)(C). By regulation, the Commission has prescribed that expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a) such that the

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candidate pays his or her proportionate share. 11 C.F.R. § 9002.11(b)(3). The regulation further provides that such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the candidates for President or Vice President.

Moreover, the Act and the Commission have recognized that a person may maintain dual candidacies for more than one federal office, including President or Vice President. See 2 U.S.C. § 441a(a)(5)(C), 11 C.F.R. § 110.8(d)(1) and Advisory Opinion 1975-11. The regulations require that a candidate who is seeking more than one federal office designate separate principal campaign committees and establish completely separate campaign organizations for each office sought. 11 C.F.R. § 110.8(d)(1). No funds, goods or services, including loans and loan guarantees may be transferred between or used by the separate campaigns, except as permitted in Section 110.3(a)(2)(iv) of Commission regulations. 11 C.F.R. § 110.8(d)(2). Finally, Commission regulations create a limited exception to the separation requirements imposed upon dual candidacies by authorizing the 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. This exception allowing shared personnel and facilities, however, is not available to a candidate who is eligible for public financing, as in the present case. 11 C.F.R. § 110.8(d)(3).

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C. Analysis of the Allegations

As a threshold matter, Complainants contend that "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket," and argue that the spending by the Senate Committee in the context of this dual candidacy is inherently illegal. Complaint at 5-6. This same per se argument was raised unsuccessfully by complainants in MUR 2652 and in Boulter v. FEC, No. 88-1541 (D.C. Cir. August 3, 1988), and it warrants no further consideration by the Commission here. Instead, the proper focus for the Commission's analysis is on whether the specific activities detailed by the complaint provide a sufficient basis for finding reason to believe that violations of the FECA, the Fund Act or Commission regulations have occurred. The activities in question involve a Senate Committee financed newsletter; candidate comments and campaign posters; and, the alleged use of publicly financed staff and facilities to accommodate Senate campaign travel and meetings. Finally, the complaint alleges that the Houston Chamber of Commerce violated Commission regulations by failing to provide Senator Bentsen's Senate opponent, Beau Boulter, equal time to address that incorporated body.

1. Senate Campaign Newsletter

As noted earlier, under 26 U.S.C. § 9003(b), candidates must agree not to accept contributions in order to receive public financing. At the same time, Commission regulations require that expenditures made on behalf of more than one candidate shall be attributed to each candidate in proportion to

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the benefit reasonably expected to be derived from such expenditure. 11 C.F.R. § 106.1(a). Commission regulations also state that candidate or political committee expenditures made on behalf of another candidate are to be reported as in-kind contributions to the candidate on whose behalf the expenditures are made. 11 C.F.R. § 106.1(b). One allegation in the present complaint concerns an alleged in-kind contribution to the Presidential campaign arising from a newsletter paid for and distributed by the Bentsen Senate Committee on September 23, 1988. Complainants contend that because this newsletter attacks Senator Bentsen's Vice Presidential opponent, Dan Quayle, it constituted a contribution to the Dukakis/Bentsen Committee in violation of 26 U.S.C. §§ 9003(b) and 9012. Complainants further allege that the involvement of Senatorial campaign staff in preparing and distributing the newsletter resulted in violations of 11 C.F.R. § 110.8(d)(2) and (3).

The flier in question is printed on Senator Bentsen Election Committee stationery and is entitled "CAMPAIGN NEWSLETTER." It is addressed to "Interested Texans," and below this is the subheading "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" At the bottom of the first page there is a disclaimer stating that the letter is "[p]aid for by the Senator Bentsen Election Committee." The newsletter consists of nine short paragraphs; the first of which quotes Beau Boulter in an unidentified incident as saying Senator Bentsen "is teamed with an enemy of the state's oil and gas industry." The second paragraph identifies Michael Dukakis as Senator Bentsen's running mate in

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the presidential race. At the same time, the newsletter denies that Dukakis is an enemy of Texas. According to the newsletter's third paragraph, the alleged enemy is Senator Dan Quayle, who is referred to as "the Republican nominee for Vice-President." All of the remaining paragraphs specifically reference Senator Quayle's positions, which are characterized as adverse to Texas' interests.

The Senate and Presidential responses assert that the clear thrust of the newsletter was directed toward the Senate election, and that the references to the Presidential campaign were in direct response to an attack by Beau Boulter. The Senate Committee maintains that it merely was responding to Boulter's campaign criticism by associating Boulter with the policies of Vice-Presidential candidate, Dan Quayle, especially since he was to accompany Quayle on an upcoming visit to Texas. Neither of the responses identifies the specific instance in which Beau Boulter attacked Senator Bentsen for his association with Michael Dukakis, and to which the newsletter allegedly responds.

The Senate response confirms that the Senate Committee paid for the newsletter, which it maintains was produced independently of the Presidential Committee. The response also states that the newsletter was mailed to a Bentsen Committee mailing list, comprised of approximately 8,000 Senate supporters, volunteers and labor leaders. The Senate response does not indicate who created the Bentsen Committee mailing list, how it was created, nor how the newsletter in question was

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distributed.

As a general rule, expenditures that benefit more than one candidate are considered to be in-kind contributions and are to be attributed proportionately to each candidate benefited. See 11 C.F.R. § 106.1(a). With respect to expenditures of a Presidential or Vice Presidential candidate's campaign, Commission regulations make it clear that "[e]xpenditures that further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. 106.1(a)." 11 C.F.R. 9002.11(b)(3).

One explicit exception to this allocation requirement is found in the so-called "coattail exemption," codified at 2 U.S.C. § 431(8)(B)(xi). Under that exemption, the costs incurred by a federal candidate for materials that "include information on or reference to any other candidate" are not considered contributions in certain circumstances. In particular, the exemption requires that the materials be used "in connection with volunteer activities" and excludes general public advertising. 2 U.S.C. § 431(8)(B)(xi); 11 C.F.R. § 100.7(b)(16); See also Advisory Opinion 1984-28; The Factual and Legal analysis in MUR 2652; and S. Rep. No. 319, 96th Cong., 1st Sess. (1979), reprinted in FEC, Legislative History of the Federal Election Campaign Act Amendments of 1979, at 449, 453 (1983).

In the present instance there are two factors that complicate the possible application of the coattail exemption to the September 23, 1988 newsletter. First, the available

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information is insufficient to determine whether the newsletter falls within the coattail exemption. As noted earlier, presently it is unclear how the State Committee's mailing list was created and how the newsletter was distributed. Moreover, the Commission has never addressed the applicability of the coattail exemption to the situation presented here; namely that of a dual candidacy involving a publicly financed campaign. In short, absent additional information, it is difficult to determine if the coattail exemption would apply here.

It is also presently unknown how much the Senate Committee spent on this newsletter, but there appears to be reason to believe that the Senate Committee violated the $1,000 statutory contribution limitation set forth at 2 U.S.C. § 441a(a)(1)(A). Accordingly, there is reason to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee as a result of the production and distribution of this newsletter.[1]

2. Vote Twice For Bentsen and "Bentsen for Senate '88" Posters

As noted above, campaigns generally may share personnel and facilities as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation. In cases of dual candidacies, however,

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1. The regulatory provisions, 11 C.F.R. §§ 110.8(d)(2) and (3), are subsumed within the concept of an in-kind contribution and therefore no recommendation is made regarding the alleged violation of these provisions as it pertains to this newsletter.

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no funds, goods, or services may be transferred between the principal campaign committees of the separate campaigns. 11 C.F.R. § 110.8(d)(2). Furthermore, candidates receiving public financing are not allowed to share personnel and facilities and then allocate expenditures for them. 11 C.F.R. § 110.8(d)(3).

Complainants cite to news articles that quote Senator Bentsen as exhorting people in Texas to "Vote twice for Bentsen" as evidence of improper commingling of the two campaigns. Complainants assert that such statements during Senate campaign trips should be viewed as unreported contributions to the Dukakis/Bentsen Committee in violation of 11 C.F.R. § 110.9(a) and 11 C.F.R. § 110.8(d), and, conversely, as contributions to the Senate campaign during trips financed with public funds.

The statement "Vote twice for Bentsen" by itself, however, does not imply that either of the candidate's committees contravened the legal requirements for dual candidacies. The dual candidacy requirements only prohibit the transfers of goods, services, and funds between two campaigns; they do not regulate how candidates may refer to their respective candidacies. Moreover, the news accounts cited by complainants clearly state that the "Vote Twice for Bentsen" comment was made by Bentsen in response to a reporter's question. As the Senate and Federal responses point out, the "Vote twice for Bentsen" theme was never incorporated into media, button, bumper sticker or other campaign materials. Thus, there appears to be no violation of the Act in this instance.

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As another example of improper commingling of the senate and vice-presidential campaigns, Complainants again rely solely on newspaper reports that the senate campaign replaced "Bentsen '88" posters with "Bentsen for Senate '88" posters, allegedly for appearance's sake. There is no discussion in the newspaper articles, the complaint or responses as to when or where the exchange of posters occurred. It should be noted, however, that in response to the complaint in MUR 2652, Respondents stated that to avoid any possible problems that such "generic" materials could create, they would be replaced with materials that would more clearly reflect the office sought. It would appear that it is this precautionary measure, taken by Respondents as a result of the complaint in MUR 2652, that the newspaper article appears to document, and there is no other support for Complainants' inference that the substitution of posters reflects a further violation of the Act via commingling of goods between the two committees. Therefore, there is no reason to believe that a violation occurred related to Senator Bentsen's comment, "Vote twice for Bentsen" or with regard to the Senate campaign's substitution of campaign-specific posters for the earlier generic campaign materials.

3. **Allocation of Expenses For Campaign Travel**

Complainants cite news articles in which Senator Bentsen is reported to have met in closed sessions with supporters of his Senate campaign while on campaign trips for his Vice Presidential campaign as additional evidence of illegal commingling of the two campaigns and their finances. The Senate

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and Presidential Committees acknowledge such meetings occurred, but argue that they were either related to the presidential campaign or incidental contacts under 11 C.F.R. § 106.3(b)(3). The Senate and Presidential Committee responses note that any such "incidental" meetings held by Senator Bentsen for Senate campaign purposes usually lasted less than an hour or shorter than 15 to 30 minutes. For such Senate related meetings, the Senate Committee asserts that it made all arrangements independently of the Presidential committee and that "any costs incurred in connection with the meetings were paid with Senate committee funds." In support thereof, the Senate Committee relies on the affidavit of its Campaign Director, Blaine H. Bull, who avers to have personal knowledge of those events. The Presidential Committee response states that "any trips on which Senator Bentsen was campaigning as the Vice Presidential nominee were paid for and coordinated by the Dukakis/Bentsen Committee, and did not include public references to his Senate candidacy." The Presidential response then goes on to acknowledge that when meetings related to the Senate race were held during Vice Presidential campaign trips, "all arrangements for such meetings were made by the Bentsen Senate Committee and any costs were likewise paid by the Senate Committee."[2]

Respondents' reliance on the incidental contacts exemption in 11 C.F.R. § 106.3(b)(3) is misplaced. First, subsection

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2. Such elements of the responses seem to indicate that each campaign used its own staff to do the necessary advance work, telephoning and inviting of participants that the complaint alleges might constitute violations of the Act.

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106.3(a) explicitly states that the provision does not apply to Presidential and Vice Presidential candidates who receive federal funds. Second, Section 106.3(b) only appears to address allocation of expenses between campaign and personal, non-campaign related travel. It would not appear to apply here where the allocation would be between two campaigns. See also 11 C.F.R. § 9004.7(b)(2) (distinguishing between campaign and non-campaign related travel). For these reasons, Senate candidacy related meetings held during Vice Presidential campaign trips cannot be viewed as "incidental" under Section 106.3(b)(3).

Commission regulations, 11 C.F.R. § 9002.11(b)(3) and 11 C.F.R. § 110.8(d), provide the proper framework for analyzing Senate campaign related meetings which were held while Senator Bentsen was on publicly funded Vice Presidential campaign travel. Pursuant to Section 9002.11(b)(3), when a Presidential or Vice Presidential candidate makes an expenditure that furthers the election of another candidate for any public office, each candidate must pay the proportionate share of the cost in accordance with 11 C.F.R. § 106.1(a). Section 106.1(a) mandates that expenditures made on behalf of more than one candidate shall be allocated and reported according to the proportionate benefit derived by each candidate.

Certain restrictions imposed upon dual candidacies are addressed directly in 11 C.F.R. § 110.8(d). That section provides that candidates for more than one Federal office shall establish and maintain completely separate campaign

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organizations. The regulation also precludes goods, funds or services from being transferred between or used by the candidate's separate campaigns. In addition, expenditures for shared personnel and facilities may be allocated between dual candidacies, but such sharing is completely prohibited in the context of Presidential candidates receiving public funds.

The Act, as previously noted, expressly contemplates dual candidacies. 2 U.S.C. § 441a(a)(5)(C). A narrow interpretation of Commission regulations 11 C.F.R. §§ 110.8(d)(2) & (3) so as to forbid the sharing of all personnel and facilities by the separate campaigns of an individual running for more than one office effectively would preclude dual campaigns, and thus thwart the statute's clear intent. As a practical matter, it is inescapable that there will be some overlapping of certain items within the context of dual candidacies. A dual candidate, for example, cannot fly to one location on two planes at the same time, nor would it be reasonable for the candidate to maintain separate lodging and consume distinct meals during dual campaigns. Allocation of such common expenditures that benefit both campaigns would appear to allow for dual candidacies while ensuring that each campaign be held financially accountable for its share of expenses. On the other hand, the common use of certain facilities such as meeting or conference rooms, could quite easily be prohibited under 11 C.F.R. § 110.8(d)(3) without unduly burdening, physically or financially, the ability of individuals to maintain dual candidacies.

In the present situation, all of Senator Bentsen's Vice

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Presidential campaign trips were paid for and coordinated by the Presidential Committee, even though some Senate candidacy related meetings were held during such trips. The Senate response states that Senate related meetings "were arranged by Senate campaign committee staff and any costs incurred in connection with the meetings were paid with Senate committee funds." There is no indication, however, as to what costs actually were "incurred in connection with the [Senate-related] meetings" or whether the Senate Committee paid a proportionate share of the costs associated with the air travel, food and lodging necessary for Senator Bentsen to attend these Senate related meetings. Therefore, there is reason to believe the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 11 C.F.R. § 106.1(a) by illegally sharing facilities without allocating the costs between the committees, where appropriate. In addition, there is reason to believe the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 11 C.F.R. § 110.8(d)(2) and (3) in that these Respondents inappropriately shared certain facilities.

Finally, given the apparent failure of the committees to allocate their proportionate share of airfare, room, and board for Senator Bentsen on at least two campaign trips as denoted in the newspaper accounts attached to the complaint, it would appear that such expenditures may have exceeded $1,000. Therefore, there is reason to believe that the Senator Lloyd Bentsen Election committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(f) by accepting in-kind contributions

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in excess of the $1,000 limit under 2 U.S.C. § 441a(a)(1)(A).

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 2715
	)	

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: The Senator Lloyd Bentsen Election Committee and
H. Grant Taylor, as treasurer
c/o Robert F. Bauer & Judith L. Corley
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, D.C.
20005

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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

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

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories 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.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from July 20, 1988 to November 8, 1988.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

A. The following interrogatories and requests for documents relate to a September 23, 1988 newsletter entitled "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" which was distributed by the Senator Bentsen Election Committee.

1. Identify the "attack by Beau Boulter" denoted on page 3 of your December 9, 1988 response to the complaint in MUR 2715 to which the mention of Michael Dukakis in the newsletter was responsive. Provide a copy of any Beau Boulter campaign materials to which the September 23, 1988 newsletter was responsive in this regard.

2. State how, and by whom, the mailing list utilized for the September 23, 1988 newsletter mailing was developed.

3. Identify any commercial vendors involved in the preparation and mailing of the September 23, 1988 newsletter.

4. State how many of such newsletters were actually distributed by the Senator Lloyd Bentsen Election Committee.

5. State how much the Senator Lloyd Bentsen Election Committee spent on production and distribution of this newsletter.

6. State whether any of the costs for the production and distribution of such newsletter were paid for by any entities other than the Senator Lloyd Bentsen Election Committee.

7. Identify all individuals who drafted, reviewed, or otherwise were involved in the production of this newsletter.

8. Produce all documents referenced, related to, or relied upon in answering the above interrogatories.

B. The following interrogatories and requests for documents relate to campaign travel paid for by the Dukakis/Bentsen Committee, Inc., during which Senator Bentsen discussed the senate campaign.

1. Identify all instances in which Senator Bentsen met with senate campaign supporters to discuss the senate campaign while traveling at the expense of the Dukakis/Bentsen Committee, Inc.

   a. State what expenditures were made by you to facilitate the senate campaign meetings identified in your response to Question 1.

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2. State the percentage of time Senator Bentsen spent meeting with senate supporters to discuss the senate campaign while on campaign trips financed by the Dukakis/Bentsen Committee, Inc.

3. Identify the individuals attending meetings with Senator Bentsen to discuss the senate campaign while Senator Bentsen was on a campaign trip financed by the Dukakis/Bentsen Committee, Inc.

a. State whether you arranged or paid for any of the travel arrangements for those individuals identified in your response to Question 3.

4. Identify each instance in which Senator Bentsen used air transportation provided by the Dukakis/Bentsen Committee, Inc., to reach a location where Senator Bentsen met with senate campaign supporters to discuss the senate campaign.

a. State the total cost of such air transportation.
b. State how much, if any, of such costs were allocated to and paid by the Senate campaign.

5. Identify all individuals who arranged Senator Bentsen's schedule from July 1, 1988 to December 1, 1988 and state which campaign paid each individual's salary or portion thereof.

6. State the costs incurred by you for room and board during campaign trips financed by the Dukakis/Bentsen Committee during which Senator Bentsen met with senate campaign supporters to discuss the senate campaign.

a. State how much, if any, of such costs were paid by the Senate campaign.

7. Explain where Senator Bentsen met with senate campaign supporters to discuss the senate campaign while he was on campaign trips financed by the Dukakis/Bentsen Committee, Inc. If meeting facilities were utilized by Senator Bentsen to meet with senate campaign supporters during campaign trips financed by the Dukakis/Bentsen Committee, Inc. state who paid for those facilities.

8. Produce all documents referenced, related to, or relied upon in answering the above interrogatories.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Kenneth A. Gross
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 2715
Dukakis/Bentsen Committee, Inc. and
Robert A. Farmer, as treasurer

Dear Mr. Gross:

On October 17, 1989, 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 ("the Act"), Chapters 95 and 96 of Title 26, U.S. Code ("the Fund Act"), and Commission regulations. A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, your clients, and other Respondents, the Commission, on November 13, 1989, found that there is reason to believe the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer ("the Committee"), as treasurer violated 2 U.S.C. § 441a(a)(1)(A), 2 U.S.C. § 441a(f), 26 U.S.C. § 9003(b), 11 C.F.R. § 106.1(a), and 11 C.F.R. § 110.8(d)(2) and (3), provisions of the Act, the Fund Act, and the Commission regulations. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information. On November 13, 1989, the Commission also merged MUR 2652 with MUR 2715 and both matters will henceforth be referred to as MUR 2715.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and its treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and its treasurer, the Commission may find probable cause to believe

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that a violation has occurred and proceed with conciliation.

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 the 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 the 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, the Commission will not entertain requests for pre-probable cause conciliation 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 the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

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

Sincerely,

Danny L. McDonald
Chairman

Enclosures
Questions
Factual & Legal Analysis

cc: Scott Blake Harris
Williams & Connolly
910 17th St., N.W.
Washington, D.C. 20006

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer **MUR: 2715**

A. The Facts

Governor Michael Dukakis and Senator Lloyd Bentsen were the nominees of the Democratic Party seeking election as President and Vice President in the 1988 general election. They designated the Dukakis/Bentsen Committee, Inc. as their principal campaign committee and received $46.1 million in public financing under the Fund Act. At the same time, Senator Bentsen was also a candidate seeking re-election to the United States Senate from Texas in the 1988 general election. He designated the Senator Lloyd Bentsen Election Committee as his principal campaign committee for his Senate campaign. Dual candidacies, such as Senator Bentsen's, are explicitly permitted by Texas law. Texas Election Code Ann. § 141.033 (Vernon 1986).

B. The Act and Regulations

The Federal Election Campaign Act of 1971, as amended ("the Act" or "the FECA"), limits the amount that any person, other than a multicandidate political committee, may contribute to any candidate for federal office to an aggregate of $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The Act also prohibits a candidate or political committee from knowingly accepting contributions or making expenditures in excess of the limitations of Section 441a. 2 U.S.C. § 441a(f). The Act

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treats expenditures made in coordination with a candidate as contributions. 2 U.S.C. § 441a(a)(7)(B).

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

The Fund Act provides that it is unlawful for candidates for the Presidency and Vice Presidency to "knowingly and willfully" incur greater qualified campaign expenses than that allotted to those candidates out of the public treasury under 26 U.S.C. § 9004. See 26 U.S.C. § 9012. The Fund Act also provides that if Presidential or Vice Presidential candidates, or their committees, incur expenses to further the election of one or more other individuals to another office, the expenses incurred by them that are not specifically to further the election of such other individual(s) shall be considered as incurred to further the election of the Presidential and Vice Presidential candidates "in such proportion as the Commission prescribes by rules or regulations." 26 U.S.C § 9002(11)(C). By regulation, the Commission has prescribed that expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a) such that the

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candidate pays his or her proportionate share. 11 C.F.R. § 9002.11(b)(3). The regulation further provides that such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the candidates for President or Vice President.

Moreover, the Act and the Commission have recognized that a person may maintain dual candidacies for more than one federal office, including President or Vice President. See 2 U.S.C. § 441a(a)(5)(C), 11 C.F.R. § 110.8(d)(1) and Advisory Opinion 1975-11. The regulations require that a candidate who is seeking more than one federal office designate separate principal campaign committees and establish completely separate campaign organizations for each office sought. 11 C.F.R. § 110.8(d)(1). No funds, goods or services, including loans and loan guarantees may be transferred between or used by the separate campaigns, except as permitted in Section 110.3(a)(2)(iv) of Commission regulations. 11 C.F.R. § 110.8(d)(2). Finally, Commission regulations create a limited exception to the separation requirements imposed upon dual candidacies by authorizing the 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. This exception allowing shared personnel and facilities, however, is not available to a candidate who is eligible for public financing, as in the present case. 11 C.F.R. § 110.8(d)(3).

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C. Analysis of the Allegations

As a threshold matter, Complainants contend that "any expenditure that aids Bentsen in Texas also aids the Dukakis presidential ticket," and argue that the spending by the Senate Committee in the context of this dual candidacy is inherently illegal. Complaint at 5-6. This same per se argument was raised unsuccessfully by complainants in MUR 2652 and in Boulter v. FEC, No. 88-1541 (D.C. Cir. August 3, 1988), and it warrants no further consideration by the Commission here. Instead, the proper focus for the Commission's analysis is on whether the specific activities detailed by the complaint provide a sufficient basis for finding reason to believe that violations of the FECA, the Fund Act or Commission regulations have occurred. The activities in question involve a Senate Committee financed newsletter; candidate comments and campaign posters; and, the alleged use of publicly financed staff and facilities to accommodate Senate campaign travel and meetings. Finally, the complaint alleges that the Houston Chamber of Commerce violated Commission regulations by failing to provide Senator Bentsen's Senate opponent, Beau Boulter, equal time to address that incorporated body.

1. Senate Campaign Newsletter

As noted earlier, under 26 U.S.C. § 9003(b), candidates must agree not to accept contributions in order to receive public financing. At the same time, Commission regulations require that expenditures made on behalf of more than one candidate shall be attributed to each candidate in proportion to

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the benefit reasonably expected to be derived from such expenditure. 11 C.F.R. § 106.1(a). Commission regulations also state that candidate or political committee expenditures made on behalf of another candidate are to be reported as in-kind contributions to the candidate on whose behalf the expenditures are made. 11 C.F.R. § 106.1(b). One allegation in the present complaint concerns an alleged in-kind contribution to the Presidential campaign arising from a newsletter paid for and distributed by the Bentsen Senate Committee on September 23, 1988. Complainants contend that because this newsletter attacks Senator Bentsen's Vice Presidential opponent, Dan Quayle, it constituted a contribution to the Dukakis/Bentsen Committee in violation of 26 U.S.C. §§ 9003(b) and 9012. Complainants further allege that the involvement of Senatorial campaign staff in preparing and distributing the newsletter resulted in violations of 11 C.F.R. § 110.8(d)(2) and (3).

The flier in question is printed on Senator Bentsen Election Committee stationery and is entitled "CAMPAIGN NEWSLETTER." It is addressed to "Interested Texans," and below this is the subheading "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" At the bottom of the first page there is a disclaimer stating that the letter is "[p]aid for by the Senator Bentsen Election Committee." The newsletter consists of nine short paragraphs; the first of which quotes Beau Boulter in an unidentified incident as saying Senator Bentsen "is teamed with an enemy of the state's oil and gas industry." The second paragraph identifies Michael Dukakis as Senator Bentsen's running mate in

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the presidential race. At the same time, the newsletter denies that Dukakis is an enemy of Texas. According to the newsletter's third paragraph, the alleged enemy is Senator Dan Quayle, who is referred to as "the Republican nominee for Vice-President." All of the remaining paragraphs specifically reference Senator Quayle's positions, which are characterized as adverse to Texas' interests.

The Senate and Presidential responses assert that the clear thrust of the newsletter was directed toward the Senate election, and that the references to the Presidential campaign were in direct response to an attack by Beau Boulter. The responses indicate that the newsletter was merely responding to Boulter's campaign criticism by associating Boulter with the policies of Vice-Presidential candidate, Dan Quayle, especially since he was to accompany Quayle on an upcoming visit to Texas. Neither of the responses identifies the specific instance in which Beau Boulter attacked Senator Bentsen for his association with Michael Dukakis, and to which the newsletter allegedly responds.

The Senate response confirms that the Senate Committee paid for the newsletter, which it maintains was produced independently of the Presidential Committee. The response also states that the newsletter was mailed to a Bentsen Committee mailing list, comprised of approximately 8,000 Senate supporters, volunteers and labor leaders. The Senate response does not indicate who created the Bentsen Committee mailing list, how it was created, nor how the newsletter in question was

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distributed.

As a general rule, expenditures that benefit more than one candidate are considered to be in-kind contributions and are to be attributed proportionately to each candidate benefited. See 11 C.F.R. § 106.1(a). With respect to expenditures of a Presidential or Vice Presidential candidate's campaign, Commission regulations make it clear that "[e]xpenditures that further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. 106.1(a)." 11 C.F.R. 9002.11(b)(3).

One explicit exception to this allocation requirement is found in the so-called "coattail exemption," codified at 2 U.S.C. § 431(8)(B)(xi). Under that exemption, the costs incurred by a federal candidate for materials that "include information on or reference to any other candidate" are not considered contributions in certain circumstances. In particular, the exemption requires that the materials be used "in connection with volunteer activities" and excludes general public advertising. 2 U.S.C. § 431(8)(B)(xi); 11 C.F.R. § 100.7(b)(16); See also Advisory Opinion 1984-28; The Factual and Legal analysis in MUR 2652; and S. Rep. No. 319, 96th Cong., 1st Sess. (1979), reprinted in FEC, Legislative History of the Federal Election Campaign Act Amendments of 1979, at 449, 453 (1983).

In the present instance there are two factors that complicate the possible application of the coattail exemption to the September 23, 1988 newsletter. First, the available

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information is insufficient to determine whether the newsletter falls within the coattail exemption. As noted earlier, presently it is unclear how the Senate Committee's mailing list was created and how the newsletter was distributed. Moreover, the Commission has never addressed the applicability of the coattail exemption to the situation presented here; namely that of a dual candidacy involving a publicly financed campaign. In short, absent additional information, it is difficult to determine if the coattail exemption would apply here.

Due to the fact that Senator Bentsen is an agent of both Senate and Presidential campaigns, his actions in sponsoring the Senate newsletter indicates that there is reason to believe that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 26 U.S.C. § 9003(b) and 2 U.S.C. § 441a(f) by accepting an excessive in-kind contribution.[1]

2. Vote Twice For Bentsen and "Bentsen for Senate '88" Posters

As noted above, campaigns generally may share personnel and facilities as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation. In cases of dual candidacies, however, no funds, goods, or services may be transferred between the principal campaign committees of the separate campaigns. 11 C.F.R. § 110.8(d)(2). Furthermore, candidates receiving

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1. The regulatory provisions, 11 C.F.R. §§ 110.8(d)(2) and (3), are subsumed within the concept of an in-kind contribution and therefore no recommendation is made regarding the alleged violation of these provisions as it pertains to this newsletter.

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public financing are not allowed to share personnel and facilities and then allocate expenditures for them. 11 C.F.R. § 110.8(d)(3).

Complainants cite to news articles that quote Senator Bentsen as exhorting people in Texas to "Vote twice for Bentsen" as evidence of improper commingling of the two campaigns. Complainants assert that such statements during Senate campaign trips should be viewed as unreported contributions to the Dukakis/Bentsen Committee in violation of 11 C.F.R. § 110.9(a) and 11 C.F.R. § 110.8(d), and, conversely, as contributions to the Senate campaign during trips financed with public funds.

The statement "Vote twice for Bentsen" by itself, however, does not imply that either of the candidate's committees contravened the legal requirements for dual candidacies. The dual candidacy requirements only prohibit the transfers of goods, services, and funds between two campaigns; they do not regulate how candidates may refer to their respective candidacies. Moreover, the news accounts cited by complainants clearly state that the "Vote Twice for Bentsen" comment was made by Bentsen in response to a reporter's question. As the Senate and Federal responses point out, the "Vote twice for Bentsen" theme was never incorporated into media, button, bumper sticker or other campaign materials. Thus, there appears to be no violation of the Act in this instance.

As another example of improper commingling of the senate and vice-presidential campaigns, Complainants again rely solely on newspaper reports that the senate campaign replaced "Bentsen

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'88" posters with "Bentsen for Senate '88" posters, allegedly for appearance's sake. There is no discussion in the newspaper articles, the complaint or responses as to when or where the exchange of posters occurred. It should be noted, however, that in response to the complaint in MUR 2652, Respondents stated that to avoid any possible problems that such "generic" materials could create, they would be replaced with materials that would more clearly reflect the office sought. It would appear that it is this precautionary measure, taken by Respondents as a result of the complaint in MUR 2652, that the newspaper article appears to document, and there is no other support for Complainants' inference that the substitution of posters reflects a further violation of the Act via commingling of goods between the two committees. Thus, there is no reason to believe that a violation occurred related to Senator Bentsen's comment, "Vote twice for Bentsen" or with regard to the Senate campaign's substitution of campaign-specific posters for the earlier generic campaign materials.

3. **Allocation of Expenses For Campaign Travel**

Complainants cite news articles in which Senator Bentsen is reported to have met in closed sessions with supporters of his Senate campaign while on campaign trips for his Vice Presidential campaign as additional evidence of illegal commingling of the two campaigns and their finances. The Senate and Presidential Committees acknowledge such meetings occurred, but argue that they were either related to the presidential campaign or incidental contacts under 11 C.F.R. § 106.3(b)(3).

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The Senate and Presidential Committee responses note that any such "incidental" meetings held by Senator Bentsen for Senate campaign purposes usually lasted less than an hour or shorter than 15 to 30 minutes. The Presidential Committee response states that "any trips on which Senator Bentsen was campaigning as the Vice Presidential nominee were paid for and coordinated by the Dukakis/Bentsen Committee, and did not include public references to his Senate candidacy." The Presidential response then goes on to acknowledge that when meetings related to the Senate race were held during Vice Presidential campaign trips, "all arrangements for such meetings were made by the Bentsen Senate Committee and any costs were likewise paid by the Senate Committee."[2]

Respondents' reliance on the incidental contacts exemption in 11 C.F.R. § 106.3(b)(3) is misplaced. First, subsection 106.3(a) explicitly states that the provision does not apply to Presidential and Vice Presidential candidates who receive federal funds. Second, Section 106.3(b) only appears to address allocation of expenses between campaign and personal, non-campaign related travel. It would not appear to apply here where the allocation would be between two campaigns. See also 11 C.F.R. § 9004.7(b)(2) (distinguishing between campaign and non-campaign related travel). For these reasons, Senate candidacy related meetings held during Vice Presidential

2. Such elements of the responses seem to indicate that each campaign used its own staff to do the necessary advance work, telephoning and inviting of participants that the complaint alleges might constitute violations of the Act.

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campaign trips cannot be viewed as "incidental" under Section 106.3(b)(3).

Commission regulations, 11 C.F.R. § 9002.11(b)(3) and 11 C.F.R. § 110.8(d), provide the proper framework for analyzing Senate campaign related meetings which were held while Senator Bentsen was on publicly funded Vice Presidential campaign travel. Pursuant to Section 9002.11(b)(3), when a Presidential or Vice Presidential candidate makes an expenditure that furthers the election of another candidate for any public office, each candidate must pay the proportionate share of the cost in accordance with 11 C.F.R. § 106.1(a). Section 106.1(a) mandates that expenditures made on behalf of more than one candidate shall be allocated and reported according to the proportionate benefit derived by each candidate.

Certain restrictions imposed upon dual candidacies are addressed directly in 11 C.F.R. § 110.8(d). That section provides that candidates for more than one Federal office shall establish and maintain completely separate campaign organizations. The regulation also precludes goods, funds or services from being transferred between or used by the candidate's separate campaigns. In addition, expenditures for shared personnel and facilities may be allocated between dual candidacies, but such sharing is completely prohibited in the context of Presidential candidates receiving public funds.

The Act, as previously noted, expressly contemplates dual candidacies. 2 U.S.C. § 441a(a)(5)(C). A narrow interpretation of Commission regulations 11 C.F.R. §§ 110.8(d)(2) & (3) so as

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to forbid the sharing of all personnel and facilities by the separate campaigns of an individual running for more than one office effectively would preclude dual campaigns, and thus thwart the statute's clear intent. As a practical matter, it is inescapable that there will be some overlapping of certain items within the context of dual candidacies. A dual candidate, for example, cannot fly to one location on two planes at the same time, nor would it be reasonable for the candidate to maintain separate lodging and consume distinct meals during dual campaigns. Allocation of such common expenditures that benefit both campaigns would appear to allow for dual candidacies while ensuring that each campaign be held financially accountable for its share of expenses. On the other hand, the common use of certain facilities such as meeting or conference rooms, could quite easily be prohibited under 11 C.F.R. § 110.8(d)(3) without unduly burdening, physically or financially, the ability of individuals to maintain dual candidacies.

In the present situation, all of Senator Bentsen's Vice Presidential campaign trips were paid for and coordinated by the Presidential Committee, even though some Senate candidacy related meetings were held during such trips. There is no indication, however, whether the Senate Committee paid a proportionate share of the costs associated with the air travel, food and lodging necessary for Senator Bentsen to attend these Senate related meetings. Therefore, there is reason to believe that the Dukakis/Bentsen Committee and Robert A. Farmer, as treasurer, violated 11 C.F.R. § 106.1(a) by illegally sharing

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facilities without allocating the costs between the committees, where appropriate. In addition, there is reason to believe that the Dukakis/Bentsen Committee and Robert A. Farmer, as treasurer, violated 11 C.F.R. § 110.8(d)(2) and (3) in that these Respondents inappropriately shared certain facilities.

Finally, given the apparent failure of the committees to allocate their proportionate share of airfare, room, and board for Senator Bentsen on at least two campaign trips as denoted in the newspaper accounts attached to the complaint, it would appear that such expenditures may have exceeded $1,000. Thus, there is reason to believe that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee.[3]

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3. Depending upon information provided in response to future audit discoveries and the attached interrogatories, such in-kind contributions may result in a finding that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 26 U.S.C. § 9004(c) by making nonqualified campaign expenditures.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 2715
)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: The Dukakis/Bentsen Committee, Inc. and
Robert A. Farmer, as treasurer
c/o Kenneth A. Gross
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C.
20005-2107

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

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

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

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories 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.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from July 20, 1988 to November 8, 1988.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

The following interrogatories and requests for documents relate to campaign travel paid for by the Dukakis/Bentsen Committee, Inc., during which Senator Bentsen discussed the senate campaign.

1. Identify all instances in which Senator Bentsen met with senate campaign supporters to discuss the senate campaign while traveling at the expense of the Dukakis/Bentsen Committee, Inc.

2. State the percentage of time Senator Bentsen spent meeting with vice presidential supporters to discuss the vice presidential campaign while on those campaign trips financed by the Dukakis/Bentsen Committee, Inc. and identified in your response to Question 1.

3. Identify each instance in which Senator Bentsen used air transportation provided by the Dukakis/Bentsen Committee, Inc., to reach a location where Senator Bentsen met with senate campaign supporters to discuss the senate campaign.

   a. State the total cost of such air transportation.
   b. State how much, if any, of such costs were allocated to and paid by the Dukakis/Bentsen Committee, Inc.

4. Identify all individuals who arranged Senator Bentsen's schedule from July 1, 1988 to December 1, 1988 and state which campaign paid each individual's salary or portion thereof.

5. State the costs incurred by you for room and board during campaign trips financed by the Dukakis/Bentsen Committee during which Senator Bentsen met with senate campaign supporters to discuss the senate campaign.

   a. State how much, if any, of such costs were allocated to and paid by the Dukakis/Bentsen Committee, Inc.

6. Explain where Senator Bentsen met with senate campaign supporters to discuss the senate campaign while he was on campaign trips financed by the Dukakis/Bentsen Committee, Inc. If meeting facilities were utilized by Senator Bentsen to meet with senate campaign supporters during campaign trips financed by the Dukakis/Bentsen Committee, Inc. state who paid for those facilities.

7. Produce all documents referenced, related to, or relied upon in answering the above interrogatories.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Houston Chamber of Commerce
c/o Scott E. Rozzell
Baker & Botts
One Shell Plaza
910 Louisiana
Houston, Texas 77002-4995

RE: MUR 2715
The Houston Chamber of Commerce

Dear Mr. Rozzell:

On October 17, 1988, the Federal Election Commission notified your client, The Houston Chamber of Commerce, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On November 13, 1989, the Commission found, on the basis of the information in the complaint, and information provided by you, your client, and other parties that there is no reason to believe The Houston Chamber of Commerce violated 11 C.F.R. §§ 114.4(a)(2) or (d). Accordingly, the Commission closed its file in this matter as it pertains to the Houston Chamber of Commerce.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. 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.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report

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PERKINS COIE

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

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 NOV 29 PM 4:04

November 28, 1989

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

Re MUR 2715 - Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

Dear Mr. Brown:

Pursuant to our conversation, this letter requests an extension of time until January 15, 1990, to respond to the Commission's Interrogatories and Requests for Production of Documents in the above-referenced Matter Under Review.

Respondents received the Commission's notification on November 27, 1989. If Respondents were to request an extension of only 20 days, their response would be due on January 1, 1990.

The response to the Commission's requests requires the gathering of substantial factual information about the 1988 campaign, now over a year past. The Senate Committee is at this time completely inactive. All records and files from the 1988 election have been put into storage in Texas. In order to respond completely and accurately to the Commission's request, these records will have to be thoroughly reviewed. The staff member responsible for reviewing the records is located here in Washington and, due to the press of business, will be unable to go to Texas until the week before Christmas.

Given this delay in the review of the records, together with the intervening Christmas and New Year's holidays and the potential need to develop the response with the assistance of former staffers in Texas, a response by January 1 is not

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feasible. The additional two weeks until January 15 should give Respondents enough time to adequately and accurately prepare their response.

Thank you for your attention to this matter. If you have any questions or need additional information, please let us know.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel for Respondents

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

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

BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

BY HAND

December 12, 1989

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

Re: MUR 2715 - Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as Treasurer

Dear Mr. Noble:

The Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as Treasurer ("Respondents"), hereby request an extension of time until January 15, 1990, to respond to both the factual and legal analysis and the interrogatories and requests for production of documents, which accompanied the notice of the finding by the Federal Election Commission (the "Commission") dated November 20, 1989 that there is reason to believe that Respondents violated certain provisions of the Federal Election Campaign Act.

Such an extension is required because the information sought in the interrogatories as well as that required by Respondents to substantiate our position that no such violations occurred, requires the compilation of data from many people, none of whom are still affiliated with Respondents, and whose physical location, in many cases, has yet to be determined. This same hurdle confronts Respondents with respect to documents sought by your office.

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The information required includes such items as reconstructing campaign trip itineraries and speeches given at specific locations on various specific days during last year's campaign. Thus far, it has been impossible for Respondents to accurately and completely formulate responses to these matters in the time period originally set forth by your office.

Respondents believe that good cause has been demonstrated and that for the foregoing reasons an extension of time to respond until January 15, 1990, should be granted.

Very truly yours,

Kenneth A. Gross

95043674217

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 14, 1989

Robert F. Bauer & Judith L. Corley
Perkins Coie
Suite 1200
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 2715
The Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer

Dear Mr. Bauer and Ms. Corley:

This is in response to your letter of November 28, 1989, requesting an extension until January 15, 1990, to respond to the reason to believe notification in this matter. 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 January 15, 1990.

If you have any questions, please contact Jim Brown, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1989

Kenneth A. Gross
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 2715
The Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer

Dear Mr. Gross:

This is in response to your letter of December 12, 1989, requesting an extension until January 15, 1990, to respond to discovery requests which accompanied the reason to believe notification in this matter.

Normally such a request would not be granted less than five days prior to the due date of the response. After considering the special circumstances presented in your letter, I have nonetheless granted the requested extension. Accordingly, your response is due by the close of business on January 15, 1990. In the future, please be aware that requests for extensions will not be considered unless they are made in writing at least five days prior to the due date of the response and specific good cause is demonstrated.

If you have any questions, please contact Jim Brown, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

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

January 15, 1990

Jim Brown, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW.
Washington, DC 20463

Re: MUR 2715 - Senator Lloyd Bentsen Election
Committee and H. Grant Taylor, as Treasurer

Dear Mr. Brown:

As you know, Respondents in the above-referenced MUR requested and received an extension of time until today, January 15, to respond to the Commission's finding of reason to believe and its interrogatories and requests for production of documents.

Due to complications that have arisen over this holiday weekend, we will be unable to submit our full response today. Please be advised that our response will be submitted on Tuesday, January 16.

I apologize for any inconvenience this may cause, but this delay is de minimus and unavoidable.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel for Respondents

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TELEX: 44-0277 PCSO UI • FACSIMILE (202) 223-2088
ANCHORAGE • BELLEVUE • LOS ANGELES • PORTLAND • SEATTLE

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 JAN 16 PM 5:38

PERKINS COIE

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

January 16, 1990

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

Attention: Jim Brown

Re: MUR 2715 - Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

Dear Mr. Noble:

The Senator Lloyd Bentsen Election Committee ("Bentsen Committee" and H. Grant Taylor, as Treasurer (referred to collectively as "Respondents"), respond through counsel to the Commission's finding of reason to believe and its interrogatories and requests for production of documents in the above-referenced Matter Under Review.

Introduction

The Commission's analysis thus far, if it is correctly understood to follow the General Counsel's, falters on one factual point of enormous legal consequence. Lloyd Bentsen is one man, not two. This was true at all times relevant to this matter when he was campaigning simultaneously for two federal offices. This "dual candidacy" may well have raised difficult issues, and certainly unusual ones. But in no event can the Commission successfully analyze those issues, or resolve them appropriately, by denying the nature of this dual candidacy and proceeding as if two entirely distinct individuals -- with the same name of Lloyd Bentsen -- were running on the same ticket together. This only results in the application of the wrong law to produce a bad, indeed an utterly irrational, result.

The Commission has in place a regulation specifically concerning dual candidacies for more than one federal office, including the office of President or Vice-President, 11 C.F.R. § 110.8(d). This indicates, as might be expected, that dual candidacies are a special case, requiring special consideration in balancing the rights of dual candidates against legitimate statutory objectives. The General Counsel's analysis confounds this expectation by repeatedly drawing on other unrelated provisions with jarring results.

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For example, Section 110.8(d)(3) imposes the following restrictions on a "dual" candidacy:

> Except for presidential candidates receiving . . . general election public financing . . . [dual] campaigns may share personnel and facilities as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation.

(Emphasis added.) This provision thus prohibits dual candidates who are also publicly financed Presidential candidates from sharing and allocating the costs of personnel and facilities. The General Counsel also insists in the application of another provision, 26 U.S.C. § 9002(11), to specifically require the same allocation prohibited by the dual candidacy regulation. The source of the problem is that the rules were not meant to apply in the same circumstances, since the dual candidacy regulation applies to dual candidacies and Section 9002(11) controls "expenses [by publicly financed Presidential and Vice-Presidential candidates] to further the election of one or more other individuals to federal, state or local elective public office . . . ." In one case, the two candidacies are the same person; and in the other they are not.

What is required in addressing this matter is some appreciation of the unique issues presented by dual candidacies and of the good faith and entirely reasonable attempt of the Respondents to manage them under existing law. At the time of Democratic nominee Dukakis' announcement that he had asked Senator Bentsen to join the ticket, the apparent concern of the opposition party, and of certain members of this Commission, was the possible diversion of Senate election campaign funds to fund the Presidential campaign in contravention of (1) the prohibition on private funding and (2) the general election limits imposed by the Act.

The Bentsen Senate campaign resolved on a most conservative course to lay this concern to rest. In every practical respect, the campaigns would be separately financed; and joint efforts in particular -- travel or activities combining the Senate and Vice-Presidential agendas -- were to be held to a minimum. Facilities and personnel were not to be shared (as the regulations require) and "allocations" reflecting such joint use were to be avoided. Always of concern to the campaign was a "Hobson's choice": err in favor of spending public money and run the risk of making non-qualified campaign expenses; but err the other way and give credence to the fears of a private Senate fund subsidy to the Vice-Presidential and Presidential campaign.

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This separation in principle was pursued with some success, but for the reason, again, that Lloyd Bentsen is one man, it could not be achieved at all times for all purposes. In part this was a byproduct of opposition strategy consisting of attacks on Bentsen's suitability as a Senate candidate which focused on the perceived liabilities of his Vice-Presidential campaign. An example of this is the newsletter, discussed below. But the larger difficulty in pursuing complete separation was the indivisibility of Bentsen. Wherever he traveled, both candidacies traveled with him. The press queried him about both; supporters, particularly in Texas, knew of both; and the opposition thought to relate one candidacy to another for partisan advantage. This required on some occasions, as on the occasions involving individual Senate appearances addressed in this case, that the Senator give some expression to both candidacies in a manner as consistent as possible with the separation principle.

This effort was managed by the campaign with care and thought, and in good faith concern with those legal and political issues raised when the Senator's Vice-Presidential candidacy was announced. And still it should not be forgotten that the Senator's dual candidacy was entirely lawful, and that the pursuit of these offices involved protected speech and association -- which must be accommodated fully within any regulatory approach adopted by the Commission for these types of candidacies. Questions appropriately asked throughout the discussion which follows are: Are the concerns raised by the General Counsel grounded so firmly in a clear, consistent and compelling reading of the law and its purposes that the compliance efforts of the Bentsen campaign, in pursuing a lawful and protected dual candidacy, must be challenged in a conciliation process designed to remedy statutory "violations?" Would not the issues of this case be better addressed, more thoughtfully managed for the future, by regulations or new statutory law recommended by the Commission?

CAMPAIGN NEWSLETTER

Attached as Exhibit 1 of the Bentsen Committee's response to the FEC's Interrogatories is a mailing by Texans for Beau Boulter entitled "The Dukakis-Bentsen Plan for Texas." The mailing ostensibily compares the positions of Dukakis-Bentsen with those of Bush-Boulter on issues of concern to Texans. The mailing makes numerous disparaging references to the positions of both Dukakis and Bentsen, in the belief popular with the opposition in Texas that Bentsen's Senate candidacy was weakened by his Vice-Presidential candidacy. It specifically advocates Bush for the Office of President and Boulter for the Office of United Senate.

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The Bentsen Committee responded to this mailing in its regular newsletter to supporters. The Senate newsletter, clearly an effort to influence the Senate election, refutes the allegations made by Boulter about Senator Bentsen's position on issues of concern to Texans. The newsletter was intended for distribution, and then distributed, on the occasion of an appearance by Dan Quayle in Texas on behalf of the Boulter Senate campaign, and it discusses Quayle's positions on issues of interest to Texas.

The discussion of Quayle's positions was without doubt designed to influence Boulter's, not Quayle's, election. The newsletter questions why Boulter would associate himself such positions, attributed to Quayle, which are deemed contrary to Texan interests. And Boulter, by inviting Quayle's appearance, "fired the first shot," raising the issue to which Bentsen responded and was entitled to respond. Moreover, the newsletter does not exploit in any way the opportunity to advocate Senator Bentsen as a Vice-Presidential candidate.

The newsletter was prepared and distributed by the Bentsen Committee without consultation with the Presidential/ Vice-Presidential campaign. All costs incurred in connection with the preparation and distribution of the newsletter were paid by the Senate campaign, and the mailing list used to distribute the newsletter was developed and maintained by the Bentsen Committee. Once printed, the newsletter was labeled and mailed by volunteers at Bentsen Committee headquarters.

On these grounds there is no cause under existing law to allege a payment by the Bentsen Committee for any "purpose" other than promotion of his Senate candidacy.[1/] Nothing in the facts suggests the campaign used one purpose when it was really seeking to serve another.

1/ The FEC has recognized that the mere mention or appearance of a candidate in the advertisements of another is not enough in every case to create a contribution from one to another. In Advisory Opinion 1982-56, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5695, the FEC approved of the appearance of Congressman Andy Jacobs in an ad distributed on television in which Congressman Jacobs endorsed another candidate. The Commission found that the appearance of Congressman Jacobs in this advertisement was not a contribution in-kind to Jacobs' campaign, since the apparent "purpose" of the ad was to support the candidate endorsed by Jacobs, not Jacobs himself.

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There is no need under this analysis to seek application of the "coat-tails" provision of the regulations, 11 C.F.R. § 100.7(b)(16), but the Commission notes its application all the same. Under this provision, a candidate's campaign materials may include information on another candidate provided

(a) The materials are used in connection with volunteer activities, and

(b) The materials, if mailed, are not sent by means of a commercial vendor or from lists not developed by the candidate.

The Bentsen campaign newsletter was distributed by volunteers and, while mailed, was sent using a list developed by the candidate. As a result, the exemption would apply to avoid any prohibited campaign contribution here, and constitutes a secondary ground of support for the Respondents.[2/]

The difficulty with applying coat-tails lies less with the result it produces in this case, but its implication for dual candidates generally. The exemption would appear to contemplate references by one candidate designed to generate or imply support for, or association with, <u>another</u> candidate in a typical ticket-building case. Application of the exemption in these dual candidate circumstances, to the mere mention of a Presidential candidate such as Dukakis, would have radical impact, imposing the volunteer distribution requirements on <u>any</u> such communication by the dual candidate for whatever reason and under whatever circumstances made. This would unduly restrict the right of a dual candidate such as Senator Bentsen to adequately communicate with the voters, a direct infringement on his right of free speech.

The coat-tails exemption in fact is a clear example of where regulations were not written with dual candidates in mind. In the legislative history of the coat-tails provision,

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2/ The Boulter advertisement is a better example of where a coat-tails exemption should be applied. This advertisement not only presents Boulter's views on his candidacy, but specifically advocates ("Bush for President. Boulter for U.S. Senate. The right team for Texas.") the election of another candidate. It is clear that the intent of the advertisement was to promote not only Boulter's Senate candidacy, but also Bush's Presidential candidacy.

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House Report 96-422 which accompanied H.R. 5010 (which was later adopted into law), the Committee on House Administration stated that the Committee had

> [c]onsidered and rejected a test that the funds be made for the purpose influencing the election of the candidate making the expenditure. This test was rejected because it was thought to be too difficult to administer and because it ignores the practical reality of the situation. <u>If a candidate makes a expenditure from his or her campaign account, the possibility that it is not for the furthering his or her election is remote at best.</u>

(Emphasis added.) Applied here, the Committee's interpretation would result in the ridiculous situation that <u>any</u> expenditure by Bentsen by definition would benefit both his Senate and his Vice-Presidential candidacies. The newsletter distributed by the Bentsen campaign was for the purpose of influencing his Senate candidacy, not the Dukakis-Bentsen national ticket, and the General Counsel and the Commission should find no probable cause.

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CAMPAIGN TRAVEL

The Commission's second reason to believe finding relates to travel by Senator Bentsen to meetings with Senate supporters on Vice-Presidential campaign "swings" where the travel was paid for by the Dukakis-Bentsen campaign. The FEC alleges that the campaigns have failed to allocate the cost of air travel, food and lodging under 11 C.F.R. § 106.1(a), inappropriately shared facilities as prohibited by Section 110.8(d)(2) and (3), and that, therefore, an excessive contribution in-kind was made by the Presidential campaign to the Bentsen Senate campaign. The General Counsel's analysis again fails to account for the unique legal significance and related issues of Senator Bentsen's dual candidacy.

Earlier it was noted how the Bentsen Committee sought to achieve maximum separation of the Senate and Vice-Presidential campaigns. All Senate appearances by Senator Bentsen during travel related to the Vice-Presidential campaign were designed in particular to be truly "incidental" to his primary purpose for traveling -- the Vice-Presidential campaign. Because of the extensive time commitments placed on the Senator for the Vice-Presidential campaign, the Senator's availability for Senate-related events was extremely limited. The meetings are the result of efforts to "squeeze" Senate events into an otherwise fully booked Vice-Presidential schedule.

Nonetheless, despite the Senator's limited availability, there was no public promotion of the Senate candidacy by normal press outlet in connection with the Senator's travels as a Vice-Presidential candidate. Increased costs resulting from the Senate appearances were paid by the Senate campaign. All arrangements for Senate appearances made during Vice-Presidential travel were made by Senate campaign staff.

The General Counsel, however, rejects the contention that the Senate meetings were "incidental" to Vice-Presidential campaign travel under 11 C.F.R. § 106.3, arguing that Section 106.3 does not apply to Presidential and Vice-Presidential candidates who have received public funds. But Senator Bentsen was a candidate for the Senate, not only for Vice-President, and Section 106.3 applies to his Senate candidacy as it does to any other Senate candidate.

The Commission argues additionally that Section 106.3 would not apply in any event because it does not apply to travel involving two campaigns, but rather only to campaign-related travel and "personal, non-campaign" related travel. There is no prior publicly available FEC interpretation which would require restriction of the application of Section 106.3 to personal, non-campaign travel, and the Commission's own analysis reflects some uncertainty about this legal position:

> . . . Section 106.3(b) <u>only appears</u> to address allocation of expenses between campaign and personal, non-campaign related travel. <u>It would not appear</u> to apply here where the allocation would be between two campaigns.

(Emphasis added.) The uncertainty is well-founded, because there is no reason why Section 106.3 should not apply in the case of a dual candidacy. Its purpose is to ensure that a candidate's campaign travel is not, without a proper accounting, paid in full or in a disproportionate amount by a person <u>other</u> than the candidate's campaign committee. This concern, and the related accounting it requires, applies no less to the different campaigns of a dual candidate.

Adoption of a different interpretation now, without prior guidance to a dual candidate, is inequitable. But worse, it makes little sense. The Commissoin's own regulations, at Section 110.8(d), suggest that facilities of dual candidates who are publicly financed Presidential or Vice-Presidential candidates should not be shared and their costs not allocated between campaigns. The Bentsen Committee kept to the intent of this regulation by pursuing a principle of maximum separation.

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The "incidental contact" allowance of Section 106.3 serves this principle, operating as a rule of reason. The Bentsen campaign applied this rule of reason consistently and in good faith. The General Counsel's approach would complicate, not promote, compliance with the underlying statutory concern of the management of dual candidacies.

Facts should shape law, and the facts here suggest the strength of Respondents' legal position. While the nature of the meetings varied -- some large, some small -- Senator Bentsen's participation in the meetings was minimal; for the most part, of extremely short duration (one-half to one hour). The true "incidental" nature of these visits, when taken in the context of two- and three-day (or longer) campaign swings on behalf of the Vice-Presidential campaign, is evident. Furthermore, the meetings did not generate additional expenses to the Vice-Presidential campaign. All additional expenses were paid from the Senate campaign funds.

The FEC also argues that in the absence of Section 106.3, 11 C.F.R.§ 9002.11(b)(3) should apply. This section provides that

> Expenditures that further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a) and will be considered qualified campaign expenses <u>only to the extent that they specifically further the election</u> of the candidate for President or Vice-President. A candidate may make expenditure under this section in conjunction with other candidates for any public office, but each candidate shall pay his or her proportionate share of the costs in accordance with 11 C.F.R. § 106.1(a).

(Emphasis added.) This section was enacted to ensure that public funds are spent only for what are found to be "qualified campaign expenses," not to serve as a general requirement that expenses by Presidential candidates be allocated, or as a guideline for dual candidates. Arguably all expenditures by a dual candidate "further the election" of the candidate's other campaign. In any event, under the Commission's interpretation, Section 9002.11 would require that all expenses by a dual candidate be allocated between the two campaigns, when Section 110.8(d) appears to require the opposite.

Moreover, the allocation required by Section 9002.11(b) for other reasons serves no purpose here. The General Counsel is requiring allocation of air transportation and lodging costs

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incurred by Senator Bentsen as a Vice-Presidential candidate, notwithstanding that all these expenses, when taken as a whole, furthered his candidacy for the Vice-Presidency. This is not the situation where, for example, a candidate for Vice-President pays for a newspaper advertisement featuring other candidates for public office, for while the candidate receives some benefit from the ad, there is additional benefit only to the other candidates. In this case, the addition of incidental Senate appearances to the Vice-Presidential travel in no way changes the characterization of these expenses as entirely qualified campaign expenses for the Vice-Presidential campaign. This view is all the stronger in light of the Senate campaign's payment of any additional costs related to the Senate appearances.

The Bentsen Committee's interpretation of the regulations resulted in a fair payment, accurately reflecting the benefit derived by the candidates. The complications and difficulties raised by the dual candidacy were dealt with in a systematic and reasonable manner. The Commission should find no probable cause in this matter.3/

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel for Respondents

3/ Obviously if the Commission chooses to disagree with the Bentsen Committee's interpretation of the regulations it is free to do so. It should not, however, penalize the Committee for making a reasonable effort to interpret the regulations as they exist, but rather should reflect its disagreement in amendments to the regulations for future dual candidates.

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OFFICE OF GENERAL COUNSEL

90 JAN 16 PM 5:38

Before the Federal Election Commission

MUR 2715

Respondents: Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

ANSWERS TO INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS

The answers to these interrogatories are based primarily on the recollections of Blaine H. Bull, Campaign Director of the Senator Lloyd Bentsen Election Committee ("Bentsen Committee"), and on information derived from files and records in the Bentsen Committee's possession and control.

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Interrogatory A:

The following interrogatories and requests for documents related to a September 23, 1988 newsletter entitled, "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" which was distributed by the Senator Bentsen Election Committee.

1. Identify the "attack by Beau Boulter" denoted on page 3 of your December 9, 1988 response to the complaint in MUR 2715 to which the mention of Michael Dukakis in the newsletter was responsive. Provide a copy of any Beau Boulter campaign materials to which the September 23, 1988 newsletter was responsive in this regard.

See Exhibit 1 entitled "The Dukakis-Bentsen Plan for Texas," paid for by Texans for Beau Boulter.

2. State how, and by whom, the mailing list utilized for the September 23, 1988 newsletter mailing was developed.

The mailing list utilized for the September 23, 1988 newsletter mailing was developed by the Bentsen Committee. The mailing list was developed over time through the addition of names from various sources and maintained by the campaign. The various sources of names was extensive, but included, for example, PAC contributors, County Coordinators, Texas elected officials, news media contacts, etc.

3. Identify any commercial vendors involved in the preparation and mailing of the September 23, 1988 newsletter.

Xerox Corporation, P.O. Box 25177, Santa Ana, CA 92799-5177.

4. State how many of such newsletters were actually distributed by the Senator Lloyd Bentsen Election Committee.

The Senator Lloyd Bentsen Election Committee distributed approximately 8,300 copies of the September 23, 1988 newsletter.

5. State how much the Senator Lloyd Bentsen Election Committee spent on production and distribution of this newsletter.

The Senator Lloyd Bentsen Election Committee spent approximately $3,355.00 for the production and distribution of the September 23, 1988 newsletter.

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6. State whether any of the costs for the production and distribution of such newsletter were paid for by any entities other than the Senator Lloyd Bentsen Election Committee.

None of the costs for production and distribution of the September 23, 1988 newsletter were paid by an entity other than the Senator Lloyd Bentsen Election Committee.

7. Identify all individuals who drafted, reviewed, or otherwise were involved in the production of this newsletter.

Jack Martin, Campaign Chairman; Jack Devore, Director of Communications; Blaine Bull, Campaign Director; Gay Erwin, Deputy Campaign Director; Linda Rogers, Deputy Campaign Director.

8. Produce all documents referenced, related to, or relied upon in answering the above interrogatories.

See Exhibits 1-3.

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Interrogatory B:

The following interrogatories and requests for documents related to campaign travel paid for by the Dukakis-Bentsen Committee, Inc., during which Senator Bentsen discussed the senate campaign.

1. Identify all instances in which Senator Bentsen met with senate campaign supporters to discuss the senate campaign while traveling at the expense of the Dukakis-Bentsen Committee, Inc.

August 27	Austin, TX
September 8	New York City, NY

September 9	Los Angeles, CA
September 14	Dallas, TX
September 16	West Palm Beach, FL
September 20	Lubbock, TX
October 6	Dallas, TX
October 7	Houston, TX
October 28	Austin, TX
October 31	Fort Worth, TX

1.(a) State what expenditures were made by you to facilitate the senate campaign meetings identified in your response to Question 1.

See Exhibit 4. The Bentsen Committee may have made additional disbursements with respect to these events, but no additional receipts or invoices have been found. Should any additional materials become available, the Bentsen Committee will supplement the record. The Commission should note that some of the documents produced reflect payments to consultants and vendors whom the Bentsen Committee used for purposes other than the above-referenced meetings. It was not always possible to produce in each case documents that reflected only expenses for these meetings.

2. State the percentage of time Senator Bentsen spent meeting with senate supporters to discuss the senate campaign while on campaign trips financed by the Dukakis-Bentsen Committee, Inc.

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The percentage of time Senator Bentsen spent meeting with Senate supporters to discuss the senate campaign while on campaign trips financed by the Dukakis-Bentsen Committee, Inc. is estimated to have been less than 10 percent of the total time spent for the trips referenced above. When all of Senator Bentsen's travel financed by the Dukakis-Bentsen Committee is considered, the percentage of time spent is estimated to have been less than five percent.

3. Identify the individuals attending meetings with Senator Bentsen to discuss the senate campaign while Senator Bentsen was on a campaign trip financed by the Dukakis-Bentsen Committee, Inc.

The individuals attending meetings with Senator Bentsen varied with each event, but consisted in large part of contributors to the senate campaign and/or local officials. Senate campaign staff may also have attended.

3.(a) State whether you arranged or paid for any of the travel arrangements for those individual identified in your response to Question 3.

The Senator Lloyd Bentsen Election Committee did not arrange or pay for any of the travel arrangements for those individuals identified in the response to Interrogatory B-3, other than senate campaign staff.

9 5 0 4 3 6 7 4 2 3 4

4. **Identify each instance in which Senator Bentsen used air transportation provided by the Dukakis-Bentsen Committee, Inc., to reach a location where Senator Bentsen met with senate campaign supporters to discuss the senate campaign.**

See response to Interrogatory B-1.

4.(a) State the total cost of such air transportation.

The Senator Lloyd Bentsen Election Committee has no records relating to the total cost of air transportation provided by the Dukakis-Bentsen Committee, Inc.

4.(b) **State how much, if any, of such costs were allocated to and paid by the senate campaign.**

None of the costs of air transportation were allocated to or paid by the Senator Lloyd Bentsen Election Committee.

5. **Identify all individuals who arranged Senator Bentsen's schedule from July 1, 1988 to December 1, 1988 and state which campaign paid each individual's salary or portion thereof.**

The only individual on the Senate campaign staff who arranged Senator Bentsen's schedule after July 1, 1988 was Melissa Warren. Ms. Warren's salary was paid by the Senator Lloyd Bentsen Election Committee. Upon information and belief, other individuals, on the staff of Dukakis-Bentsen Committee, Inc., were also involved in arranging Senator Bentsen's Vice-Presidential campaign schedule during this period.

9504367423 5

6. State the costs incurred by you for room and board during campaign trips financed by the Dukakis-Bentsen Committee during which Senator Bentsen met with senate campaign supporters to discuss the senate campaign.

The Senator Lloyd Bentsen Election Committee incurred no costs for room and board during campaign trips financed by the Dukakis-Bentsen Committee during which Senator Bentsen met with senate campaign supporters to discuss the senate campaign.

6.(a) State how much, if any, of such costs were paid by the Senate campaign.

The Senator Lloyd Bentsen Election Committee paid none of the costs.

7. Explain where Senator Bentsen met with senate campaign supporters to discuss the senate campaign while he was on campaign trips financed by the Dukakis-Bentsen, Inc. If meeting facilities were utilized by Senator Bentsen to meet with senate campaign supporter during campaign trips financed by the Dukakis-Bentsen Committee, Inc. state who paid for those facilities.

August 27 - Austin - Hyatt Hotel

September 8 - New York City - Tavern-on-the-Green

September 9 - Los Angeles - Private home

September 14 - Dallas - Private home

September 16 - West Palm Beach - Private home

September 20 - Lubbock - Lubbock Club

October 6 - Dallas - The Atrium at Infomart

October 7 - Houston - George R. Brown Convention Center

9504367423 6

October 28 - Austin - Radisson Hotel

October 31 - Fort Worth - Worthington Hotel

In all cases where meeting facilities were utilized, the Senator Lloyd Bentsen Election Committee paid for the facilities.

8. Produce all documents referenced, related to, or relied upon in answering the above interrogatories.

See Exhibit 4.

Respectfully submitted,

Robert F. Bauer
Judith L. Corley
Perkins Coie
1110 Vermont Avenue, N.W.
Suite 1200
Washington, DC 20005
(202) 887-9030
Counsel for Respondents

cc: P. Michael Hebert

1470E

9504367423 7

EXHIBIT 1

9 5 0 4 3 6 7 4 2 3 8

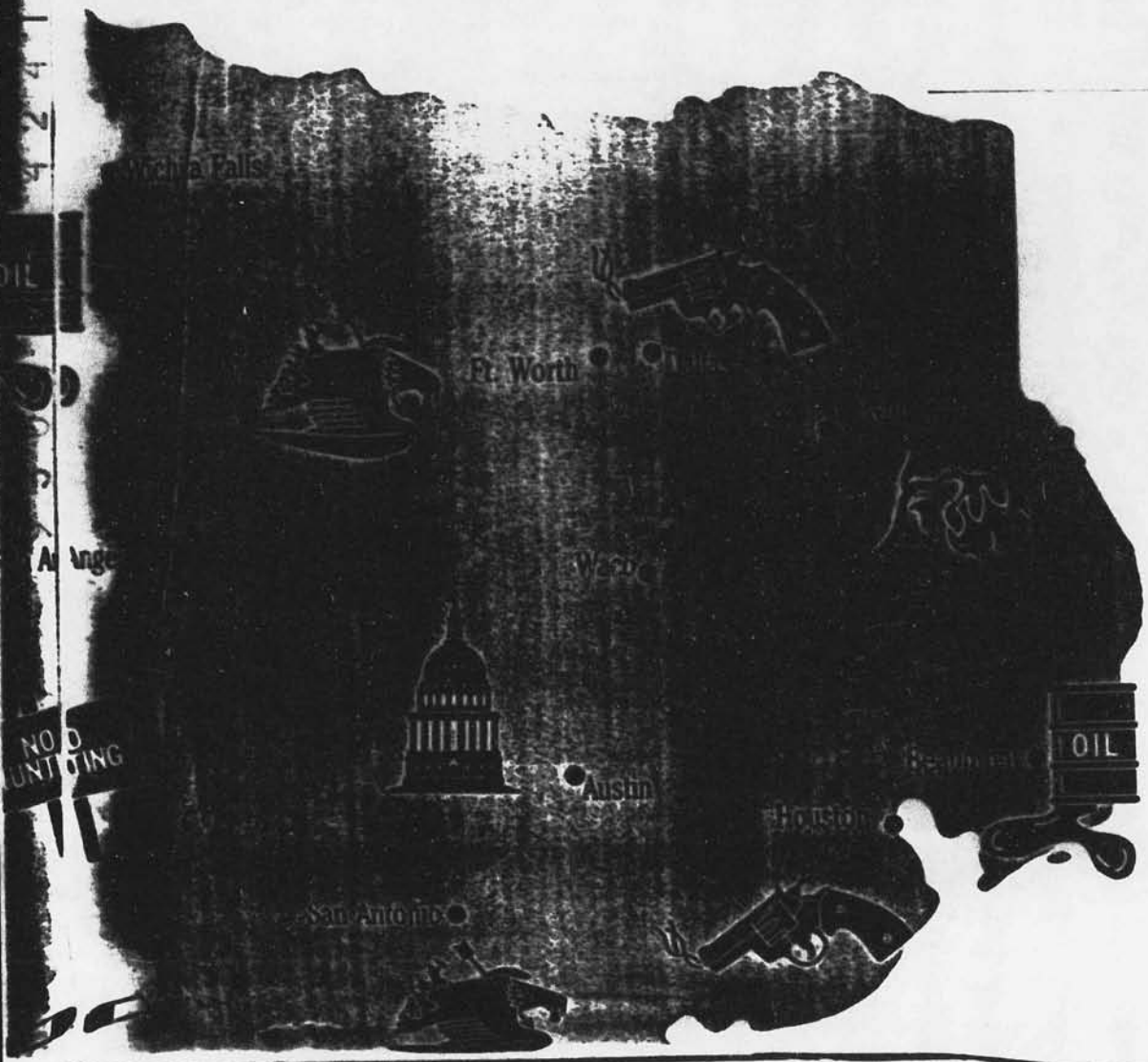
A GUIDE TO TEXAS' FUTURE

THE DUKAKIS-BENTSEN PLAN FOR TEXAS

9 5 0 4 3 6 7 4 2 3 9

NO
to boost Texas economy?

THE DUKAKIS-BENTSEN PLAN FOR TEXAS


Wichita Falls
Ft. Worth
Austin
San Antonio
Houston
Beaumont
OIL
OIL

THE DUKAKIS-BENTSEN P

CUT DEFENSE: Halt production of B-1 Bomber, President Reagan's Strategic Defense Initiative and other key defense, aerospace and high tech projects. Potential loss to Texas: closed defense plants and tens of thousands of lost jobs in San Antonio, Dallas-Ft. Worth, Houston, El Paso, and across Texas.

HARM OIL & GAS: Oppose oil depletion allowance and other Texas energy needs. Switch away from oil & gas to government-funded energy alternatives. Favor Massachusetts consumer philosophy of holding down energy prices at all costs — putting thousands of Texans out of work in Houston, Beaumont/Port Arthur, West Texas and statewide.

RELEASE CRIMINALS: Dukakis' "Massachusetts Plan" released over 6,500 convicted rapists, murderers and other violent criminals on furloughs. Bentsen has voted against the death penalty, and against more funds to keep criminals behind bars. A Dukakis-Bentsen administration would put thousands of hardened criminals back on the streets of Dallas, Fort Worth, Houston, San Antonio and other Texas cities and towns.

INCREASE TAXES: A year after pledging not to raise taxes, Dukakis enacted the largest tax increase in Massachusetts history: 21%. In the Senate, Bentsen has voted 61 times to *raise* taxes. Having pledged $100 billion in new federal spending and flatly refused to rule out increasing taxes, the Dukakis-Bentsen ticket clearly plans a major increase in federal income taxes on working Texans.

NAVAL CUTS: Kill U.S Navy's Homeport program and cut two planned aircraft carriers. The Dukakis-Bentsen plan to close the Corpus Christi naval homeport would cut 10,000 jobs there alone.

GUN CONTROL: To quote Dukakis, "I don't believe in people owning guns, only police and military." The Dukakis-Bentsen vision of America would confiscate the guns of more than 2 million Texas sportsmen.

AMNESTY FOR ALIENS: By offering amnesty to illegal aliens, the Dukakis-Bentsen plan would encourage the flow of hundreds of thousands more illegal aliens across Texas' southern border. Bentsen also voted to give Social

BUSH FOR PRESIDENT. BO
THE RIGHT TE

Paid for by Texans fo

9504367424 2

PLAN: IMPACT ON TEXAS

Security benefits to illegal aliens: one more taxpayer-funded subsidy to lure an ever-increasing tide of cheap labor across the border. The result? Higher taxes, more strain on Texas schools and fewer jobs for Texans.

INCREASE SPENDING: Add $100 billion a year in new taxpayer-funded spending for welfare, health care and housing for the homeless. In Massachusetts, Dukakis instituted the steepest increase in the rate of government spending of any state governor in U.S. history. Dukakis-Bentsen claim they will do for Texas what Dukakis did for Massachusetts: more tax increases to support new welfare programs.

ATTACK ON AGRICULTURE: The Dukakis-Bentsen plan for farmers and ranchers? Switch to growing things like "flowers or Belgian endives." No friend of the Texas farmer or rancher, Bentsen has supported grain embargoes, tighter farm credit and cargo preference legislation increasing the cost of shipping Texas agriculture products to foreign markets. The outlook: no help from a Dukakis-Bentsen administration for the troubled farmers, cotton growers and ranchers of the High Plains, East and Central Texas, and the Rio Grande Valley.

EXPAND BIG GOVERNMENT: In Massachusetts, Dukakis increased state employees by 13% and hiked the state payroll 64.5%. The Dukakis-Bentsen Plan calls for 21,000 new IRS agents to extract billions more from Texas taxpayers. They also pledge to expand the EPA, OSHA and other regulatory bureaucracies, adding more red tape for over-regulated Texas businesses.

THREATEN SOCIAL SECURITY: The new Dukakis-Bentsen catastrophic illness plan will cost every Texas senior citizen on Medicare as much as $1,000 per year. Plus, Bentsen voted to give Social Security benefits to illegal aliens. The net result: a serious threat to Social Security benefits for Texas retirees.

SOFT ON DRUGS: The Dukakis-Bentsen ticket favors reducing penalties for drug offenders. Dukakis and Bentsen also oppose the death penalty for major drug traffickers who deal death to Texas children every day.

ULTER FOR U.S. SENATE.
AM FOR TEXAS.

r Beau Boulter

A STUDY IN

	DUKAKIS-BENTSEN
Oppose federal tax increases?	NO
Cut national defense?	YES
Support gun control?	YES
Death penalty for drug traffickers?	NO
Add $100 billion in social spending?	YES
Allow prayer in schools?	NO
Amnesty for illegal aliens?	YES
Taxpayer funding for abortions?	YES
Reduce penalties for drug offenders?	YES
Oil depletion allowance to boost Texas economy?	NO

9504367424

CONTRASTS

BUSH-BOULTER

	YES
	NO
	NO
	YES
	NO
	YES
	NO
	NO
	NO
	YES

BEAU Boulter
FOR U.S. SENATE

Texans For Beau Boulter
15110 Dallas Parkway, Suite 216
Dallas, TX 75240

"We need to elect Beau Boulter, who has been a strong and supportive voice in the Congress, fighting for our policies. With your support, he'll beat the odds. Winning the Senate for President George Bush is a must."

— President Ronald Reagan

"I would love to give Phil Gramm some help in the U.S. Senate by electing Beau Boulter our next Senator."

— Vice President George Bush

"With his congressional experience and legislative track record, there is no doubt. Beau Boulter will make an outstanding U.S. Senator."

— U.S. Senator Phil Gramm

Congressman Beau Boulter.
A proven record cutting $110 billion in wasteful spending.

Congressman Beau Boulter.
Tough new policies for America's war on drugs.

Congressman Beau Boulter.
Proven leadership against Washington special interests.

Congressman Beau Boulter.
The one candidate for Senator who really wants to *be* our Senator.

9 5 0 4 3 6 7 4 2 4 6

YES

9 5 0 4 3 6 7 4 2 4 7

EXHIBIT 2

09/26/88

NEWSLETTER LIST

SOURCE	FILE	LIST	COUNT
AAA	ART	*Associated Republicans of Texas	667
ABY	CBBFIELD	*Campaign 88 Field Staff	28
AAU	ENDORSE	*City Official Endorsements	188
ABP	COMMSO	*Committee of 50	79
AAG	OVERM	*Contributors over $1000	184
AAB	CC	*County Coordinators	492
AAM	CCHAIR	*Democratic County Chairs	254
AAC	FTWHOST	*Fort Worth Hosts	99
ABJ	FEDITOR	*Friendly Editors	195
AAD	HCV	*Harris County Volunteers	1317
ABC	HCENCLUB	*Hispanic Century Club	55
ABA	HISPRES	*Hispanic President's Council	28
AAQ	HB&PMC	*Houston Bus & Prof Men's Club	57
ABH	INSTATE	*Instate Press	1249
AAS	JACKSON	*Isaac Jackson List	56
AAE	LABOR	*Labor	226
AAW	WHITE	Mark White Contributors Travis Co	717
ABX	MISCNL	*Miscellaneous Newsletter List	18
ABK	NEWS	*News Media	29
AAF	BLKTXNS	Outstanding Black Texans	64
ACO	PACS	PAC Contributors	1046
ABI	POLPRESS	*Political Press	91
ABN	R&ICOMM	*Republican & Independent Committee	18
AAR	REPCHAIR	Republican County Chairs	239
AAH	RSCC	Republican Senatorial Campaign Comm	440
AAY	REP&IND	*Republicans & Independents	79
ABB	SAHJSCC	San Antonio Hispanic Chamber of Com	21
AAI	SAHOST	San Antonio Hosts	29
AAJ	ATLAS	*Scott Atlas List	188
ABF	SHERIFF	Sheriffs - Endorsements Only	254
AAK	SOUTHTX	*South Texas Elected Officials	25
AAL	SDEC	*State Democratic Executive Comm	81
AAV	STWVOL	*Statewide Volunteers	601
ABS	SCINPUT	*Steering Committee Input	126
ABL	STEERCT	*Steering Committees	1305
ABR	TBLCONG	*Texas Black Leadership Congress	44
ABZ	TXELEC	*Texas Elected Officials	8
AAN	HOUSE	*Texas House Democrats	93
AAP	TXLOBBY	*Texas Lobbyists	173
AAO	SENATE	*Texas Senate Democrats	27
AAX	TRAVISCO	Travis County Contributors	875
*** Total ***			11765

95043674248

EXHIBIT 3

9 5 0 4 3 6 7 4 2 4 9

$1,755.32
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

4/7

PAYEE: Xerox

ADDRESS: P.O. Box 25177
Santa Ana, Ca
92799-5177

FOR: 9-23-88 Newsletter

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
5291	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9 5 0 4 3 6 7 4 2 4 0

X0001

Customer Information

XEROX CORPORATION
REPRODUCTION CENTER
7810 JONES MALTSBERG
PARK CENTRAL BUS PK
SAN ANTONIO TX 78216
Telephone 512-821-6688
Direct Billing Inquiries To:

Ship To

660533274 Customer No.
136162585 Invoice No.
09/30/88 Invoice Date

Purchase Order No.
09/23/88 Date.
GSA Contract No.

X283392 Xerox Order No.
09/23/88 Date Proc.
Registration No.

8925782806 Special Reference No.
Tax
PAYABLE ON RECPT Terms of Sale

Bill To
SENATOR BENSON
CAMPAIGN HEADQUARTER
1402-A NUECES
AUSTIN, TX
78701

BENSEN

Master Order No.

5/7

ATTN: MS. LINDA ROGERS
9/23/88 NEWSLETTER

Reorder No.	Description	Quantity Ordered	Quantity Shipped	Unit Price	Amount
XRC800230	XEROX DUPLICATING	34400	34400	.025	860.00
XRC839230	STITCHING	8600	8600	.029	249.40
XRC835330	HAND FOLDING	8600	8600	.060	516.00

	SUB TOTAL	$1,625.40
TEXAS	TAX 6.0000%	97.52
LOCAL TAX	TAX 1.0000%	16.25
AUSTIN	TAX 1.0000%	16.25
	INVOICE TOTAL	$1,755.42

Invoice 9504312 5 1

X0001

EXHIBIT 4

9 5 0 4 3 6 7 4 2 5 2

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
DEPOSIT	2289.88	0.00	2289.88

DATE
8/04/88

CHECK NUMBER
002301

5232

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P O BOX 51202
HOUSTON, TEXAS 77206

P O Box
Houston, Texas

002301

CHECK NO

TWO THOUSAND TWO HUNDRED EIGHTY NINE DOLLARS AND 88/CENTS

PAY TO THE ORDER OF

Hyatt Regency
208 Barton Springs
Austin, Texas 78704

DATE 8/4/88 AMOUNT ****2289.88

NON NEGOTIABLE

9504374253

SENATOR LLOYD BENTSEN

002453

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
B-008650	297.93	0.00	297.93

DATE
08/26/88

CHECK NUMBER
002453

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002453

CHECK NO.
002453

** TWO HUNDRED NINETY SEVEN DOLLARS AND 93/CENTS **

DATE
08/26/88

AMOUNT
******297.93

Hyatt Regency
208 Barton Springs
Austin, TX 78704-

NON-NEGOTIABLE

Mrs Phil Hankook

⑈002453⑈ ⑆113000609⑆ 075⑈8532⑈

003006

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
DEPOSIT FOR NY LUNCHEON	2500.00	0.00	2500.00

DATE

9/1/88

CHECK NUMBER

003006

0053
0107 51222

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O Box 2558
Houston, Texas 77252

35-60
1130

003006

CHECK NO.

*** TWO THOUSAND FIVE HUNDRED DOLLARS AND 00/CENTS *******

PAY TO THE ORDER OF

Tavern on the Green
Central Park at West 67th. Street
New York, NY 10023

DATE AMOUNT
9/1/88 ***** $2500.00

NON-NEGOTIABLE

Marlin Lambert

⑈003006⑈ ⑆113000609⑆ 075⑈8532⑈

95 0 4 6 7 4 2 5 5

9 5 0 4 3 6 7 4 2 5 6

003756

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
REIMB/FR	33.96	0.00	33.96

DATE
11/18/88

CHECK NUMBER
003756

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

3560
1130

003756

CHECK NO.
003756

** THIRTY THREE DOLLARS AND 96/CENTS **

DATE
11/18/88

AMOUNT
*******33.96

PAY TO THE ORDER OF

Cynthia Friedman Associates
322 Massachusetts Ave.,N.E.
Washington, DC 20002-

NON-NEGOTIABLE

⑈003756⑈ ⑆113000609⑆ 075⑈8532⑈

003039

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
REIMBURS	252.96	0.00	252.96

DATE
10/14/88

CHECK NUMBER
003039

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003039

CHECK NO.
003039

** TWO HUNDRED FIFTY TWO DOLLARS AND 96/CENTS **

DATE
10/14/88

AMOUNT
******252.96

THE
RDER
F

Cynthia Friedman Associates
322 Massachusetts Ave.,N.E.
Washington, DC 20002-

NON-NEGOTIABLE

⑈003039⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 5 7

9 5 0 4 3 6 7 4 2 5 8

SENATOR LLOYD BENTSEN

002722

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
REIM, NEW YORK FUNDRAISER	4898.87	0.00	4898.87

DATE

9/22/88

CHECK NUMBER

002722

0108

0059

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

3560
1130

002722

CHECK NO.

** FOUR THOUSAND EIGHT HUNDRED NINETY EIGHT DOLLARS AND 87/CENTS *****

PAY TO THE ORDER OF

Cynthia Friedman Associates
322 Massachusetts Avenue, NE
Washington, DC 20002

DATE AMOUNT

9/22/88 *** 4898.87

NON-NEGOTIABLE

Mrs Lloyd Bentsen

⑈002722⑈ ⑆113000609⑆ 075⑈8532⑈

002399

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
SERVICES	3000.00	0.00	3000.00

DATE
8/17/88
CHECK NUMBER
002399

0013

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002399

CHECK NO.

*** THREE THOUSAND DOLLARS AND 00/CENTS*****

PAY TO THE ORDER OF

Cynthia Friedman Associates
322 Massachusetts Avenue, NE
Washington, DC 20002

DATE AMOUNT
8/17/88 ***** $ 3,000.00

NON-NEGOTIABLE

⑈002399⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 5 9

002677

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
SERVICES	1500.00	0.00	1500.00

DATE
09/16/88

CHECK NUMBER
002677

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O Box 2558
Houston, Texas 77252

35-60
1130

002677

CHECK NO.
002677

** ONE THOUSAND FIVE HUNDRED DOLLARS AND 00/CENTS **

DATE
09/16/88

AMOUNT
*****1500.00

PAY TO THE ORDER OF

Cynthia Friedman Associates
322 Massachusetts Ave.,N.E.
Washington, DC 20002-

NON-NEGOTIABLE

⑈002677⑈ ⑆113000609⑆ 075⑈8532⑈

9504367426 0

9 5 0 4 3 6 7 4 2 6 1

SENATOR LLOYD BENTSEN

002523

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
SERVICES	3000.00	0.00	3000.00

DATE
09/02/88

CHECK NUMBER
002523

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002523

CHECK NO.
002523

** THREE THOUSAND DOLLARS AND 00/CENTS **

DATE
09/02/88

AMOUNT
*****3000.00

PAY TO THE ORDER OF

Cynthia Friedman Associates
322 Massachusetts Ave.,N.E.
Washington, DC 20002-

NON-NEGOTIABLE

⑈002523⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 6 2

SENATOR LLOYD BENTSEN

002721

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
SERVICES	1129.29	0.00	1129.29

DATE

9/22/88

CHECK NUMBER

002721

0107

0058

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002721

CHECK NO.

*** ONE THOUSAND ONE HUNDRED TWENTY NINE DOLLARS AND 29/CENTS *******

PAY TO THE ORDER OF

Patrick R. C. Dorinson
355 Buena Vista Avenue
East, Apt. 101W
San Francisco, CA 94117

DATE AMOUNT

9/22/88 **** $1129.29

NON-NEGOTIABLE

Mister Clamhot

⑈002721⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 6 3

003280

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
REIM. LA FUNDRAISER	65.10	0.00	65.10

DATE
10/24/88

CHECK NUMBER
003280

#5129

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

36-60
1130

003280

CHECK NO.

******* SIXTY FIVE DOLLARS AND 00/CENTS ******

PAY TO THE ORDER OF

Patrick R. C. Dorinson
620 Congress, Suite 300
Austin, Texas 78701

DATE 10/24/88

AMOUNT ****$65.10

NON-NEGOTIABLE

Mrs Sue Westbrook

⑈003280⑈ ⑆113000609⑆ 075⑈8532⑈

001957

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
INVITAT1	795.00	0.00	795.00

DATE
06/16/88

CHECK NUMBER
001957

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

001957

CHECK NO.
001957

** SEVEN HUNDRED NINETY FIVE DOLLARS AND 00/CENTS **

DATE 06/16/88 AMOUNT ******795.00

PAY TO THE ORDER OF

City Duplicating Center, Inc.
1617 Eye Street, N.W.
Washington, DC 20006-

NON-NEGOTIABLE

⑈001957⑈ ⑆113000609⑆ 075⑈8532⑈

9504367426 4

9 5 0 4 3 6 7 4 2 6 5

SENATOR LLOYD BENTSEN

002936

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
PARKING	843.00	0.00	843.00

DATE
10/07/88

CHECK NUMBER
002936

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002936

CHECK NO.
002936

XXX ** EIGHT HUNDRED FORTY THREE DOLLARS AND 00/CENTS **
XXX

DATE
10/07/88

AMOUNT
******843.00

PAY TO THE ORDER OF

Chuck Pick
13437 Ventura Blvd., #218
Sherman Oaks, CA 91423-

NON-NEGOTIABLE

⑈002936⑈ ⑆113000609⑆ 075⑈8532⑈

002734

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
RE913/21	335.58	0.00	335.58

DATE
09/23/88

CHECK NUMBER
002734

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

3540
1130

002734

CHECK NO.
002734

** THREE HUNDRED THIRTY FIVE DOLLARS AND 58/CENTS **

DATE 09/23/88 AMOUNT ******335.58

PAY TO THE ORDER OF

Gay T. Erwin
#3 Jeffery Cove
Austin, TX 78746-

NON-NEGOTIABLE

⑈002734⑈ ⑆113000609⑆ 075⑈8532⑈

9504367426

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
MAILING	8439.73	0.00	8439.73

DATE
10/01/88

CHECK NUMBER
002828

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P O Box 2558
Houston, Texas 77252

35-60
1130

002828

CHECK NO.
002828

** EIGHT THOUSAND FOUR HUNDRED THIRTY NINE DOLLARS AND 73/CENTS **

DATE 10/01/88 AMOUNT *****8439.73

PAY TO THE ORDER OF

JMH Printing Company
721 West Tarrant Road
Grand Prairie, TX 75050-

NON-NEGOTIABLE

Mrs Bea Bentsen

⑈002828⑈ ⑆113000609⑆ 075-8532⑈

9504374207

002746

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
10773374	63.06	0.00	63.06

DATE
09/23/88

CHECK NUMBER
002746

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002746

CHECK NO.
002746

** SIXTY THREE DOLLARS AND 06/CENTS **

DATE
09/23/88

AMOUNT
*******63.06

PAY TO THE ORDER OF

PIP Printing
711 Lamar Street
Fort Worth, TX 76102-

NON-NEGOTIABLE

⑆002746⑈ ⑆113000609⑆ 075⑈8532⑈

002542

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
10773333	97.28	0.00	97.28

DATE
09/02/88

CHECK NUMBER
002542

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002542

CHECK NO.
002542

** NINETY SEVEN DOLLARS AND 28/CENTS **

DATE
09/02/88

AMOUNT
*******97.28

PAY TO THE ORDER OF

PIP Printing
711 Lamar Street
Fort Worth, TX 76102-

NON-NEGOTIABLE

⑈002542⑈ ⑆113000609⑆ 075⑈8532⑈

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
DALLAS	1000.00	0.00	1000.00

DATE
10/01/88

CHECK NUMBER
002852

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-66
1130

002852

CHECK NO.
002852

** ONE THOUSAND DOLLARS AND 00/CENTS **

DATE
10/01/88

AMOUNT
*****1000.00

PAY TO THE ORDER OF

Red Coleman Liquor
2030 Empire Central Drive
Dallas, Tx

NON-NEGOTIABLE

⑈002852⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 5 7 4 2 7 0

002765

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
ENTERTAINMENT	500.00	0.00	500.00

DATE

9/23/88

CHECK NUMBER

002765

E0016 mew

51131

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

3540
1130

002765

CHECK NO.

*** FIVE HUNDRED DOLLARS AND 00/CENTS *********

DATE AMOUNT

9/23/88 ****** $500.00

PAY TO THE ORDER OF

Ed Bernet Entertainment
7027 Twin Hills Avenue
Dallas, Texas 75231

NON-NEGOTIABLE

⑈002765⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 / 1

002710

SENATOR LLOYD BENTSEN

INVOICE NO.		AMOUNT	DISCOUNT	NET AMT.
	Postage for Dallas Fundraiser	2,904.00		

DATE

CHECK NUMBER

0106

0057

#51193

4001 new

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002710

CHECK NO.

***** TWO THOUSAND NINEHHUNDRED FOUR AND no/100 *****

PAY TO THE ORDER OF

U.S. Postmaster
328 W. Pipeline
Hurst, Texas 76053

DATE 9/16/88

AMOUNT $2,904.00

NON-NEGOTIABLE

Mrs Lee Bentsen

⑈002710⑈ ⑆113000609⑆ 079⑈8532⑈

9 5 0 4 3 6 7 4 2 / 3

SENATOR LLOYD BENTSEN

003325

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
25506	1866.78	0.00	1866.78

DATE
10/28/88

CHECK NUMBER
003325

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P O Box 2558
Houston, Texas 77252

35-60
1130

003325

CHECK NO.
003325

** ONE THOUSAND EIGHT HUNDRED SIXTY SIX DOLLARS AND 78/CENTS **

DATE 10/28/88 AMOUNT *****1866.78

PAY TO THE ORDER OF

Freeman Decorating Company
Post Office Box 650036
Dallas, TX 75265-0036

NON-NEGOTIABLE

Mrs Lee Cranford

⑈003325⑈ ⑆113000609⑆ 075-8532⑈

9 5 0 4 3 6 7 4 2 / 4

SENATOR LLOYD BENTSEN

003208

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
PHOTOS	320.00	0.00	320.00

DATE
10/21/88

CHECK NUMBER
003208

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003208

CHECK NO.
003208

** THREE HUNDRED TWENTY DOLLARS AND 00/CENTS **

DATE 10/21/88 ****** AMOUNT 320.00

PAY TO THE ORDER OF
Smith/Garza Photography
Post Office Box 565046
Dallas, TX 75207-

NON-NEGOTIABLE

⑈003208⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 / 5

003119

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
REIM.	64.82	0.00	64.82
REIMBURS	35.39	0.00	35.39

DATE
10/14/88

CHECK NUMBER
003119

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003119

CHECK NO.
003119

** ONE HUNDRED DOLLARS AND 21/CENTS **

DATE
10/14/88

AMOUNT
******100.21

PAY TO THE ORDER OF

Dorothy Wing
1400 Texas American Bank Bldg.
Fort Worth, TX 76102-3708

NON-NEGOTIABLE

⑈003119⑈ ⑆113000609⑆ 075⑈8532⑈

003010

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
INVITATIONS	12,668.40	0.00	12,668.40

DATE
9/7/88

CHECK NUMBER
003010

0054
0108 50039

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003010

CHECK NO.

TWELVE THOUSAND SIX HUNDRED SIXTY EIGHT DOLLARS AND 40/CENTS ****

PAY TO THE ORDER OF

Speciality Business Forms
9440 Kirby Drive
Houston, Texas 77054

DATE 9/7/88 ****** AMOUNT $12,668.40

NON-NEGOTIABLE

⑈003010⑈ ⑆113000609⑆ 075⑈8532⑈

U.S. EMPLOYEES CREDIT UNION
P.O. BOX 61172 · HOUSTON, TEXAS 77208 · (713) 223-3105

CASHIERS CHECK
No.

Account	Member Name	Effective Date	Posting Date	Seq. No	Teller

Total	Shares	Balance	Note	Date	Principal	Interest	Balance	Fees

Cash Received	Cash Disbursement	Check Received	Check Disbursement	MS G L	Past Due	Next Due Date

Account Number	Member Name	Date	Amount
		/ /	$

Fundraising event for Senator Lloyd Bentsen
October 7, 1988

Deposit (refundable) 2,000
Rent 3,300

Comments

Received By Or Sent To

DATE OF FIRST PAYMENT	REQUIRED PAYMENT	PAYMENT FREQUENCY	LOAN PAYMENT METHOD

Purpose of Check
☐ SHARE WITHDRAWAL ☐ OPEN-END LOAN ADVANCE ☐ OTHER
☐ NEW LOAN ☐ REFINANCE LOAN

DETACH AND RETAIN FOR YOUR RECORDS

U. S. EMPLOYEES CREDIT UNION
P.O. BOX 61172 · HOUSTON, TEXAS 77208 · (713) 223-3105

SOUTHWEST CORPORATE FCU
FARMERS BRANCH, TEXAS 75234

88 905¹
3119

CASHIERS CHECK
No. 14788

DATE 9/13/88

PAY *** FIVE THOUSAND THREE HUNDRED DOLLARS AND 0 CENTS *** $5,300.00

TO THE ORDER OF CITY OF HOUSTON
RE: SEN LLOYD BENTSEN ELECT COMM.

NOTICE TO MEMBERS
THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY OFFICIAL CHECK OF THIS CREDIT UNION WILL BE REPLACED IN THE EVENT IT IS LOST OR STOLEN

[redacted]

C0043
MW

#68906

003007

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
Deposit on Entertainment for October 7th event	$1000.00		

DATE

CHECK NUMBER

0045
0099

E0014 MED

51131

per phone
from Linda Houston

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O Box 2558
Houston, Texas 77252

35-60
1130

003007

CHECK NO.

***** ONE THOUSAND AND no/100 *****

PAY TO THE ORDER OF

Ed Gerlach Agency
3000 Wesylan, #245
Houston, Texas 77027

DATE	AMOUNT
9/2/88	$1,000.00

NON-NEGOTIABLE

Mrs. Ann Clausen

⑈003007⑈ ⑆113000609⑆ 075⑈8532⑈

95 0 4 5 7 4 2 1 8

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
ENTERTAINMENT Bend	1000.00	0.00	1000.00

DATE

10/07/88

CHECK NUMBER

002960

E0014

51131

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002960

CHECK NO.

***** ONE THOUSAND DOLLARS AND 00/CENTS ******

PAY TO THE ORDER OF

Ed Gerlach Agency
3000 Wesylan, #255
Houston, Texas 77027

DATE	AMOUNT
10/07/88	***** $1,000.00

NON-NEGOTIABLE

Marian Bentsen

⑈002960⑈ ⑆113000609⑆ 075⑈8532⑈

950437427 8

SENATOR LLOYD BENTSEN

003048

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
13387	2136.32	0.00	2136.32

DATE
10/14/88

CHECK NUMBER
003048

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003048

CHECK NO.
003048

** TWO THOUSAND ONE HUNDRED THIRTY SIX DOLLARS AND 32/CENTS **

DATE
10/14/88

AMOUNT
*****2136.32

PAY TO THE ORDER OF

Don Fly Decorating
3406 Audubon
Houston, TX 77006-

NON-NEGOTIABLE

⑈003048⑈ ⑆113000609⑆ 075⑈8532⑈

002684

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
FUNDRAIS	4737.64	0.00	4737.64

DATE
09/16/88

CHECK NUMBER
002684

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

3560
1130

002684

CHECK NO.
002684

** FOUR THOUSAND SEVEN HUNDRED THIRTY SEVEN DOLLARS AND 64/CENTS **

DATE
09/16/88

AMOUNT
****4737.64

PAY TO THE ORDER OF

L.B.I.
123 N. Post Oak Lane, #400
Houston, TX 77024-

NON-NEGOTIABLE

Mrs Lloyd Bentsen

⑈002684⑈ ⑆113000609⑆ 075⑈8532⑈

9504367428 1.

SENATOR LLOYD BENTSEN

003769

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
MISC/EXP	8787.71	0.00	8787.71

DATE
11/18/88

CHECK NUMBER
003769

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston Texas 77252

35-60
1130

003769

CHECK NO.
003769

** EIGHT THOUSAND SEVEN HUNDRED EIGHTY SEVEN DOLLARS AND 71/CENTS **

PAY TO THE ORDER OF

L.B.I.
123 N. Post Oak Lane, #400
Houston, TX 77024-

DATE 11/18/88 AMOUNT *****8787.71

NON-NEGOTIABLE

⑈003769⑈ ⑆113000609⑆ 075⑈8532⑈

TELEPHONE:	TSI, Inc. (equipment rental)	220.71
	Southwestern Bell Telephone	289.14
	MCI Prism-III	34.56
FUNDRAISER:	River Oaks Country Club (9/8/88)	937.41

LAN BENTSEN INTERESTS
123 N. POST OAK LANE, SUITE 400 / HOUSTON, TEXAS 77024 / (713) 681-2117

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
ENTERTAINMENT	345.60	0.00	345.60

DATE

10/07/88

CHECK NUMBER

002961

Bound Septem 50 Brown

51131

50049 MW

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

002961

CHECK NO.

*** THREE HUNDRED FORTY FIVE DOLLARS AND 60/CENTS ******

DATE AMOUNT

10/07/88 ******$345.60

PAY TO THE ORDER OF

Swank
1001 Convention center blvd.
Houston, Texas 77010

NON-NEGOTIABLE

Mrs Lee Chambers

⑈002961⑈ ⑆113000609⑆ 075-6532⑈

9 5 0 4 3 7 4 2 8 3

9 5 0 4 3 6 7 4 2 8 4

SENATOR LLOYD BENTSEN

003331

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
BILL	29.99	0.00	29.99

DATE
10/28/88

CHECK NUMBER
003331

Thanks

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

39-80
1130

003331

CHECK NO.
003331

** TWENTY NINE DOLLARS AND 99/CENTS **

DATE 10/28/88 ******* AMOUNT 29.99

PAY TO THE ORDER OF

Linda Hunsacker
4605 Post Oak Place Dr.ste.219
Houston, TX 77027-

NON-NEGOTIABLE

Mirlan Clearbrook

⑈003331⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 8 5

SENATOR LLOYD BENTSEN

003207

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
1831	7903.90	0.00	7903.90

DATE
10/21/88

CHECK NUMBER
003207

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P O Box 2558
Houston, Texas 77252

35-60
1130

003207

CHECK NO.
003207

** SEVEN THOUSAND NINE HUNDRED THREE DOLLARS AND 90/CENTS **

DATE 10/21/88 AMOUNT *****7903.90

PAY TO THE ORDER OF
Service America Corporation
1001 Convention Center Blvd.
Houston, TX 77010-

NON-NEGOTIABLE

⑈003207⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 8 6

SENATOR LLOYD BENTSEN

002884

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
	9414.63	0.00	9414.63

DATE

10/04/88

CHECK NUMBER

002884

50045 mew

51132

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P O Box 2858
Houston, Texas 77252

38-60
1130

002884

CHECK NO.

***** NINE THOUSAND FOUR HUNDRED AND FOURTEEN DOLLARS AND 63/CENTS ******

DATE AMOUNT

10/04/88 ***** 9414.63

Service America Corp
1001 Convention Center Blvd.
Houston, Texas 77010

NON-NEGOTIABLE

Mrs. Ann Cockrell

⑈002884⑈ ⑆113000609⑆ 075-8532⑈

9 5 0 4 3 6 7 4 2 8 7

SENATOR LLOYD BENTSEN

002962

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.

DATE

CHECK NUMBER

Balance for van
See Brown receipt.

50045

51132

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O Box 2558
Houston, Texas 77252

33-60
1130

002962

CHECK NO.

Fourteen thousand Eighty-two and 58/100

PAY TO THE ORDER OF
Service America Corp.
PO Box 61309
Houston Tx 77208

DATE 10/7/88

AMOUNT $14,082.58

NON-NEGOTIABLE

Martha Clewbow

⑈002962⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 8 8

002883

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
	$10.38	0.00	312.53

DATE
10/04/83

CHECK NUMBER
002883

50045 new

57132

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

36-60
1130

002883

CHECK NO.

****** THREE HUNDRED TWELVE DOLLARS AND 53/CENTS **********

DATE AMOUNT

10/04/88 ******312.53

PAY TO THE ORDER OF
Service America Corp.
1001 Convention Center Blvd.
Houston, Texas 77010

NON-NEGOTIABLE

Mrs Lee Clairborn

⑈002883⑈ ⑆113000609⑆ 075⑈8532⑈

SENATOR LLOYD BENTSEN

003714

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
	.75	0.00	3433.75

DATE
11/15/88

CHECK NUMBER
003714

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003714

CHECK NO.
003714

** THREE THOUSAND FOUR HUNDRED THIRTY THREE DOLLARS AND 75/CENTS **

DATE 11/15/88 AMOUNT *****3433.75

PAY TO THE ORDER OF

Radisson Plaza Hotel
700 San Jacinto
Austin, TX 78701-

NON-NEGOTIABLE

⑈003714⑈ ⑆113000609⑆ 075⑈8532⑈

9504742889

9 5 0 4 3 6 7 4 2 9 0

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003714

CHECK NO.
003714

** THREE THOUSAND FOUR HUNDRED THIRTY THREE DOLLARS AND 75/CENTS **

DATE 11/15/88

AMOUNT *****3433.75

PAY TO THE ORDER OF

Radisson Plaza Hotel
700 San Jacinto
Austin, TX 78701-1

⑆113000609⑆ 075⑈8532⑈

⑈0000343375⑈

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
86407	230.59	0.00	230.59
86408	809.37	0.00	809.37

DATE
11/28/88

CHECK NUMBER
003799

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O Box 2558
Houston, Texas 77252

35-80
1130

003799

CHECK NO.
003799

** ONE THOUSAND THIRTY NINE DOLLARS AND 96/CENTS **

DATE 11/28/88 AMOUNT *****1039.96

PAY TO THE ORDER OF

Dorali Services, Inc.
Post Office Box 33
Hurst, TX 76053-

NON-NEGOTIABLE

⑈003799⑈ ⑆113000609⑆ 075⑈8532⑈

9 5 0 4 3 6 7 4 2 9 2

SENATOR LLOYD BENTSEN

003282

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
FT. WORTH FUNDRAISER	1427.88	0.00	1427.88

DATE

10/24/88

CHECK NUMBER

003282

Woods new

#51132

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003282

CHECK NO.

****** ONE THOUSAND FOUR HUNDRED TWENTY SEVEN DOLLARS AND 88/CENTS *****

PAY TO THE ORDER OF

Worthington Hotel
200 Main Street
Fort Worth, Texas

DATE

10/24/88

AMOUNT

****$1,427.88

NON-NEGOTIABLE

Mrs. Lee Clamboch

⑈003282⑈ ⑆113000609⑆ 075⑈8532⑈

003611

SENATOR LLOYD BENTSEN

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
I	10.00	0.00	10.00

DATE
11/04/88

CHECK NUMBER
003611

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

3860
1130

003611

CHECK NO.
003611

** TEN DOLLARS AND 00/CENTS **

DATE
11/04/88

AMOUNT
*******10.00

PAY TO THE ORDER OF
Dorothy Wing
1400 Texas American Bank Bldg.
Fort Worth, TX 76102-3708

NON-NEGOTIABLE

⑈003611⑈ ⑆113000609⑆ 075⑈8532⑈

9504367429 3

SENATOR LLOYD BENTSEN

003738

INVOICE NO.	AMOUNT	DISCOUNT	NET AMT.
NAMETAGS	21.37	0.00	21.37

DATE
11/15/88

CHECK NUMBER
003738

SENATOR LLOYD BENTSEN
ELECTION COMMITTEE
P.O. BOX 61202
HOUSTON, TEXAS 77208

TEXAS COMMERCE BANK Houston
P.O. Box 2558
Houston, Texas 77252

35-60
1130

003738

CHECK NO.
003738

** TWENTY ONE DOLLARS AND 37/CENTS **

DATE
11/15/88

AMOUNT
*******21.37

PAY TO THE ORDER OF

Dorothy Wing
1400 Texas American Bank Bldg.
Fort Worth, TX 76102-3708

NON-NEGOTIABLE

⑈003738⑈ ⑆113000609⑆ 075⑈8532⑈

9504367429 4

$ 297 12
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Hyatt Regency Austin
ADDRESS: P.O. Box 2911
Austin, Tx 78769

FOR: County Coordinator Meeting

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
5232	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367 4 2

0013

H0020
check Address

REQUEST FOR PAYMENT

Vendor: Tavern on the Green Acct :

Central Park at West 67th Street

New York, NY 10023 $2500.00

Purpose: Deposit for New York luncheon on September 8, 1988.

Date: August 31, 1988 By: Ann Rowan

SPECIAL INSTRUCTIONS:

PLEASE FEDERAL EXPRESS TO THE ATTENTION OF ALLAN KURTZ.

MUST BE RECEIVED BY MORNING OF FRIDAY, SEPTEMBER 2, 1988.

SUE: INVOICE WILL BE PROVIDED AFTER THE EVENT.

T0033

9504367429 6

REQUEST FOR PAYMENT

Vendor: Cynthia Friedman Associates — **Acct :** _____

322 Massachusetts Avenue, NE

Washington, DC 20002 — $33.96

Purpose: Reimbursement of long distance expenses for New York fundraiser, September 8, 1988.

Date: November 14, 1988 **By:** Ann Rowan/Beth Barnard

AR

C0022 #5121

0007

95043674297

Telecopied 10-12-88

REQUEST FOR PAYMENT

Vendor: Cynthia Friedman Associates

322 Massachusetts Avenue, NE

Washington, DC 20002

Acct : _____

$252.96

Purpose: Reimbursement of long distance and shipping expenses for New York fundraiser, September 8, 1988 .

Date: October 11, 1988 By: Ann Rowan/Beth Barnard

Approved by Ann Rowan per phone 10/11/88 BJB

PLEASE MAIL THIS WEEK.

95043674298

REQUEST FOR PAYMENT

Vendor: Cynthia Friedman Associates

322 Massachusetts Avenue, NE

Washington, DC 20002

Acct :

$4898.87

Purpose: Reimbursement of out of pocktet expenses for New York fundraiser, September 8, 1988, including catering at Tavern on the Green.

Date: September 19, 1988 By: Ann Rowan/Beth Barnard

U.P.S.

PLEASE PAY SO CHECK IS RECEIVED BY FRIDAY 9-23-88

51222
C0022

95043674299

REQUEST FOR PAYMENT

Vendor: Cynthia Friedman Associates Acct :
322 Massachusetts Avenue, NE
Washington, DC 20002 $3000.00

Purpose: Initial payment for services due upon execution of letter of agreement. See copy attached.

Date: August 15, 1988 By: Ann Rowan/Beth Barnard

MAY BE MAILED REGULAR MAIL.

C0022

5121

9504367430 0

AR

REQUEST FOR PAYMENT

Vendor: Cynthia Friedman Associates — **Acct :** _____

322 Massachusetts Avenue, NE

Washington, DC 20002 — $1500.00

Purpose: Final payment for services due September 8, 1988 per letter of agreement. See copy attached.

Date: September ~~8~~ 14, 1988 **By:** Ann Rowan/Beth Barnard

10022
5121

9504367430 1

REQUEST FOR PAYMENT

Vendor: Cynthia Friedman Associates

322 Massachusetts Avenue, NE

Washington, DC 20002

Acct : _____

$3000.00

Purpose: Second payment for services due August 30, 1988 per letter of agreement. See copy attached.

Date: August 22, 1988 **By:** Ann Rowan/Beth Barnard

C0022 0015

#5121

9504367430 2

REQUEST FOR PAYMENT

Vendor: Patrick R. C. Dorinson
355 Buena Vista Avenue
East Apt 101W
San Francisco, CA 94117

Acct : _____

$1129.29

Purpose: Consulting fee, car rental, airline fare for Los Angeles fundraiser, September 9, 1988.

Date: September 19, 1988 **By:** Ann Rowan

See attached for approval by Ann Rowan.

PLEASE PAY SO PAT RECEIVES CHECK BY FRIDAY 9-23-88.

5121 = 750.00
5128 379.29

1129.29

D0015

9504367430 3

REQUEST FOR PAYMENT

Vendor: Patrick R. C. Dorinson
Suite 300
620 Congress
Austin, TX 78701

Acct : _____

$65.10

Purpose: Reimburse long distance for Los Angeles fundraiser, September 9, 1988.

Date: October 24, 1988 By: Ann Rowan

See attached note from Ann Rowan.

Please pay ASAP. Note: This is a temporary address for Pat Dorinson.

COPY OF BACKUP FOR CHECK REQUEST "FAXED" EARLIER THIS WEEK

9504367430 4

To Sue
From Beth

REQUEST FOR PAYMENT

Vendor: City Duplicating Center Inc. Acct : 51223

1617 Eye Street, N.W.

Washington, DC 20006 $795.00

Purpose: Los Angeles Invitations. Check is needed to pick up invitations which will be ready for pick up on Friday, June 17. Please send check to us and we will deliver when we pick up the invitations. Invoice will be forwarded to you for your records at that time.

Date: June 15, 1988 By: Beth Barnard for Ann Rowan

10027
0007

Send to Beth by Friday

9504367430 5

REQUEST FOR PAYMENT

Vendor: Chuck Pick

13437 Ventura Blvd., #218

Sherman Oaks, CA 91423

Acct : 51221

$843.00

Purpose: Parking attendants for LA fundraiser, September 9, 1988

Date: September 30, 1988

By: Ann Rowan

AR

PV018 mw

9504367430 6

$ 8,439 23
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: JMH Printing Company, Inc.
ADDRESS: P.O. Box 530797
Grand Prarie, Tx 75053

FOR:

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
51133	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367413 01

J0008

FAX TRANSMITTAL SHEET

TO: Linda Rogers

FAX#: 512/322-0311

FROM: Dorothy C. Wing

FAX#: 817/334-0078

RE: Dallas Fundraiser Invitations

TOTAL PAGES, INCLUDING TRANSMITTAL SHEET: 2

MESSAGE: The following page is the bill for the Dallas fundraiser invitations, including

1) outside envelope

2) return envelopes

3) ticket order form

4) invitation

DON'T HAVE A CARDIAC ARREST. There will be two more bills. One for printing 5,000 more invitations to accomodate extra lists and one for printing the tickets to the event.

Also-- can you find where I fax'd or sent you a bill for $103 for Pete's travel to Austin on Sept. 7 & 8th? I can't find a copy of ever having sent it to you and it is showing unpaid on our travel agency statement. Let me know.

9504367430 8

$ 63 06
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: PiP Printing
ADDRESS: 711 Lamar St.
Fort Worth Tx. 76102

FOR: Dallas Fundraiser

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
31133	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

95043367409

P00116

0026

$ 97.25
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: PIP

ADDRESS: 711 Lamar St.
Fort Worth, Tx 76102

FOR: Labels & letter head

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
51133	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367430

Poof+ new P0016
0034

$ 1000.00
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Red Coleman Lipin

ADDRESS: 2030 Empire Central Dr
Dallas

FOR: Dallas Fundraiser
Meals

DELIVERY: Meet & Greet

REQUESTED BY: [illegible] DATE: /

PURCHASE APPROVED BY: [illegible] DATE: /

PAYMENT APPROVED BY: [illegible] DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
51132	
Net Check Amount	

DATE PAID:
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367

9/28/88

Blaine:

Millie called in with the following request:

Please approve for payment.

Sue

43112

$1000.00
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Red Coleman Legal
ADDRESS: 2032 Tapie Creek Dr
Dallas

FOR: Dallas Fundraiser
Dallas

DELIVERY:
Mail to Millie

REQUESTED BY: Millie Bruner DATE: 9 /28

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
	1000.00
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: 6
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

$ 2904
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: U S Postmaster

ADDRESS:

FOR: Direct Fundraising

DELIVERY: Dorsey Mail Inc
328 W. Pipeline
Hurst 76053

REQUESTED BY: Linda R DATE: 8/16

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
	2904
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367431 3

$ 320.00
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Smith / Garza Photography
ADDRESS: P.O. Box 565046
Dallas, TX 75207

FOR: Infournat 10/6/88

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
51131	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367434

See Bob Smith

50051

$12,668.40
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Speciality Business Forms

ADDRESS: 9440 Kirby Drive

Houston, Texas 77054

FOR: Invitation to Houston Fundraiser/ Committee 50
25,000 invites, donation cards, return envelopes, Delivered partially 8/6, and totally complete 8/8.

DELIVERY:

to Campgn. 88 and Financial Office on Post Oak.

REQUESTED BY: [signature] DATE: 8/7

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
51133	12,668.40
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367431 5

$ 1000.00
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE:

ADDRESS:

FOR:

Bent

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
	1000.00
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367431 6

$ 315.60
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Swank

ADDRESS: 1001 Convention Center Blvd
Houston 77010

FOR:

DELIVERY:

REQUESTED BY: Scott Oates DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
	315.60
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

95043617

$3433.75
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Radisson Plaza Hotel
ADDRESS: 700 San Jacinto
Austin, Tx 78701

FOR: Fundraiser

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
51132	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9 5 0 4 3 6 7 4 3 1 8

R0029
MUD

$809.37
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Dorali Services
ADDRESS: P.O. Box 33
Hurst, TX 76053

FOR: Invitation for Reception

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
5294	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9504367431 2

D0038
MW

142788

$ [illegible]
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Worthington Hotel
ADDRESS: 200 Main St
Ft Worth

FOR:

DELIVERY: DOROTHY WING
c/o Blum + Green
1400 Tx Am. Bank Bldg
REQUESTED BY: Ft. Worth DATE: /
76102

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
Ft Worth Jane Raines	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9 5 0 4 3 6 7 4 3 2

Must Have

These Checks are need to Be cut + in Austin or Ft. Worth Ted.

HYATT REGENCY AUSTIN

STATEMENT

N TOWN LAKE

8 BARTON SPRINGS
STIN, TEXAS 78704 USA
2 477-1234

Payment shall be made immediate receipt of statement.

Country Co-ordinator
Thanks

SENATOR LLOYD BENSON
1402 NUECES
AUSTIN, TX 78701
ATTN: LINDA ROGERS
[redacted]

REMIT TO:

HYATT REGENCY AUSTIN
P.O. BOX 2911
AUSTIN, TEXAS 78769

AMOUNT ENCLOSED _____

REFERENCE B-008650 DATE 08-12-88

PLEASE RETURN THIS SECTION WIT YOUR REMITTANCE – THANK YOU!

NCE	DATE	CODE	DESCRIPTION	DEBITS	CREDITS	AMOUNT DUE
	080788	CA	CASH PAYMENT 8/5		2,289.88	
	080788	BQT	LUNCH 8/6	1,963.64		
	080788	BQT	AUDIO VISUAL EQUIP 8/6	336.96		
	080788	BEV	COFFEE,SODAS,BANNER 8/6	287.21		

B-008650 BILLING DATE 08-12-88 BALANCE DUE 297.93

ONS ABOUT YOUR ACCOUNT SHOULD BE DIRECTED TO 512-477-1234 EXT 7185

CHECK NUMBER 015629 | DATE 8/6/88

1	mic		N/C
1	mixer		N/C
1	overhead		33.00
1	screen		25.00
2	25" tv	9700	194.00
1	½" VHS VCR		60.00
			312.00
		TAX	24.96
			336.96
1	mic Hill A-C		N/C

FOLIO NO. | ROOM: Tx 1

ORGANIZATION: Senator Bensen's Election Committee

ADDRESS: 1402 Nueces, Austin 78701

BILLING INSTRUCTIONS: P.I.A.

SIGNATURE X

CONVENTION SERVICE

HYATT REGENCY AUSTIN — CATERING DEPARTMENT

CHECK NUMBER 016335 | DATE 8/6/88

120	lunch @ 12.95 ea.	1554.00
	Serv. Chg	264.18
	Tax	145.46
	Total	1963.64

FOLIO NO. 00509 | ROOM: Hill Country A-C

ORGANIZATION: Senator Bentsen's Election Com.

ADDRESS:

BILLING INSTRUCTIONS: P.I.A.

SIGNATURE X

CONVENTION SERVICE

HYATT REGENCY AUSTIN

CATERING DEPARTMENT

CHECK NUMBER ·016330

DATE 8/6/84

8.	Coffee @ 20.00/gal H	160.00
50	Sodas @ 95¢ per H.	47.50
	Subtotal	207.50
	Serv. Chg.	35.28
	Tax	19.43
	Sub Total	262.21
	Banner Charge (Sk.)	25.00
	Total	287.21

FOLIO NO. 00508

ROOM TX-1

ORGANIZATION Sunbeam Bentsen Fed. Cam.

ADDRESS

BILLING INSTRUCTIONS F.I.A.

SIGNATURE X

CONVENTION SERVICE

9 5 0 4 3 6 7 4 3 2 3 .

To: Senator Lloyd Bentsen Election Committee
Attn: Ann Rowan, National Finance Director
Ref: New York Fundraising luncheon
Tavern on the Green
New York, NY
September 8, 1988
Out-of-pocket expenses for Cynthia Friedman Associates
From: Cynthia Friedman
Date: September 15, 1988

Airfare:	Cynthia Friedman	$ 198.00
Hotel:	Maifair - Regent, NYC	256.81
Taxis:	NYC and Washington	82.00
Meals:	NYC	46.42
Event Costs:	Tavern-on-the-Green: reception, cocktails and hors d'ouevres, luncheon wines, gratuities (American Express Charge)	4,000.00
Federal Express Charges:		98.75
Postage:		116.15
ECA Courier Charges:		55.40
MCI- Long Distance Phone Charges:		15.82
Misc:	Extra help to hand address invitations.	29.52

Total Due: $4,898.87

Please remit within ten days. Thank you!

322 Massachusetts Avenue NE • Washington, DC 20002 (202) 546-4204

95043674324

To: Senator Lloyd Bentsen Election Committee
Att: Ann Rowan, National Finance Director
Date: August 11, 1988

This letter of understanding will outline arrangements proposed between the Senator Lloyd Bentsen Election Committee and Cynthia Friedman Associates concerning fundraising activities planned for September 8, 1988 in New York City.

Although arrangements have not been finalized, preliminary plans call for two fundraising events to be held that day:

1. a breakfast hosted by Seymour Zises primarily for members of the Jewish community, and
2. a luncheon, for members of the northeastern computer dealers association and other businesses

Financial goals are approximately $100,000; or, $50,000 for each event.

My staff and I will undertake the following responsibilities for these events:

- organize, structure, and implement both events with the Bentsen staff, the Hosts, and other key participants
- determine locations, ticket prices, appropriate methods of contacting various individuals, help identify key participants
- handle all logistics, planning and arrangements for the events in New York City
- record all receipts and secure proper FEC information for the Senator's Election Committee

For these services Cynthia Friedman Associates will be paid $7500 as follows:

$3000 upon execution of this agreement
$3000 on August 30, 1988
$1500 on September 8, 1988

Out-of-pocket expenses, including travel, hotel, and telephone bills are to be reimbursed within ten days of submission, with proper documentation to be provided by Cynthia Friedman Associates.

Please note that these events are scheduled to be held exactly four weeks from today, which gives a very short lead time. Also note that the long Labor Day weekend falls within this time period and serves to further compress the time available to organize the events. For this reason, I urge the "Bentsen Election Committee" to move swiftly in deciding how they would

322 Massachusetts Avenue NE • Washington, DC 20002 (202) 546-4204

95043674325

like to proceed.

It would be our pleasure once again to work for Senator Bentsen in New York City and my firm would do its best to insure that the events are financially successful as well as handled in an appropriate manner which suits Senator Bentsen's taste and style. If this is agreeable, please sign one copy and return it to me.

Sincerely,

Cynthia Friedman

Cynthia Friedman

Accepted by: Senator Bentsen Election Committee

8/15/88
Date

Please sign and return one copy

9504367432 6

Senator Bentsen Election Committee Expense Report

Name Gay ERWIN Employee Number ED003

Period Covered: Begin 9/13 End 21 88

In-Town Expenses

DATE	DESCRIPTION	AMOUNT

6011

Total In-town expenses

Trip Expenses

Purpose of trip Field Operations

Trip made by (circle one) Fec staff Campaign Staff Finance Out of State Finance Instate Senator & Mrs Bentsen Other

Trip Itinerary	From AUSTIN TO CITY McAllen		9 DATE 13
	From Dallas to Austin		9/14 88
	To Austin to Lubbock - Roundtrip		9/20-21/88
	To Austin to Killeen - Roundtrip		9/16/88
Airline			
Mileage	156 Miles @ .20 c per mile =		31.20
Lodging	Nights @ $ per night =		
Airport parking			18.50
Taxi fare			
Rental car			
Phone calls			
Meals			9.00

Total itemized expenses 335.58

Other trip expenses

DATE	DESCRIPTION	AMOUNT

Total other trip expenses

EXPENSE SUMMARY

		GL ACCT
Total in-town expenses		
Total itemized trip expenses	335.58	#
Total other expenses		
Remit to me		5237

I certify that the above travel and expenses were officially authorized by my official duty.

Employee's signature

Approved

Instructions for Reimbursement:

X Deliver to Austin office

Mail to address below

9 5 0 4 3 6 7 4 3 2 8

EXPENSE REPORT

NAME: Gay ERWIN

LOCATION: Austin HQ

Date: 9-21-88

DATE MO.	DATE DAY	Out of Pocket / American Express Reimbursement: ☐ Senate ☒ Political ☐ Fund Raising — Expense to:	TOLLS & PARKING TRANSPORTATION	HOTEL ROOM	MEALS	TIPS	ENTERTAINMENT	INCIDENTALS	BUSINESS PURPOSE
9	12	SW Airlines	59 00						
9	13	Conquest Airlines	79 00						
9	16	Car Mileage (156 x .20)	31 20						
9	20	Southwest Airlines	69 44						
9	21	American Airlines	69 44						
9-13/14		Parking - 2 trips	18 50						
9/20/21					9				
9	16	Killeen Lunch			9 00				
		Sub-Totals	$326 58	$	$ 9 00	$	$	$	

Total Amount Due: $ 335.58

Have All Available Receipts Been Attached to This Report?

Signature

DATE	SERVER	ROOM NO	
	Lunch/Kellerm		378007

NAME Gay Erwin

AMT 7 50
TIP 1 50
TOTAL 9 00

PAID
G....1624
88-09-3311
021-14:15
020-15:35
A.....0.00
.....0.00

See below for Airline Form, Serial Number

ARC PASSENGER COUPON

PSGR CPN

NOT TRANSFERABLE

NOT GOOD FOR PASSAGE

FROM	CARRIER	FLIGHT	CLASS	DATE	TIME	STATUS	FARE BASIS/TKT DESIGNATOR
TO							
TO							
TO							
TO							

FARE CALCULATION

FORM OF PAYMENT

TOUR CODE

ORIGINAL ISSUE

526 7062121261 6

DO NOT MARK OR WRITE IN THE WHITE AREA ABOVE

9504367432 9

AmericanAirlines

PASSENGER TICKET AND BAGGAGE CHECK
SUBJECT TO CONDITIONS OF CONTRACT ON PASSENGER'S COUPON

PASSENGER'S COUPON

NAME OF PASSENGER

NOT TRANSFERABLE

ERWIN/GAY
CRYATS

21SEP88

001 24 563C 6283
AMERICAN AIRLINES
LLEFCCK
LEE442J

NOT GOOD FOR PASSAGE	CARRIER	FLIGHT	CLASS	DATE	TIME	STATUS	FARE BASIS/TKT. DESIGNATOR
LUBBOCK	AA	840	Q	21SEP	1106A	OK	CX
X DALLAS FT WORTH	AA	806	C	21SEP	1253P	OK	CX
--VOID--							
--VOID--							

FORM OF PAYMENT

FARE 69.44 21SEP LEE AA-XCFW AA DL$69.44

TAX 5.56 69.44 ETC

TOTAL 75.00

25249807 2 001 24 563C6283 4

69

AMOUNT INV.
ROBERT MUELLER AIRPORT
AUSTIN TEXAS

◄PAID►
BH
A.....10No.
08-09►30T
©14-18:00EX
©13-17:44EN
A....9.50$
....9.50$

PASSENGER TICKET AND BAGGAGE CHECK SUBJECT TO CONDITIONS CONTAINED IN THIS TICKET

CONJUNCTION TICKET(S)

CONQUEST AIRLINES CORP

ARC PASSENGER COUPON

DATE OF ISSUE 13SEP88

ORIGIN/DESTINATION ARC/GEE

BOOKING REFERENCE

See below for Airline Form, Serial Number

HOLIDAYS N TRAVEL
PSGR CPN

PASSENGER NAME ERWIN/GAY

NOT TRANSFERABLE

ISSUED IN EXCHANGE FOR

A/C	FROM — NOT GOOD FOR PASSAGE	CARRIER	FLIGHT	CLASS	DATE	TIME	STATUS	FARE BASIS/TKT DESIGNATOR			ALLOW
	AUSTIN	TI	54	[illegible]	[illegible]	[illegible]	[illegible]				
	MCALLEN										
	TO --VOID--										
	TO --VOID--										
	TO --VOID--										

BAGGAGE CHECKED/UNCHECKED PCS WT UNCHECKED PCS WT UNCHECKED PCS WT UNCHECKED PCS WT UNCHECKED

FARE FARE CALCULATION [illegible] MCALLEN [illegible]

EQUIV FARE PD

TAX

TAX

TAX

TOTAL

FORM OF PAYMENT [redacted]

TOUR CODE

ORIGINAL ISSUE

ADJ-NOT INFO

CONTROL NO.

1551228321 1

355 7062120955 1 □

DO NOT MARK OR WRITE IN THE WHITE AREA ABOVE

555

DN011446

10 9/13/88

PASSENGER TICKET AND BAGGAGE CHECK SUBJECT TO CONDITIONS CONTAINED IN THIS TICKET

CONJUNCTION TICKET(S)

SOUTHWEST AIRLINES

ARC PASSENGER COUPON

DATE OF ISSUE 13SEP88

ORIGIN/DESTINATION DAL/AUS

BOOKING REFERENCE

See below for Airline Form, Serial Number

HOLIDAYS N TRAVEL
PSGR CPN

PASSENGER NAME ERWIN/GAY

NOT TRANSFERABLE

ISSUED IN EXCHANGE FOR

A/C	FROM — NOT GOOD FOR PASSAGE	CARRIER	FLIGHT	CLASS	DATE	TIME	STATUS	FARE BASIS/TKT DESIGNATOR			ALLOW
	DALLAS LOVE FIELD	WN	239	X	14SEP	610P	OK	S			
	TO AUSTIN TX										
	TO --VOID--										
	TO --VOID--										
	--VOID--										

BAGGAGE CHECKED/UNCHECKED PCS WT UNCHECKED PCS WT UNCHECKED PCS WT UNCHECKED PCS WT UNCHECKED

FARE FARE CALCULATION 54.63 14SEP DAL WN AUS54.63 54.63 END

EQUIV FARE PD

TAX 4.37

TAX

TAX

TOTAL

FORM OF PAYMENT [redacted]

TOUR CODE

ORIGINAL ISSUE 00002

ADJ-NOT INFO 50.00

CONTROL NO.

1551224972 5

526 7062120954 0 □

DO NOT MARK OR WRITE IN THE WHITE AREA ABOVE

5261

DN011446

10

9504367433 0

INVOICE

PRINTING COMPANY, INC.

721 WEST TARRANT ROAD ● GRAND PRAIRIE, TEXAS 75050
(214) 263-1226 Metro

PLEASE REMIT TO: P. O. Box 530797 • Grand Prairie, Texas 75053

Sold To:
Bentsen's Tarrant County Re-Election Campaign
300 Henderson Street
Fort Worth, Texas 76102-1950

Shipped To:
Dorali Mailing Services
Fort Worth, Tx.

Acct. #3

DATE	SHIPPED	JOB NO.	YOUR ORDER NO.	PER	TERMS	INVOICE NO.
9/20/88		See Below			NET 10 DAYS	10280

QUANTITY	DESCRIPTION		PRICE	AMOUNT
23,000	2/C A-7 Mail Out Envelopes	Job No.	#95904	$2,892.00
23,000	5¼ Bar Return Envelopes	" "	#95905	1,160.00
23,000	1/0 Retrun Tickets Order Form	" "	#95906	695.00
	Re-Do "Typesetting" on Tickets Order Form	" "	"	48.60
23,000	2/C Invitation's Oct. 6th	" "	#95907	3,092.00
		Sub. Total		$7,887.60
	[illegible]	Sales Tax		552.13
		Total		$8,439.73

95043674

** TOTAL PAGE.002 **

pip PRINTING

YOUR BUSINESS PRINTER
09/09/88 1:19PM
07PM#1868
#00007374
SRCPT T1 $46.60
SINGPH: $12.20
ST $58.80
TAX 1 $4.26
CHARGE $63.06

POSTING COPY

10773374

THIS IS YOUR INVOICE

NO OTHER WILL BE SENT INDICATE ON YOUR CHECK WHICH INVOICE NUMBERS YOU ARE PAYING

Thank You!

Thank You for your order.

Date 9/9/88 M T W Th (F) Time _____ ☐ COD ✓ TUB FILE

✓ REG. CUSTOMER
☐ NEW CUSTOMER
☐ MAILER
☐ PHONE BOOK
☐ NEWSPAPER / MAGAZINE
☐ RADIO / TV
☐ DROP IN
☐ RECOMMENDATION
☐ PERSONAL CALLS

BENTSEN FOR SENATE COMM.
(BLUM-GREEN)

Phone: _____
Ext. _____
Zip _____ Attn: DOROTHY WING

PO # _____
☐ PHONE WHEN READY
☐ FILE ORIGINALS
PRESSPERSON _____

It will be ready: M T W Th (F)
Time _____ Date / /
☐ While-U-Wait

CUSTOMER CONTACT:
1. Date _____ ☐ Phone ☐ Mail
Spoke With: _____
Comments: _____
2. Date _____ ☐ Phone ☐ Mail
Spoke With: _____
Comments: _____

	QUANTITY SS	UP	FINISH	DESCRIPTION	SHEETS	SIDES	%	SIZE	COLOR	STOCK WT.	TYPE	UNIT PRICE	AMOUNT	
1	250	x 2	= 500	DALLAS FUNDRAISER	1	1	✓	8½x11	WHT.	67	V.B.		$26	60
2		x	=											
3		x	=							BURGANDY INK			20	00
4		x	=											
5		x	=											
6														

CUT #CUTS	FINISHED SIZE	COLLATE SHEETS	STAPLE #/SET	POS.	TOTAL #	FOLD TYPE	IN/OUT	DRILL #HOLES	POS.	PAD SHEETS PER PD.	POS.	TOTAL PADS	PASTE-UP & MISC.	P	46	60
3	3¾ x 8½															
	x															
	x															

2 20 + $ + $ + $ + $ + $ + $ $10 00 B 12 20

O/SERVICES: ANNOUNCEMENTS • BUSINESS CARDS • METAL PLATES • OUTSIDE BINDERY • RUBBER STAMPS • SECRETARIAL • TYPESETTING • VELOX

$ $ O

COPYING @ ¢ = $ $ C

711 LAMAR STREET
FORT WORTH, TEXAS 76102
(817) 332-4247

TOTAL AMOUNT DUE $ 63 06

CASH ☐
Ck # _____
Rec'd by _____
Date / /
$ _____ Amt. Paid In Advance

Notes: _____

Dorothy C Wing
Authorized By

Received By and Date

Date / / Ck # _____ Rec'd by / Cash ☐
Balance Paid $

PAY THIS AMOUNT INCLUDES ALL CHARGES

BALANCE DUE $ 63 06

PRINTING +	BINDERY +	O/SERVICES +	COPYING =	SUB TOTAL =	NET SUB +	TAX/☐RESALE	+SHIP/HAND =	TOTAL	BY	CUSTOMER NAME	INVOICE NUMBER
$46 60	$12 20	$	$	$58 80	$58 80	$4 26	$	$63 06			1077337

pip PRINTING

711 CAMAR STREET
FORT WORTH, TEXAS 76102
(817) 332-4247

CUSTOMER INVOICE

10773333

THIS IS YOUR INVOICE

NO OTHER WILL BE SENT
INDICATE ON YOUR CHECK
WHICH INVOICE NUMBERS
YOU ARE PAYING

Thank You!

Date 5/29/86 M T W Th F Time ____ ☐ COD ☑ TUB FILE

☑ REG. CUSTOMER
☐ NEW CUSTOMER
☐ MAILER
☐ PHONE BOOK
☐ NEWSPAPER / MAGAZINE
☐ RADIO / TV
☐ DROP IN
☐ RECOMMENDATION
☐ PERSONAL CALLS

Plum & Green
1610 TAB
Zip ____ Phone ____ Ext. ____ Attn: Darlene Wade

P.O. # ____
☐ PHONE WHEN READY
☐ FILE ORIGINALS
PRESSPERSON ____

	QUANTITY PRESS	UP	FINISH	DESCRIPTION	SHEETS	SIDES	%	SIZE	COLOR	STOCK WT.	TYPE	UNIT PRICE	AMOUNT
1	100	2	200	Ltr Head	1	1	✓	5½x11	Ivory	24#	Bond	[illegible]	$ 31 70
2	34	6	200	Labels	1	1	✓	5/2x11	W	Gloss	Paper	[illegible]	29 05
3	x		=										
4	x		=										
5	x		=										
6													

	CUT #CUTS	FINISHED SIZE	COLLATE #SHEETS	STAPLE #SET	POS.	TOTAL #	FOLD TYPE	IN/OUT	DRILL #HOLES	POS.	PAD SHEETS PER PD.	POS.	TOTAL PADS	PASTE-UP & MISC.	P
	1	5½ x 5½													$ 80 75
	5	3 x 4													
		x													

$ 4 95 + $ + $ + $ + $ + $ + $ 5 00 B 9 95

O/SERVICES · ANNOUNCEMENTS • BUSINESS CARDS • METAL PLATES • OUTSIDE BINDERY • RUBBER STAMPS • SECRETARIAL • TYPESETTING • VELOX

$ $ O

COPYING ¢ ¢ = $ $ C

PIP FORM # OWS-1

Notes ____

X ____ Authorized By

X Darlene Wade 5/29/86 Received By and Date

Date / / Ck # ____ Rec'd by / Cash ☐ Balance Paid $

PAY THIS AMOUNT
INCLUDES ALL CHARGES

PRINTING +	BINDERY +	O/SERVICES +	COPYING =	SUB TOTAL =	NET SUB +	TAX/☐RESALE +	SHIP/HAND =	TOTAL	BY
$ 8 75	$ 9 95	$	$	$ 90 70	$ 90 70	$ 6 55	$	$ 97 25	

ED BERNET ENTERTAINMENT
7027 Twin Hills Avenue
Dallas, Texas 75231
[redacted]

DDE:SENBEN
DDE:BEARKA

CCODE:8810028
CENGDATE:10/08/88

/19/88

. Millie Bruner
nator Lloyd Bentsen
12 North Central
llas, TX 75205

r Millie:

s will confirm our agreement with respect to your engagement of the
ertainment described below:

1. Act name: BEARKATS No. persons: 4
Leader's name: Mr. Smokey Montgomery
2. Date of engagement: Thursday 10/08/88

3. Time of engagement: 7-9P. 2 hrs.

4. Place of engagement: Infomart/Atrium

5. Type of engagement: Dixie Land music and striped blazers
Price: $ 500.00 Check to act at engagement.

NOTE: If Buyer requires act's setup to be finished earlier than one hour before starting time, act may need to make additional charge.
Payable to: Bearkats ID#:75-1055163
7. Buyer will furnish:

8. Act will furnish:

9. Notes: Band needs to be there no later than 6:30 p.m. for secret service check

0. It is understood and agreed that the act is an employee of neither you
r the undersigned but is an independent contractor.
1. Within the range of capabilities of the act, you will have the right to
ggest the style of music to be played or entertainment to be provided and may
fer suggestions with respect to tempo, sound volume and other such matters.

the foregoing correctly sets forth your understanding of our agreement,
ease indicate your approval and acceptance by signing in the appropriate
pace below on all three copies. Please return two copies to me.

incerely,

D BERNET ENTERTAINMENT

1 Bernet

ACT: BEARKATS

Bearkats / EBernet

Accepted this 22 day of 9, 19__.

Freeman Decorating Company

REMIT TO: P.O. BOX 650036 • DALLAS, TEXAS 75265-0036

INVOICE NO. 01 25506 G

FOR BILLING INQUIRIES CONTACT (214) 634-1463

F0020 ck Add

Senator Lloyd Bentsen's Campaign
1100 Commerce Street, Room 7C30
Dallas, Texas 75242
Attn: Ms. Millie Bruner
Phone #: [redacted]

DATE	10/18/88
JOB NO.	01810427 K. Hollis
ORDERED BY	Ms. Millie Bruner
P.O. NO.	

FOR	LOCATION
Equipment Rental	Dallas, Texas

32' of 12' high red plush drape @10.00 per/lin/ft	320.00
20' of 36" high red banjo drape @1.50 per/lin/ft	30.00
420' of velour ropes & chrome stanchions @2.00 per/lin/ft	840.00
5- 8'x30"x30" tables skirted red @35.00 each	175.00
6- 3'x6'x12" high platforms @15.00 each	90.00
1- 6'x18' red carpet-stage	96.00
30' of 12" high red taffeta skirting @2.00 per/lin/ft	60.00
6- wooden easels @7.00 each	42.00
2- 6" steps carpeted red @20.00 each	40.00
Labor to install banner:	
2 men, ½ hour each = 1.0 man hour	35.50

9504367435

C 50D

OK M. Bruner

51134
~~511.34~~

TERMS. NET. DUE AND PAYABLE UPON RECEIPT IN DALLAS, DALLAS COUNTY, TEXAS. NOTE: PAYMENTS RECEIVED WITHIN 30 DAYS OF INVOICE DATE WILL BE NET. THEREAFTER, INTEREST AT THE RATE OF TEN (10%) PERCENT PER ANNUM WILL BE ADDED TO THE UNPAID BALANCE OF THIS INVOICE UNTIL IT IS PAID.

SUB-TOTAL TAXABLE ITEMS	1,728.50
TAX @ 8.0 %	138.28
SUB-TOTAL NON-TAXABLE ITEMS	
SUB-TOTAL	1,866.78
LESS ADVANCE PAYMENT	
TOTAL AMOUNT DUE	1,866.78

P.O. BOX 650036 · DALLAS, TEXAS 75265-0036

FC-0013 (2-88)

BOB W SMITH
Smith/Garza Photography
P.O. Box 565046
Dallas, Texas 75207
[redacted]

10/12/88

Invoice No. LB-1088-02

S T A T E M E N T

Mr. Pete Geren
Bentsen Senate Committee
400 Texas American Bnk Bldg.
Ft. Worth, Texas 76102

RE: Bentsen Fundraiser
Your reference no. C-50-D

For my services photographing Sen. Bentsen with supporters at Infomart 10/6/88 as agreed with Millie Bruener in Dallas	$200.00
EXPENSES:	
4 rolls of color film, processing, & contacts	100.00
2 rolls of B/W film, processing, & contacts	20.00
TOTAL	$320.00*

Thank you,

Bob W. Smith

95043674336

EXPENSE REPORT

NAME Dorothy C. Wing
LOCATION 717 Royal View Ct Weatherford TX 76087

Date 10/7/88

DATE MO.	DATE DAY	Out of Pocket / American Express Reimbursement: ☑ Senate ☐ Political ☑ Fund Raising	TOLLS & PARKING TRANSPORTATION	HOTEL ROOM	MEALS	TIPS	ENTERTAINMENT	INCIDENTALS	BUSINESS PURPOSE
		Expense to:							
10	6	Hogan Office Supply						35 39	Print off supplies
		200 name badges							
		for Dallas fundraiser							
		Sub-Totals	$	$	$	$	$	$ 35 39	Total Amount Due $ 35.39

Have All Available Receipts Been

5114
W0011

SBF Specialty Business Forms, Inc.

9440 Kirby Dr. / Houston, Texas 77054 / (713) 668-9858

Page No. 1

INVOICE NO.
22516

CUSTOMER NO	CUSTOMER ORDER NO	P O NO	BUYER NAME	INVOICE DATE
19015	VERBAL	12523	SENATOR LLOYD BENTSE	08/29/88

SOLD TO	SHIPPED TO
SENATOR LLOYD BENTSEN ELECTION COMMITTEE P O BOX 61202 HOUSTON, TX 77208	SENATOR LLOYD BENTSEN ELECTION COMMITTEE P O BOX 61202 HOUSTON, TX 77208

FOB	SHIPPED VIA	DATE SHIPPED	TERMS
SHIPPING	VIANET	08/29/88	NET 10

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	DESCRIPTION	UNIT	UNIT PRICE	AMOUNT
25000		25000	Senator Lloyd Bentsen Convention Center Fund Raiser Invitations with Envelopes and Donation Cards with Return Envelopes	L	11250.00	11250.00*

SUB TOTAL	RUSH CHARGE	ARTWORK	TYPESETTING	TAX	DELIVERY		INVOICE TOTAL
11250.00	0.00	0.00	480.00	938.40	0.00	PAY THIS AMOUNT	12668.40

TERMS: Terms are net - 10 days from date of invoice. Invoices over 30 days are past due.

A SERVICE FEE WILL BE CHARGED ON ANY PAST DUE ACCOUNT, CALCULATED AT THE DAILY PERIODIC RATE OF .049315068 WHICH IS AN ANNUAL PERCENTAGE RATE OF 18% OR 1½% PER MONTH.

EXCLUSION OF WARRANTIES: The parties agree that the implied warranties of MERCHANTABILITY and fitness for a particular purpose and all other warranties express or implied, are EXCLUDED from this transaction and shall not apply to the goods sold

ORIGINAL

ViaNet We deliver.

1140 West Loop North
Houston, Texas 77055

713-880-0800

CONTROL NUMBER: 201225

DATE: 9/5/88

ViaNet DELIVERY CHARGES: ☒ PREPAID ☐ COLLECT ☐ BILL TO

BUS/AIRLINE CHARGES: ☐ PREPAID ☐ COLLECT ☐ C.O.D.

TYPE OF DELIVERY: ☐ IMMEDIATE ☐ DIRECT HOT-SHOT ☐ HOT-SHOT ☒ REGULAR

SHIPPER'S NO.			CONSIGNEE'S NO.
SHIPPER	SPECIALTY BUSINESS FORMS	Lon Bentsen Interest	CONSIGNEE
ADDRESS	9440 KIRBY DR.	123 N. West Oak Ln Ste 400	ADDRESS
CITY	HOUSTON TX 77054	Houston	CITY
ATTENTION OR RM. NO.		Arden	ATTENTION OR RM. NO.

NO. PCS.	DESCRIPTION AND MARKS	WEIGHT		
1	Jumbo Envelopes	min		
BILL TO:				

THIS CONTRACT IS SUBJECT TO THE TERMS STATED ON THE BACK OF THIS DOCUMENT.

$50 Declared Value Unless specified here _____

C.O.D. AMOUNT ►

BUS/AIR BILL NUMBER ► | BUS/AIRLINE CHARGES ►

DRIVER: [illegible] UNIT #: 7579

DRIVER: UNIT #:

RECEIVED (IN GOOD CONDITION) BY: Arden Connally

TOTAL →

CUSTOMER COPY

950430

DELIVERY TICKET and PACKING LIST — FROM —

Carroll / PRINTING COMPANY

2907 CANAL STREET • HOUSTON, TEXAS 77003 • 228-9331

DATE 9-8-88 CUST. ORDER NO. VBL

OUR JOB NO. 27786

DELIVER TO:

LBI

123 N. Post Oak Lane #400

ATTN: Hudson

C O D ☐ AMOUNT TO COLLECT $

FORM NAME - NUMBER Invitation

Senator Lloyd Bentsen

2 PKGS. OR BOXES @ 2,000	PER CTN. -
PKG. OR BOX @	PER CTN. -
PKG. OR BOX @	PER CTN. -
PKG. OR BOX @	PER CTN. -
PKG. OR BOX @	PER CTN. -

TOTAL NO. BOXES 2

TOTAL QUANTITY DELIVERED

NUMBERED - FROM TO

RECEIVED BY Linda Carroll

THANK YOU

9504367434 0

MEMORANDUM

September 12, 1988

TO: Sue ~~Elsen~~brook Blaine

FROM: Scott J. Atlas

RE: Rental Payment to George R. Brown Convention Center for 10/7/88 Event

---

I have reviewed and signed the contract with George R. Brown Convention Center for the 10/7/88 event. They need a check and the signed contract by Wednesday, September 14. The check should be made in cashier's check form in the total amount of $5,300 ($3,300 rental fee and $2,000 special deposit, returned after the event); payment can be made by one check or two, payable to the "City of Houston."

Updated but not sent / sja, ew
Sarah Cobb

SJA

\lmb\ltr\se.mem

9504367434 1

Convention Center
George R. Brown

9/30/88?	Cr. Union	5,300.00

95043674342

don fly decorating
3406 audubon
houston, texas 77006
(713) 529-6541

INVOICE

DATE 10-10-88

NUMBER 13387

Ms. Sue Elsenbrook
(Lloyd Bentsen for Senator)

D 0028 new

TERMS:
Net upon receipt

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

$ 2136.32

DATE	CHARGES AND CREDITS	BALANCE
	BALANCE FORWARD	
	Delivered to the Brown, 10/7:	
	Cafe:	
	40' of 8' drape	$ 80.00
	5 dozen balloons	$ 60.00
	2 skirted tables	$ 40.00
	Prefunction Area:	
	6 skirted tables	$ 120.00
	Balloon Bouquet	$ 10.00
	Two balloon columns	$ 75.00
	20' of 8' drape	$ 60.00
	Ballroom:	
	20 round tables	$ 100.00
	20 linens	$ 240.00
	20 balloon bouquets	$ 200.00
	Balloon arch at stage	$ 250.00
	Serving Area:	
	6 skirted 6' tables, 2 serpentines	$ 150.00
	Two balloon columns	$ 75.00
	2 dozen skimmer hats	$ 54.00
	Velcro tape	$ 30.00
	(Cont.)	

DON FLY DECORATING 51134 Thank You PAY LAST AMOUNT IN THIS COLUMN

9504367434 3

INVOICE

don fly decorating
3406 audubon
houston, texas 77006
(713) 529-6541

DATE 10-10-88
NUMBER 13387

Ms. Sue Elsenbrook

TERMS:

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE $ _____

DATE	CHARGES AND CREDITS	BALANCE
	BALANCE FORWARD	
	30 ft. drape - Secret Service	$ 60.00
	Labor to hang flag	$ 120.00
	Week-end pick up fee	$ 120.00
	Pick up from Hyatt	$ 15.00
		$ 1978.00
	Tax	$ 158.32
		$ 2136.32

DON FLY DECORATING

Thank You

PAY LAST AMOUNT IN THIS COLUMN

9 5 0 4 3 6 7 4 3 4 4

2/2

DATE: September 13, 1988

TO: Lloyd Bentsen for Senate Campaign

FROM: Lan Bentsen Interests

INVOICE

POSTAGE:	July	$ 256.50
	August	1,250.75
SUPPLIES:	Kwik Kopy	537.13
PERSONNEL:	Arden Carroll (7/15/88 - 8/25/88)	2,693.26
	TOTAL DUE	$4,737.64

Terms: Due immediately upon receipt

Please remit to: Lan Bentsen Interests
123 N. Post Oak Lane, #400
Houston, TX 77024

Attn: Accounting

9504367434 5

Bonds 11/14/88

Di-Beaine

DATE: November 9, 1988

TO: Lloyd Bentsen for Senate Campaign

FROM: Lan Bentsen Interests

INVOICE

POSTAGE:	September	$ 798.75
SUPPLIES:	Microcomputer Maintenance	75.00
	Texas Art Supply	25.59
	Specialty Business Forms	2,468.94
	Michael's	16.80
	Computerland	109.70
COPIES:	August	18.60
	September	41.40
PERSONNEL:	Lesa Cowart (8/30 - 9/5)	90.00
	Arden Carroll (8/26 - 10/12)	3,339.01
DELIVERIES:	Eastway Delivery	14.50
	Via Net	259.60
	Federal Express	48.00
TELEPHONE:	TSI, Inc. (equipment rental)	220.71
	Southwestern Bell Telephone	289.14
	MCI Prism-III	34.56
FUNDRAISER:	River Oaks Country Club (9/8/88)	937.41

9504367434 6

LAN BENTSEN INTERESTS

123 N. Post Oak Lane, Suite 400 / Houston, Texas 77024 / (713) 681-2117

Lloyd Bentsen for Senate Campaign
Invoice (cont.)
November 9, 1988

TRAVEL:	Lan Bentsen (10/5-6) (Nebraska	< 354.00 > deduct per Bernie
	TOTAL DUE	~~$9,141.71~~

Please remit to: Lan Bentsen Interests
123 N. Post Oak Lane, #400
Houston, TX 77024
Attn: Accounting

Pay: 8787.71

L0014

51133 - 3876.88
5111 - 4910.83

~~2429.24~~

0022

9504367434 7

SWANK
AUDIO VISUALS, INC.
MIKE SWANK, PRESIDENT

ORGANIZATION: SENATOR BENTSEN

LOCATION: George R. Brown Convention Center

DATES: October 7, 1988

The nature of your requirements has allowed us to prepare this detailed listing of equipment and services provided.

REFERENCE

QUANTITY	REFERENCE NUMBER	EQUIPMENT DESCRIPTION	COST PER UNIT	DATE USED OR DAYS	COST
1	8168	Podium	$ 30.00	1	$ 30.00
1	7270	General Purpose Microphone	15.00	1	N/C
1	7272	Audio System Patch	100.00	1	100.00
2	1636	Podium Lights	15.00	1	30.00
1	3975	Rigging	30.00	2 hrs	60.00
1	1206	Labor Set/Test/Strike	20.00	1 hr	20.00
1	1207	Operator (4 hour minimum)	20.00	4 hrs	80.00
		Estimated Sub total			$320.00
		8% Sales Tax			25.60
		Estimated Total			$345.60

PRICES ON EQUIPMENT ARE SUBJECT TO CHANGE DEPENDING ON CHANGES, ADDITIONS, OR DELETIONS TO ORIGINAL PROPOSAL AT TIME OF FUNCTION AND WOULD BE BILLED AT PUBLISHED RATES.

SUB-TOTAL

9504367434 8

Date of Order _____ Credit Code _____ 9 5 0 4 3 6 7 4 3 4 9

42430

SWANK AUDIO VISUALS, INC.

LOCATION CODE	772BC
SALESPERSON NUMBER	560
CUSTOMER NUMBER	
HOTEL CODE	
BILL TO	SENATOR LLOYD BENTSEN
ATTENTION	LINDA ~~HUNSAKER~~
TITLE	
ADDRESS	5457 HOLLY SPRINGS
CITY STATE ZIP	HOUSTON, TX 77056
BILL TO TELEPHONE	
ORDERED BY & TELEPHONE	[redacted]
FOR USE BY/ NAME OF EVENT	SENATOR BENTSEN

FORM OF PAYMENT: ☐ Cash ☑ Check ☐ Amex ☐ MC ☐ VISA

APPROVED TO INVOICE? ☐ YES ☑ NO — PREPAYMENT REQUIRED? ☑ YES ☐ NO

DEPOSIT OR PREPAY AMOUNT & FORM — CARD NO EXP DATE

CREDIT APPROVED BY & SPECIAL ARRANGEMENTS?

PURCHASE ORDER NUMBER — DISCOUNT

REHEARSAL DATE — SET-UP TIME — READY TIME — REHEARSAL TIMES — SECURE TIME

SHOW DATE(S) — SET-UP TIME — READY TIME — SHOW TIMES — REMOVE TIME

REPORT TO — REPORT WHERE

DELIVERY DATE 10/7/88 — RETURN DATE 10/7/88

USE DATE 10/7/88

☐ Customer Pick-up ☑ Swank Delivery ☑ With Set-up
☐ Customer Return ☑ Swank Pick-up ☑ With Removal
☐ Technician Delivery ☐ Technician Return

DELIVER TO/ PICK-UP AT

ATTN LINDA

BANQUET EVENT NUMBER/ FILE NUMBER

ASSET NUMBER	QUANTITY	EQUIPMENT REFERENCE NO.	ITEM DESCRIPTION	UNIT COST	DAYS USED	TOTAL COST	ACCOUNTING
	1	1700	AUDIO VISUAL EQUIPMENT	160.00	1	160.00	
	1	1206	LABOR SET/TEST/STRIKE	20.00	1	20.00	
	1	1207	OPERATOR (4 HR. MINIMUM)	20.00	4 HRS	80.00	
	1	3975	RIGGING	30.00	2 HR	60.00	
		1330	*Set-up and pretesting of equipment including safety tape-down of cables, additional power cords, pack-up and removal of equipment at conclusion.*				

The equipment listed above was received in good working condition. I agree to be responsible for the safekeeping and use of this equipment while assigned to this function. If this equipment is damaged or stolen while assigned to this function, I understand that I will be held responsible for the cost of repairs to restore it to its condition when received or for the full cost of its replacement.

Linda C Hunsaker 10/7/88
CLIENT DATE

Additional Information _____

SUB TOTAL	320.00	
DELIVERY		
SPECIAL DELIVERY		
TAX	25.60	
TOTAL	345.60	

AV1008 4/88

SERVICE AMERICA CORPORATION
RECREATION SERVICES

INVOICE 1831

SERVICE AMERICA CORPORATION

Houston Civic Center
P.O Box 61309
Houston, TX 77208

REMIT TO: P.O. Box 61309
Houston, TX 77208

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

Attn Lucille Johnston
[redacted]

50045

INVOICE DATE	
October 10, 1988	
EVENT DATE	
October 7, 1988	
YOUR ORDER NO.	TERMS: Due Upon Receipt
UNIT NO. 898 - 504	PAYMENT ON ACCOUNT

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	NON - ALCOHOLIC BEVERAGES		
5 Cann	Coke	$ 80.00	$ 400.00
7 Liters	Coke	5.00	35.00
	Subtotal		$ 435.00
	Service charge 15%		65.25
	Sales tax 8 %		40.02
	TOTAL		$ 540.27
	ALCOHOLIC BEVERAGES		
15.20 Btl	Liquor	$ 60.00	$ 912.00
2.6 Btl	Cordials	80.00	208.00
15 Kegs	Beer	165.00	2475.00
80 gals	Sangria	45.00	3600.00
55 gals	Margaritas	45.00	2475.00
43 Btls	Wine	12.50	537.50
	Subtotal		$10207.50
	Service charge 15%		1531.13
	Total		$11738.63
	GRAND TOTAL		$12278.90
	Less Bar Deposit		$ 4375.00
	BALANCE DUE		$ 7903.90

9504367435 0

THANK YOU

DISTRIBUTION: WHITE — CUSTOMER COPY YELLOW — CORPORATE OFFICE PINK — REGION OFFICE GOLDENROD — UNIT FILE GREEN — NUMERIC

A Service Charge of 1 1/2 % per month will be charged on all balances over 30 days.

57132

SERVICE AMERICA CORPORATION

SERVICE AMERICA CORPORATION

RECREATION SERVICES

Houston Civic Center
P.O Box 61309
Houston, TX 77208

INVOICE 1813

REMIT TO: P.O. Box 61309
Houston, TX 77208

Lloyd Bentsen For Senator
Election Committee
P.O. Box 61202
HOuston, TX 77208

ATTN: Lucille Johnston

INVOICE DATE	
10-7-88	
EVENT DATE	
10-7-88	
YOUR ORDER NO.	TERMS
1221.1222	Due Upon Receipt
UNIT NO.	PAYMENT ON ACCOUNT
898 -504	

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Catering Services per contract #1221		
	15% Service Chargd		487.50
	8% Sales Tax		73.13
	TOTAL CONTRACT #1221		44,85
			$605.48
	Catering Services per contract #1222		
	15% Service Charge		$15,030.00
	Labor (3 carvers)		2,254.50
	8% Sales Tax	50.00	150.00
	TOTAL CONTRACT #1222		1,394.76
			$18,829.26
	TOTAL AMOUNT DUE		$19,434.74
	Less Deposit (Check #'s 2884,2883)		9,727.16
	BALANCE DUE		9,707.58

Paid in full
check #2962
C. Beckham

THANK YOU

DISTRIBUTION: WHITE — CUSTOMER COPY YELLOW — CORPORATE OFFICE PINK — REGION OFFICE GOLDENROD — UNIT FILE GREEN — NUMERIC

A Service Charge of 1 1/2 % per month will be charged on all balances over 30 days.

9504367435 1

Radisson Plaza Hotel
At Austin Centre
700 San Jacinto, Austin, TX 78701
512-476-3700 For Reservations Worldwide 800-333-3333

ROOM	NAME	RATE	DEPART	DEPART TIME
	SENATOR BENTSEN ELE	.00	DUPLICATE	10:25 ACCT# 12374

TYPE	FIRM OR GROUP	PLAN	ARRIVE	ARRIVAL TIME
10-28-88			11/02/88	

ROOM CLERK 78701

1402 A NUECES
AUSTIN TX
ADDRESS

PAYMENT: DB PER LL

MEMO	DATE	REFERENCE	CHARGES	CREDITS	BALANCE DUE
10/28	BANQUETS	7303	1563.69	alcohol	
10/28	BANQUETS	7306	54.00	cervez	
10/28	BANQUETS	7302	1683.76	food	
10/28	BANQUETS	7301	132.30	podium	
11/02	TRANSFER	CL 2250		3433.75	
					.00

I AGREE THAT MY LIABILITY FOR THIS BILL IS NOT WAIVED AND AGREE TO BE HELD PERSONALLY LIABLE IN THE EVENT THAT THE INDICATED PERSON COMPANY OR ASSOCIATION FAILS TO PAY THE FULL AMOUNT OF THESE CHARGES

GUEST SIGNATURE

9504367435 52.

DORALI SERVICES, INC.
DORALI MAILING SERVICES

YOUR COMPLETE MAILING SERVICE CO. IN THE MID-CITIES AREA

- FOLDING
- INSERTING
- COLLATING
- PRESORTING
- LABELING
- POSTAGING

328 W. PIPELINE RD.
P.O. BOX 33
HURST, TEXAS 76053
TEL: (817) 282-0064 – (817) 282-0067

SOLD TO / SHIP TO

SENATOR LLOYD BENTSEN
ATTN: TERRIE BRIGNAN
1402 A NUECES ST.
AUSTIN, TEXAS 78701

INVOICE № M- 6408

DATE: OCT. 31, 1988

YOUR ORDER NO.:

SHIP VIA:

TERMS:

ACCT. NO.: 2038

950436745 9

ITEM NO.	QUANTITY	STOCK NUMBER/DESCRIPTION	UNIT PRICE	AMOUNT
1	21001	INSERTING (3 PIECES)	28.50 M	598.52
2	21001	LABELING	10.00 M	210.01
3	21001	BULKSORT	5.00 M	105.00
		SUB-TOTAL		$ 913.53
		CREDIT ON POSTAGE TO POST-MASTER		$ 104.16 CR
		TOTAL OF THIS INVOICE:		$ 809.37

INVITATION FOR RECEPTION

POSTAGE :

20209	@ .132	=	$2667.58
972	@ .167	=	$ 132.26
			$2799.84
ADVANCE			$2904.00
CREDIT			$ 104.16

THANK YOU!!!!

$ 230 51
AMOUNT

SENATOR BENTSEN ELECTION COMMITTEE
EXPENDITURE AUTHORIZATION

Department

PAYEE: Dorali Services

ADDRESS: ~~328 W. Pipeline Rd.~~
P.O. Box 33
Hurst, TX 76053

FOR: Metering & Postage

DELIVERY:

REQUESTED BY: DATE: /

ACCOUNT DISTRIBUTION	
GEN. LEDGER	AMOUNT
5294	
Net Check Amount	

PURCHASE APPROVED BY: DATE: /

PAYMENT APPROVED BY: DATE: /

DATE PAID: /
CHECK NO.:
AMOUNT PD.:
VENDOR CODE:
INVOICE NO.:

9 5 0 4 3 6 7 4 3 5 4

D0038
mw

DORALI SERVICES, INC.
DORALI MAILING SERVICES
YOUR COMPLETE MAILING SERVICE CO.
IN THE MID-CITIES AREA

328 W. PIPELINE RD.
P.O. BOX 33
HURST, TEXAS 76053
TEL: (817) 282-9064 – (817) 282-9067

- FOLDING
- INSERTING
- COLLATING
- PRESORTING
- LABELING
- POSTAGING

SOLD TO SHIP TO

SENATOR LLOYD BENTSON
1402 A NUECES ST.
AUSTIN, TEXAS 78701

ATTN: TERRIE BRIGMAN

INVOICE № M- 6407

DATE: OCT. 31, 1988

YOUR ORDER NO.:

SHIP VIA:

TERMS:

ACCT. NO.: 2038

9504367455

ITEM NO.	QUANTITY	STOCK NUMBER/DESCRIPTION	UNIT PRICE	AMOUNT
1	979	METERING		25.00
2	979	POSTAGE	.21	205.59
		TOTAL INVOICE		$ 230.59
		THANK YOU !!!!		

EXPENSE REPORT

NAME Dorothy C. Wing
LOCATION: 1400 Texas American Bank Bldg. Fort Worth TX 76102

Date. 10/26/88

51133

DATE MO.	DATE DAY	Out of Pocket / American Express Reimbursement: ☐ Senate ☐ Political ☒ Fund Raising	TOLLS & PARKING TRANS-PORTATION	HOTEL ROOM	MEALS	TIPS	ENTER-TAINMENT	INCI-DENTALS	BUSINESS PURPOSE
		Expense to:							
10	22	Kinko's Copies						10 00	Copies of F.W. fundraiser invitation
		Sub-Totals	$	$	$	$	$	$10 00	Total Amount Due: $ 10.00

Have All Available Receipts Been

Dorothy C. Wing

W011

9 5 0 4 3 6 7 4 3 5 7

EXPENSE REPORT

NAME Dorothy Wing

LOCATION: 1400 Texas American Bank Bldg. Fort Worth TX 76102

11/1/88

DATE MO.	DATE DAY	Out of Pocket / American Express Reimbursement: ☐ Senate ☐ Political ☒ Fund Raising	TOLLS & PARKING TRANS-PORTATION	HOTEL ROOM	MEALS	TIPS	ENTER-TAINMENT	INCI-DENTALS	BUSINESS PURPOSE
		Expense to:							
10	31	Name tags, posters for Fort Worth fundraising event						21 37	
		Sub-Totals	$	$	$	$	$	$ 21 37	

W0011

51133

Total Amount Due: $ 21.37

Have All Available Receipts Been Attached to This Report?

Signature

TO: Sue

FROM: Linda RS

Please Check for:

For Country Coordinator Meeting Sat.

$ 2,289.88 to

Hyatt Regency

208 Barton Springs

Austin 78704

Also ck for Postmaster for

$2,000. - for Huntsville

H00020
mcw

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OGC 5147

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 JAN 18 AM 10:43

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

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

BOSTON
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NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

January 16, 1990

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

Re: MUR 2715 Dukakis/Bentsen Committee, Inc.
and Robert A. Farmer, As Treasurer

Dear Mr. Noble:

Enclosed is the Response of Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as Treasurer, to the Commission's Finding of Reason to Believe, Interrogatories, and Request for Documents.

Sincerely,

Kenneth A. Gross

Enclosure

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

90 JAN 18 AM 10:50

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF	)	
	)	
Dukakis/Bentsen Committee, Inc.	)	MUR No. 2715
and	)	
Robert A. Farmer, as Treasurer.	)	

RESPONSE OF DUKAKIS/BENTSEN COMMITTEE, INC.
AND ROBERT A. FARMER, AS TREASURER,
TO THE COMMISSION'S FINDING OF REASON TO BELIEVE

INTRODUCTION

The Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer ("Respondents"), hereby submit this response to the Commission's Finding of Reason to Believe, Interrogatories and Request For Documents.

Having dismissed the majority of the allegations set forth in the complaint in this investigation, the only allegations which are now before the Commission involve a newsletter paid for and distributed by the Bentsen Senate campaign and the alleged failure to properly allocate a portion of airfare, room, and board between the Dukakis/Bentsen campaign and the Bentsen Senate campaign. This response demonstrates that neither of the

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two remaining allegations warrants further action by the Commission, because neither the Dukakis/Bentsen Committee nor the Bentsen Senate campaign impermissibly benefited from each other's activities.

ARGUMENT

The two remaining allegations raise complicated and unusual issues relating to the dual candidacy of Senator Bentsen -- a unique situation where a single individual seeks election to two federal offices, one of which is publicly financed, while the other is not. In approaching these issues, the Commission should not be bound by the blind application of the Federal Election Campaign Act (the "Act") and Commission regulations to a unique situation, which was unforeseen when the regulations were drafted. To now interpret these regulations in a narrow manner would be to ignore the special problems that arise when one person runs for two offices, one of which is publicly financed.

I. The Senate Campaign Newsletter

The Commission found reason to believe that Dukakis/Bentsen were the recipients of an excessive in-kind contribution from the Bentsen Senate campaign as a result of a newsletter dated September 23, 1988, which was written, published and distributed by the Bentsen

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Senate campaign, and which included an attack on then-Senator Dan Quayle. The Commission cited 11 C.F.R. § 106.1(a) and, with specific reference to expenditures by Presidential or Vice Presidential candidates, 11 C.F.R. § 9002.11(b)(3), which require that expenditures which benefit more than one candidate are considered in-kind contributions and must be proportionately attributed to the candidates benefited. Apparently as a result of the failure of Dukakis/Bentsen to so allocate, the Commission found reason to believe. This conclusion fails for both factual and legal reasons.

Dukakis/Bentsen had no involvement in the newsletter's creation or distribution and was, in fact, unaware of its existence until well after Bentsen Senate campaign distributed the newsletter. It is now our understanding that then-Senator Quayle's name was introduced into the Texas Senate battle by the Republican candidate for that seat, Congressman Beau Boulter, and not by Senator Bentsen, nor by Respondents. The newsletter was a reaction to an attack by Congressman Boulter on Senator Bentsen's association with Michael Dukakis, and Boulter's invitation to Senator Quayle to appear with him in Texas -- an invitation presumably intended to further Congressman Boulter's own Senate race, and responded to

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by Senator Bentsen's Senate campaign. Thus, as a factual matter, no violation occurred in that the Senate campaign's reference to Senator Quayle was in the context of the Senate campaign and not the Vice Presidential campaign.

Moreover, as a matter of law, the situation presented here, at the very least, falls within the "coattail exemption" of 2 U.S.C. § 431(8)(B)(xi) and 11 C.F.R. § 100.7(b)(16), which state that costs incurred by candidates for materials which include or refer to other candidates may be exempt from allocation requirements if used in connection with volunteer activities and which are not used for general public advertising purposes. While Respondents lack sufficient information about the preparation and distribution of this newsletter to respond to the Commission's inquiries concerning the preparation and distribution of the newsletter, Respondents assert that, as a matter of law, the coattails exemption may apply to a dual candidacy involving public funds. There is nothing in 11 C.F.R. §§ 110.8 or § 9002.11(b)(3) that would preclude the application of the coattail exemption. Thus, as a factual matter and a legal matter, the Commission should find no probable cause on this matter.

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II. Allocation of Expenses For Campaign Travel

The Commission also found reason to believe that Dukakis/Bentsen violated 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9003(b), and 11 C.F.R. § 106.1(a), by failing to allocate the cost of air travel, food, and lodging, and violated 11 C.F.R. §§ 110.8(d)(2) and (3) by improperly sharing facilities and personnel with the Bentsen Senate campaign. As discussed below, the activities in question did not result in any impermissible conduct by Respondents, and as a result, no further action should be taken by the Commission.

As indicated by Respondents' interrogatory responses and documents produced, all costs of the charter flights of Senator Bentsen and his traveling party were paid by the Democratic National Committee (the "DNC") with funds expended pursuant to 2 U.S.C. § 441a(d)(2). The Dukakis/Bentsen campaign did not pay for any of these expenses. Consequently, the Dukakis/Bentsen campaign could not have made any impermissible expenditures with respect to these charters because they made no expenditures at all.

Senator Bentsen traveled constantly during the fifteen week campaign. During that time, he had a total of only 10 brief meetings with Senate campaign supporters

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while on these trips financed by the DNC. In terms of a percentage of overall campaign time, Senator Bentsen spent less than 3% of his time on Senate campaign related matters while on "split" Vice Presidential trips, and less than 1.5% of his total Vice Presidential campaign time. Any benefit received by the Senate campaign as a result of these brief visits was de minimis. These meetings were merely incidental to the purpose of the trips and this conduct should be treated in the same manner as in the case of incidental political contacts on non-campaign related travel.

In each instance where there was a Senate campaign visit on an otherwise Vice Presidential trip financed through section 441a(d) expenditures, no advance work, rental of facilities, ground transportation, or staff were paid for by the Dukakis/Bentsen campaign. See Affidavit of Peter L. Scher, attached. Thus, it is the belief and understanding of Respondents that the Senate campaign paid for all expenditures related to the Senate campaign portion of the trip.

Further, the General Counsel's assertion that 11 C.F.R. § 106.3(b)(3), the incidental contacts exemption, is inapplicable, illustrates the difficulty in reconciling regulations which were not drafted to address

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the present circumstances. While it is true that section 106.3(a) states that this section applies to candidates "other than Presidential and Vice Presidential candidates who receive federal funds. . .," it is clear that Senator Bentsen's status as both a Senate candidate and Vice Presidential candidate was not anticipated by the language of this regulation. The intent of the regulation was to prevent a misuse of public funds. In the situation presented here, however, no such misuse could occur. While Senator Bentsen was a candidate for the Senate, no public funds were utilized. And, as noted above, while traveling on behalf of the Vice Presidential ticket, Senator Bentsen's charter flights were paid for by private funds through section 441a(d)(2) expenditures by the DNC. Thus, the incidental exemption provided for in section 106.3(a) is applicable to Senator Bentsen's Vice Presidential campaign travel.

The Factual and Legal Analysis further states that section 106.3(b) (and section 9004.7(b)(2)) "only appears to address allocation of expenses between campaign and personal, non-campaign related travel. It would not appear to apply here where the allocation would be between two campaigns." See, Factual and Legal Analysis at 11. This is a new interpretation of these regula-

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tions. Not only can Respondents find no interpretive rulings or other legal basis to explain or support this new approach to these regulations, but the very language of the General Counsel's report indicates the hesitancy of that office in attempting to put forth that new restrictive interpretation.

Nowhere in the regulations is it stated or implied that non-campaign related travel must be solely personal and cannot relate to another separate campaign for the incidental contacts exception to apply. Respondents should not be forced to bear the burden of this new interpretation under the unique circumstances of Senator Bentsen's dual candidacy.

Thus, both of the attempts by the General Counsel to take this case out of the incidental contact exception fail, and should not be relied upon in precluding Senator Bentsen from its use here.

Even if the Commission were to find that Senator Bentsen's Senate campaign visits somehow amounted to more than incidental contacts, the General Counsel's analysis seems to recognize that some flexibility in applying 11 C.F.R. § 9002.11(b)(3) and 11 C.F.R. § 110.8(d) is required. The Factual and Legal Analysis recognizes that "[a]s a practical matter, it is inescap-

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able that there will be some overlapping of certain items within the context of dual candidacies." See Factual and Legal Analysis at 13. For example, whenever Senator Bentsen traveled, regardless of which office he was campaigning for, the press would follow him, and consider responses to questions and other statements as relevant to both campaigns. Further, constituents in Texas who witnessed a campaign event for one office were certain to be influenced in their feelings for the other. Despite these obvious pitfalls, the two campaigns went to extreme lengths to keep the two campaigns separate.

The analysis of the General Counsel states that where physical separation was possible, such as different meeting or conference rooms, complete separation between campaigns should have been attempted. For those instances where such separation was not entirely possible, the General Counsel seeks to require allocation where common expenditures benefit both campaigns. We are not aware of any instances where common facilities were used by both campaigns. See, Scher Affidavit. Thus, a violation of 11 C.F.R. § 110.8(d) did not occur. As to the assertion that travel expenses need to be allocated between the campaigns (See, Legal and Factual Analysis at 13-14), these trips were financed not with public funds,

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but rather through permissible section 441a(d) expenditures. Moreover, the General Counsel's analysis is flawed in that it seeks to apply the allocation provisions of section 9002.11(b)(3) (and section 106.1(a)) to trips which were entirely scheduled around the Vice Presidential campaign. That is, Senator Bentsen appeared in all of the cities set forth on the attached schedules, including those at which he made Senate campaign visits, solely for Vice Presidential purposes. The allocation provisions of 11 C.F.R. § 9002.11(b)(3) were enacted to ensure that public funds were spent on qualified campaign expenses. This concern would not be addressed by requiring allocation here; first, because public funds were not used to pay for air travel, and second, because even if any public funds were expended by Respondents, these funds would have been expended by the Vice Presidential campaign whether Senator Bentsen were running for the Senate or not. Therefore, no allocation any portion of the travel expenses of Senator Bentsen should be required.

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CONCLUSION

For the foregoing reasons, the Commission should find no probable cause that Dukakis/Bentsen violated the law as to the newsletter and campaign travel.

Kenneth A. Gross
Douglas A. Rediker
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Daniel A. Taylor
Carol Darr
Dukakis/Bentsen Committee, Inc.

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

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as Treasurer.	MUR No. 2715

AFFIDAVIT OF PETER L. SCHER

City of Washington)
) ss.:
District of Columbia)

PETER L. SCHER, being duly sworn, deposes and says:

1. I was the Director of Scheduling for the Dukakis/Bentsen Committee, Inc. during the period of July 20, 1988, through November 8, 1988, inclusive. My tasks included supervision of all persons involved in scheduling operations for the Vice Presidential campaign, as well as logistical coordination with campaign personnel in the field.

2. Neither I nor, to the best of my knowledge, any of my scheduling staff was involved in any way in the scheduling of any events for Senator Bentsen's campaign for Senate in Texas. I am not aware of any overlap in

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staffing between the Vice Presidential and Senate campaigns, nor am I aware of any instances where the two campaigns shared common facilities for any events. In each instance where there was a Senate campaign visit on an otherwise Vice Presidential trip, none of the advance work, facilities, ground transportation or staff were paid for or performed by the Dukakis/Bentsen Committee, Inc.

3. The only instances of which I am aware in which the Vice Presidential schedulers had contact with the Bentsen Senate campaign staff were those few instances where the Senator was to make a brief stop for the Senate campaign which was incidental to a trip otherwise devoted to the Vice Presidential campaign. On those instances, basic information was necessary for us to know when the Senator was not available to be scheduled for a Vice Presidential appearance or event. Further, the Secret Service required the campaign to provide schedules of Senator Bentsen's daily activities, as they provided protection for Senator Bentsen not only when he was acting in his capacity as a candidate for the Vice Presidency, but also for the Senate.

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4. Schedules for the Vice Presidential campaign were often revised many times a day. Having over fifty drafts of any particular schedule was not at all uncommon. Even the last draft of a printed schedule did not always accurately reflect the activities of Senator Bentsen and those traveling with him.

5. It was our practice to include on the schedules all persons who may possibly travel with the Senator on a given campaign trip. This was done to facilitate Secret Service clearance.

6. Based on my knowledge, the Dukakis/Bentsen campaign did not incur or pay any expense of any Bentsen for Senate event.

PETER L. SCHER

Sworn to before me this
16th day of January, 1990

Notary Public

My Commission Expires October 11, 1991

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BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as Treasurer.	MUR 2715

RESPONSE OF DUKAKIS/BENTSEN COMMITTEE, INC. AND ROBERT A. FARMER, AS TREASURER, TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS BY THE FEDERAL ELECTION COMMISSION

The responses to these interrogatories are based on information derived from records prepared by the Dukakis/Bentsen Committee, Inc. (hereinafter "Dukakis/Bentsen") and the Democratic National Committee and on the recollections of Peter Scher, Joseph O'Neill and Kimon Manolius, all of whom were senior staff members of Dukakis/Bentsen.

Interrogatories

1. Identify all instances in which Senator Bentsen met with Senate campaign supporters to discuss the Senate campaign while traveling at the expense of the Dukakis/Bentsen Committee, Inc.

Dukakis/Bentsen is not aware of any instances in which Senator Bentsen met with Senate campaign supporters to discuss the Senate campaign while traveling at the expense of Dukakis/Bentsen. Senator Bentsen's

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travel expenses while travelling on behalf of the Vice Presidential campaign were paid for by the Democratic National Committee ("DNC") pursuant to its authority under 2 U.S.C. § 441a(d)(2). The following Senate campaign events occurred on Vice Presidential campaign trips paid for by the DNC under its Presidential/Vice Presidential section 441a(d) authority:

August 27, 1988, Austin, Texas, meeting with county coordinators.

September 8, 1988, New York, New York, Tavern On The Green fundraiser.

September 9, 1988, Los Angeles, California, Daly home fundraiser.

September 14, 1988, Dallas, Texas, Nasher home event.

September 16, 1988, East Palm Beach, Florida, Montgomery home fundraiser.

September 20, 1988, Lubbock, Texas, Lubbock Club fundraiser.

October 6, 1988, Dallas, Texas, Infomart fundraiser.

October 7, 1988, Houston, Texas, George Brown Convention Center fundraiser.

October 28, 1988, Austin, Texas, Senate Campaign Planning Dinner.

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October 31, 1988, Fort Worth, Texas, Worthington Hotel fundraiser.

This information was obtained primarily from schedules for campaign trips included in response to Question 7. The schedules are produced with the understanding that they were revised frequently and many drafts were produced for each trip. As a result, the schedules produced may not be accurate representations of actual events and activities of the candidate and other personnel. Thus, personnel listed as having travelled on campaign trips may not have actually done so as reflected in the schedules. The list of persons who might be travelling on a campaign trip was over-inclusive so that all possible travelers would have prior secret service clearance.

2. State the percentage of time Senator Bentsen spent meeting with Vice Presidential supporters to discuss the Vice Presidential campaign while on those campaign trips financed by the Dukakis/Bentsen Committee, Inc. and identified in your response to Question 1.

Upon information and belief, none of the Senate campaign events lasted as long as two hours (usually much less). Typically, Senator Bentsen campaigned more than 13 hours a day. Thus, on campaign trips that averaged five days in length, the fraction of time spent on the Senate campaign appearances amounted to less than three percent of "split" campaign trips, and approximately 1.5

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percent of Senator Bentsen's entire Vice Presidential campaign schedule.

3. Identify each instance in which Senator Bentsen used air transportation provided by the Dukakis/Bentsen Committee, Inc., to reach a location where Senator Bentsen met with Senate campaign supporters to discuss the Senate campaign.

(a) State the total cost of such air transportation.

(b) State how much, if any, of such costs were allocated to and paid by the Dukakis/Bentsen Committee, Inc.

Senator Bentsen's air transportation expenses were paid for by the DNC under its section 441a(d)(2) authority. There were no instances in which Senator Bentsen used air transportation provided by Dukakis/Bentsen to reach a location where Senator Bentsen met with Senate campaign supporters to discuss the Senate campaign.

(a) The total cost of all such air transportation paid for by the Democratic National Committee was $347,149.86.

(b) None.

4. Identify all individuals who arranged Senator Bentsen's schedule from July 1, 1988 to December 1, 1988 and state which campaign paid each individual's salary or portion thereof.

Dukakis/Bentsen objects to that portion of this interrogatory which seeks information from the period prior to July 20, 1988, the date Senator Bentsen became the Vice Presidential nominee, and after November 8,

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1988, the date of the election. Subject to this objection, Dukakis/Bentsen responds that the following persons were primarily involved in arranging Senator Bentsen's Vice Presidential campaign schedule. Personal information, such as address, and current position, is provided where available:

(a) Peter L. Scher, Director of Scheduling; currently an attorney at the firm of Keck, Mahin & Cate, 1201 New York Avenue, N.W., Washington, D.C. 20005; [redacted]

(b) Amanda Moose, Assistant Director of Scheduling; currently employed by the Sundance Institute, Rural Route 3, Box Al, Provo, Utah 84604; [redacted]

(c) Richard Sigel, Scheduler; currently a law student at George Washington University, Washington, D.C.; [redacted]

(d) Jennifer Vidis, Scheduler; currently an attorney at the firm of Portes, Sharp, Herbst, Kravets & Fox, Ltd., 333 West Wacker Drive; Chicago, Illinois 60606; [redacted]

(e) Pamela Veazy, Scheduler; currently a screenwriter; 902 South Marengo #4, Pasadena, California 91106; [redacted]

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Upon information and belief, the salaries of each of the aforementioned individuals were paid entirely by Dukakis/Bentsen.

5. State the costs incurred by you for room and board during campaign trips financed by the Dukakis/Bentsen Committee during which Senator Bentsen met with Senate campaign supporters to discuss the Senate campaign.

(a) State how much, if any, of such costs were allocated to and paid by the Dukakis/Bentsen Committee, Inc.

The traveling party which accompanied Senator Bentsen on each stop of the Vice Presidential campaign often numbered between eight and forty persons, excluding secret service and press personnel. Further, prior to each Dukakis/Bentsen campaign event, teams of advance personnel, sometimes numbering as many as twenty persons, prepared and made arrangements for the event. The compilation of the cost of room and board for each of these individuals at each stop on each trip where Senator Bentsen may have met with Senate supporters in addition to stops on which he met with Vice Presidential supporters is extremely time consuming and burdensome because the campaign did not maintain information in a format that makes such information readily retrievable.

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Further, Dukakis/Bentsen has not yet received all of the receipts and other documentation for all of these trips from its travel agency and the business entities which provided these services, such as hotels. Subject to the foregoing, Dukakis/Bentsen is attempting to compile this information and will provide it to the Commission as soon as it has been compiled.

Upon information and belief, on those instances in which Senator Bentsen met with Senate campaign supporters to discuss the Senate campaign while on a Vice Presidential campaign trip, Dukakis/Bentsen paid for the hotels of Senator Bentsen and his Vice Presidential traveling party. Dukakis/Bentsen did not pay for any of the costs incurred by persons working on behalf of the Senate campaign.

6. Explain where Senator Bentsen met with Senate campaign supporters to discuss the Senate campaign while he was on campaign trips financed by the Dukakis/Bentsen Committee, Inc. If meeting facilities were utilized by Senator Bentsen to meet with Senate campaign supporters during campaign trips financed by the Dukakis/Bentsen Committee, Inc. state who paid for those facilities.

See response to Question 1. Upon information and belief, the Bentsen Senate campaign paid for all meeting facilities used by Senator Bentsen when meeting with Senate supporters.

9 5 0 4 3 6 7 4 3 3 0

7. Produce all documents referenced, related to, or relied upon in answering the above interrogatories.

The following documents responsive to this request have been produced herewith:

Exhibit 1 - Senator Bentsen's travel schedules for those Vice Presidential trips on which he met with Senate supporters to discuss the Senate campaign.

Exhibit 2 - DNC documentation for payment of travel expenses.

Kenneth A. Gross
Douglas A. Rediker
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Daniel A. Taylor
Carol Darr
Dukakis/Bentsen Committee, Inc.

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

95043674381

EXHIBIT 1

9 5 0 4 3 6 7 4 3 8 2

Schedule For: LLOYD BENTSEN, JR.
Trip Dates: 8 /22/88 - 8 /27/88
Trip No.: 5.0
Draft Number: 43 08/25/88

WASHINGTON, D.C. -- BOSTON -- ST. LOUIS -- DETROIT -- LEXINGTON -- LOUISVILLE -- MILWAUKEE -- CHICAGO -- TRENTON -- JACKSON -- ATLANTA -- HOT SPRINGS -- AUSTIN -- WASHINGTON

TRAVELING WITH LMB

SS x 13	Boston to Washington
BAB	
Joe O'Neill	St. Louis to Washington
Gay Burton	Washington to Boston
Jim Curry	Washington to Boston
Ed Knight	Boston to Washington
Mike Sims	Boston to Washington
Steve Ward	St. Louis to Washington
Mike McCurry	Boston to Washington
Ellen Moskowitz	Boston to Washington
Tom Redder	St. Louis to Washington
Judy Whittlesey	Boston to Washington
Jack Devore	St. Louis to Washington
John Hall	Kentucky to Washington
Vicki Radd	Boston to Washington
Bill Daly	St. Louis to Detroit
	Milwaukee to Chicago
Larry Harrington	Tennessee to Washington
Jim Steinberg	Milwaukee to Chicago

CHARTER INFORMATION [Plane # 1]

Remarks:	Washington to Boston
Charter Company:	O'Connell Management
Plane Type:	Lear 25
Tail Number:	N680BC
Pilot:	Tom O'Connell
Co-Pilot:	Tom Whittley
Flight Attendants:	

CHARTER INFORMATION [Plane # 2]

Remarks:	Boston to Washington
Charter Company:	Presidential Airways
Plane Type:	737-200
Tail Number:	N331XV
Pilot:	Don Simonds

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Co-Pilot: Ron Woodward
Flight Attendants: Gloria Brown
Jennifer Tripp
Nancy Miller

Garber Staff: Meridith Jones
Scott Stein

CHARTER INFORMATION [Plane # 3]

Charter Company:
Pilot:
Flight Attendants:

9 5 0 4 3 6 7 4 3 8 4

SCHEDULING DESK

	Scheduling	Issues
Monday, August 22	Jenny Vidis 617-451-2480/365 [redacted]	Sam Buell 617/451-2480/752 " "
Tuesday, August 23	" "	" "
Wednesday, August 24	" "	" "
Thursday, August 25	Pam Veasey 617-451-2480/366 [redacted]	
Friday, August 26	Richard Siegal (H)	
Saturday, August 27	Pam Veasey 617-451-2480/366 [redacted]	

ADVANCE

City	Name	Phone
Boston Desk	Paige Alexander	
Lexington	Caleb Marshall Mike McKay Seth Goldman Kimberly Marteau	
Louisville	Lisa Strasborg Kirk Hanlin Seth Goldman	
Milwaukee	Dwight Holton Bain Ennis James Day Ed Emerson Janice Gunn	
Chicago	Steve Bachar Bill Antholis Peter McLaughlin	

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	Ellen Golin
Trenton	Kris VanGiesen Mark Sump Ken Citron Ron Weathersby
Jackson	Ed Burtenshaw David Neslin Michael Moore
Atlanta	Murray Rapp Kathy Nealy- BAB lead Randi Lewis Dorthy Thurman
Hot Springs	Pat Fn'piere Patrick Morris Terry Bish Scott Melrose
Austin	Marty Gleason Mike Jones Terry Berman

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Friday, August 26, 1988

7:15am — Private Breakfast in Suite

NOTE: Gov. Mabus, Julie Mabus, and Sen. Stennis will join LMB for Breakfast in the suite. The four will walk together to the breakfast reception.

7:30am — Press/Staff baggage call in lobby

7:35am — Proceed to Breakfast Reception with Elected Officials
Event: Meet/Greet, Brief Remarks
Intro: Gov. Mabus
Location: Sheraton Regency
Jackson Room
Jackson
601-948-8605
Advance: site: Michael Moore
Press: closed

8:10am — Proceed to Motorcade

8:15am — Depart Sheraton Regency
Drive time: :10
Sen. Stennis will ride with LMB

8:25am — Arrive University of Mississippi Medical Center Children's Hospital
Event: 2500 N. State St.
Jackson
601-984-1100
Advance: site: David Neslin
Press: open
Proceed to holding room

NOTE: LMB holding room is Hospital Director Bussone's Office.
Telephone: 601-984-4117
Staff can be reached in adjacent office.
Telephone: 601-984-4118

8:30am — Proceed to Discussion with Doctors, Nurses, and Mothers
Location: Conference Room
Press: open

NOTE: LMB will be lav-miked during the discussion.

NOTE: Mrs. Julie Mabus will introduce LMB and open the discussion with remarks on her particular interest in pre-natal care and the crisis of infant mortality.

8:55am — Conclude Discussion

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9:00am	Proceed to Holding Room
9:05am	Proceed to Pediatric Outpatient Clinic Waiting area Event: Greet Mothers and Children Location: Children's Hospital LMB will be escorted by Dr. Ed Brown and Dr. John Morrison Press: open
9:15am	Proceed to motorcade
9:20am	Depart Children's Hospital Drive time: :15

NOTE: Bill Minor, political columnist for the Clarion Ledger, will ride with LMB from the Hospital to the airport.

9:35am	Arrive Airport
9:40am	Board plane
9:50am CST	Wheels up Jackson FBO: Miller Wills 601/939-9366 Flight time: :45(1:45 OCT)
11:35am EST	Wheels down Atlanta, GA FBO: Lockheed Air Terminal 404/530-2054 Advance: Lead: Murray Rapp HoldingRoom:404-530-2090

NOTE: LMB will be greeted at the airport by Agricultural Commissioner Tommy Irvin. Irvin will ride with LMB from the airport to the Capitol.

11:40am	Board buses
11:50am	Depart Airport Drive time: :15 Marvin Arrington will ride with LMB
12:05pm	Arrive Georgia State Capitol Advance: Site:Dorothy Thurman Randy Lewis Proceed to Governor's Office

NOTE: LMB will meet briefly with Gov. Harris and Sen. Nunn before proceeding together to the front steps of the Capitol.
Phone:404-656-1776

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12:10pm Proceed to Rally on Capitol Steps
Press: open

NOTE: LMB will be introduced by Sen. Nunn and Gov. Harris. Standing behind LMB on the Capitol steps will be 100 party and elected officials who make up the Georgia Dukakis/Bentsen Committee.

12:35pm Depart Rally
Drive time: :10
Nunn and Harris will ride in motorcade

NOTE: Henry Dornbush will ride with LMB from the rally to the fundraiser.

NOTE: Press to file and eat lunch at the Ramada Hotel/4736 Best Road/404-762-7676. Press and staff will rejoin LMB at the FBO.

12:45pm Arrive Fundraiser/Meet&Greet/Remarks
Call time: 12:15
Intro: Sen. Nunn
Location: Commerce Club
Broad/Marietta St/14th Floor
Stern Room
Atlanta
404-525-1611
Advance: Finance Advance:
Press: closed
Suzanne Thelan

NOTE: LMB will be met by BAB at the fundraiser. Sen. Nunn and Gov. Harris, fundraiser hosts, will accompany LMB to the event.

NOTE: Holding Room is the Lawyer's Club
Telephone: 404-636-9627

1:30pm Proceed to motorcade

1:35pm Depart Fundraiser
Drive time: :10

1:45pm Arrive Atlanta Constitution
Event: Editorial Board Meeting
Location: 72 Marietta St.
Atlanta
404-526-5151
Press: closed

NOTE: Holding room at the Constitution is Office of Kathy Coffee.
Telephone: 404-526-5256/526-6876

2:45pm Depart Atlanta Constitution
Drive time: :20

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3:05pm Arrive Airport

3:10pm Board Plane

3:30pm Wheels up Atlanta
FBO: Lockheed Air Terminal
404-530-2054
Flight time: 1 hr 10 mins(:10 OTC)

3:40pm CST Wheels down Hot Springs, Arkansas
FBO: Memorial Field
501-624-3306/623-3231
Advance: Lead: Pat F'N Pierre
Press: Scott Melville

NOTE: LMB will be greeted at the airport by Hot Springs Mayor John Star, the Red Jackets, and Virginia Kelly (Gov. Clinton's mother).

3:45pm Board Buses

3:50pm Depart Airport
Drive time: :09

4:00pm Arrive Hot Springs Convention Center
Event: Ark. State Dem. Convention
Location: 134 Convention Blvd.
501-321-2835
Advance: site: Patrick Morris
Press: open
Proceed to Holding Room

TELEPROMPTER INFORMATION
Operator: A.V. Arkansas, Chuck Lester
Phone: 501-661-1114 Fax: 501-664-8136
Hot Springs Hilton Hotel Fax: 501-650-1300 ext. 266

NOTE: LMB holding room will Office of Director of Convention Visitors Bureau.
Phone: 501-321-2027
Staff: 501-321-2835, Director Of Public Relations Office.

NOTE: LMB will be introduced while he waits at the stage door by State Chairman Lib Carlysle, Gov. Clinton, and Sen. Pryor.

4:10pm Proceed to Stage
Event: Remarks
Press: open
LMB will be using a teleprompter

4:35pm Conclude Remarks

NOTE: LMB will walk from the Convention Center to the Hilton Hotel ..(3 minutes).

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4:40pm — Proceed to Roundtable With Local Press
Location: Hilton Hotel
Pageant Room, Mezz. level
Advance: Chris Jaunke

NOTE: Attending the Roundtable: John Reed, Arkansas Gazette; Paul Barton, Arkansas Democrat; Lynn Kutter, Hot Springs Sentinel Record; Anthony Kimbrough, Pine Bluff Commercial; Janice Kearney-Lunon, Arkansas State Press

4:55pm — Live TV Interviews

NOTE: 4:57 KARK (NBC) Roy Mitchell, Margaret Preston LIVE
5:03 KATV (ABC) David Davis LIVE
5:06 KTHV (CBS) Joe Quinn TAPE
Interviews to be held in the Hilton's Tri-Lake Room

5:10pm — Proceed to Meeting with Elected Officials
Event: Remarks
Intro: Gov. Clinton
Host: Gov. Clinton
Location: Hilton Hotel
Ballroom
Advance: site: Terry Bisch
Press: open

5:30pm — Conclude Remarks

5:35pm — Proceed to Small Fundraising Reception
Event: Meet & Greet/Brief Remarks
Intro: Gov. Clinton
Location: Hilton Hotel Board Room
(Adjacent to Convention Center)
Advance: site: Terry Bisch
Press: closed

NOTE: Press to file from 8 pay phones at Hilton or wait at the Hotel bar.

6:00pm — Proceed to Motorcade

6:05pm — Depart Hilton Hotel
Drive time: :09

6:15pm — Arrive Airport

6:20pm — Board Plane

6:30pm — Wheels up Hot Springs
FBO: Memorial Field
501-624-3306/623-3231
Flight time: 1:00

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7:30

Wheels down Austin
FBO: Aero Services
512/479-6666

RON For LMB/BAB/Staff/Press
Location: Four Seasons Hotel
98 San Jacinto Blvd
Austin, Texas
512/478-4500
Fax: 512/

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Saturday, August 27, 1988

Depart hotel en route event

Arrive event

Depart event en route airport

Arrive airport

Board plane

Wheels up Austin
FBO: Aero Services
512/479-6666
Flight time: 3:15(4:15 OCT)

Wheels down Washington

RON For LMB/BAB

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Schedule For: LLOYD BENTSEN, JR.
Trip Dates: 09/07/88 - 09/11/88
Trip No.: 7.0
Draft Number: 53 09/10/88

LONG ISLAND -- NEW YORK CITY -- CEDAR RAPIDS -- BLOOMINGTON --
LOS ANGELES -- SAN DIEGO -- WICHITA, KS -- WASHINGTON

TRAVELING WITH LMB

SS X 13	
BAB	
Joe O'Neill	
Steve Ward	
Ed Knight	
Mike Sims	
Vicki Radd	
Ellen Moskowitz	
Mike McCurry	New York City to Washington
Judy Whittlesey	
Tom Redder	
Jennifer Vidis	New York to Iowa
John Hall	New York City to Los Angeles
Donna Brazile	Los Angeles to Washington
Ellen Kurz	New York to Iowa
Marty Clayton	New York to Iowa
Peter Scher	Long Island to New York City
Cong. Neil Smith	New York to Cedar Rapids
Verne Watkins	Los Angeles to Los Angeles
Tony Podesta	Los Angeles to Los Angeles
Alan Cranston	Los Angeles to San Diego (No Hotel)

CHARTER INFORMATION [Plane # 1]

Remarks:	New York City to Washington
Charter Company:	American West
Plane Type:	737-100
Tail Number:	N708AW
Pilot:	Ted Dehees
Co-Pilot:	Tom Townsend
Flight Attendants:	Karen Vance
	Lisa O'Connell
	Jan Mceldowney
	Frank Fettles
	Mechanic: Gary Schmidt

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Garber Staff: Meridith Jones
Scott Stein

CHARTER INFORMATION [Plane # 2]

Remarks:	Helicopter to Manhattan from Long Island
Phone:	212-294-0355
Plane Type:	Helicopter
Tail Number:	519WW
Pilot:	Richard Scully

CHARTER INFORMATION [Plane # 3]

Remarks:	Helicopter to Manhattan from Long Island
Phone:	212-294-0355
Plane Type:	Helicopter
Tail Number:	517WW
Pilot:	Bernard Racer III

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SCHEDULING DESK

Scheduling Desk	Issues Desk	Press Desk
Wednesday, September 7 Pam Veasey 617-451-2480/366 [redacted]	Sam Buell 617-451-2480/752	
Thursday, September 8 Pam Veasey 617-451-2480/366	" "	
Friday, September 9 Richard Sigel 617-451-2480/367	Sam Buell 617-451-2480/752	
Saturday, September 10 Pam Veasey 617-451-2480/366	Sam Buell 617-451-2480/752	
Sunday, September 11 Pam Veasey 617-451-2480/366 [redacted]	" "	

ADVANCE

City	Name	Phone
Boston Desk	Paige Alexander	617/451-2480 x372 [redacted]
Long Island	Paul Gorgio Ken Citron Mary Duffy Laura Hartigan	516/349-9100 Howard Johnsons Fax:516-349-9106 Royce Carlin 516-845-1000 Fax: 516-845-1223
New York	Janna Sidley Bill Antholis Mary Kaems Jennifer Marshall David Neslin Laura Hartigan	212-883-1234 Grand Hyatt Hotel FAX: 212-697-3772 212-490-8900 New York Helmsley

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Cedar Rapids	Paul Holtzman Dwight Holton Dennis Alpert Richard Lind Michael Toscaro Helen Ball (T)	319-363-8161 Five Seasons FAX:319-363-8161
San Bernadino	Redmond Walsh Jim Merlino Kirk Hanlin Scott Melrose Katie Wurtz (T)	714/784-8000 Sheraton FAX: 714-682-7529
Los Angeles	Kathy Nealy David Berman Ron Weathersby Adam Anthony Kimberly Marteau Amy Hughes (T) Ron Goldstein (T)	213/277-2000 Century Plaza FAX: 213-551-3355
San Diego	Kris Van Giesen Dan Goldes Sean Mullin Ed Emerson Adrianne Zubrin Steve Aguillar (T) Jessica Braverman (T)	619-696-0234 Ramada Inn FAX: 619-231-8199

(T)- Trainee

NOTE: The Senator will be met at curbside by Jim Larocca, Chairman of the Long Island Association.

	Proceed to Holding Room
8:20am	Remarks followed by Q & A
8:40am	Board Buses
8:50am	Depart Crest Hollow Hall Drive time: 15 mins.

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9:10am	Arrive Royce Carlin Hotel
	Hold for Local Press
	Press to file (7 pay phones)
9:30am	TV 12 Interview/Embassy Room #1
	Carol Silver & Alan Gurstell
	(10 mins.)
9:45am	Newsday/Forum Room #1/Mike Waldman
	(20 mins.)
10:10am	WALK Radio/Embassy Room #1
	Robert Pondusco (7 mins.)

NOTE: Staff and Press depart Long Island by motorcade and proceed to Carnegie Deli in Manhattan. The Senator and Mrs. Bentsen will take a helicopter to Manhattan to attend a Senate Fundraiser. (Also: EK, MM, PS, TJR, SSx2)

10:22am	Proceed to Motorcade
10:30am	Depart Hotel
10:40am	Arrive Airport

NOTE: Holding Room Available.

10:45am	Board Helicopter
10:50am	Wheels up Woodbury/Republic Airport FBO: Millionaire 516-752-9022 Flight time: 20 mins.
11:10am	Wheels down Manhattan FBO: 34th Street Helicopter Pad 212-294-0355
	Proceed to Motorcade
11:15am	Depart Helicopter Pad Drive time: 20 mins.

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11:35am EDT

Arrive Tavern On The Green
Event: Senate Campaign Fundraiser
Location: Tavern On The Green
Central Park West at 67th St.
New York, NY
212-873-3200
Contact: Ann Rowan 202-347-2772
Press: closed

12:55pm

Proceed to Motorcade

1:00pm

Depart Event
Drive time: 20 mins.

NOTE: The Press and Staff will arrive Carnegie Deli at approx. 12:30pm.

1:15pm

Arrive Carnegie Deli
Event: Eat and Greet
Host: Milton Parker/Owner
Location: 854 7th Street (55th and 7th)
New York City
212-757-2245
Contact: Artie Fischer/Manager
Advance: Janna Sidley
Bill Antholis
Press: open

NOTE: The Senator and Mrs. Bentsen will be met at curb side by Milton Parker the owner of Carnegie Deli.

1:35pm

Board Buses

1:45pm

Depart Carnegie Deli
Drive time: 15 mins.

2:00pm

Arrive Grand Hyatt Hotel

Down Time

3:00pm

Proceed to Motorcade

3:05pm

Depart Hotel
Drive time: 15 mins.

NOTE: Mrs. Bentsen will remain at hotel for press interviews. At 3:30 she will be interviewed by Mr. Buckley of "W". At 4:00 Mrs. Bentsen will be interviewed by Larry Hoff of "Goodday, New York." Also Press will remain at Hotel.

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3:20pm — Arrive CBS Studios
Location: 530 W. 57th Street
New York City
975-4321
Contact: Jean McCurry 212-975-7584

Proceed to Holding Room for Make-up

Holding room number 212-975-8013

3:30pm — Tape "Newsmakers" (30 mins.)

4:00pm — Proceed to Makeup

4:15pm — Tape Satellites

NOTE: Contact: Al Patrusco [redacted]

4:45pm — Proceed to Motorcade

4:55pm — Depart Studio
Drive time: 15 mins.

NOTE: Car Ride with "Daily News" reporter Frank Lombardi.

5:10pm — Arrive Grand Hyatt Hotel

Down Time/Press to File

6:50pm — Depart Hotel
Drive time: 20 mins.

7:10pm — Arrive Hilton Hotel
Event: New York Gala Fundraiser
Location: Hilton Hotel
Grand Ballroom
1335 Avenue of Americas
New York, NY
212-586-7000
Fax: 212-757-7423
Contact: Nina Streich 212-753-4340
Press: closed

7:15pm — Proceed to Holding Room/Private Mtg.

NOTE: Executive Suite 212-586-7000 Ext. 3225

7:45pm — Proceed to Holding Rm Green Rm 4th Flr

NOTE: In Holding Room #2 The Senator will be joined by Gov. Dukakis, KDD, Jacksons, Cuomos, Gephardts, Simons, Babbitts, Gores, Moynihans, and Michael Del Guidice, NY State Campaign Chair.

8:00pm — Enter Ballroom

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	Meet and Greet
8:45pm	Program Begins
9:00pm	Remarks and Intro by Senator Moynihan
9:02pm	Remarks by Senator Bentsen
9:05pm	Remarks by Harry Belefonte
9:06pm	Remarks and Intro by Governor Cuomo
9:10pm	Remarks by Governor Michael Dukakis
9:30pm	Proceed to Motorcade
9:40pm	Board Buses
9:50pm	Depart Fundraiser Drive time: 20 mins.
10:10pm EDT	Arrive Grand Hyatt Hotel
	RON For LMB/BAB/MSD/KDD/STAFF/PRESS Location: Grand Hyatt Hotel Park Avenue and Grand Central New York, NY 212-883-1234 Fax: 212-697-3774 Staff Room Ext. 3340 and 3339

95043674401

Friday, September 9, 1988

6:30am EDT	Private Breakfast in Room

NOTE: Baggage Call: 5:45am

6:50am	Proceed to motorcade
6:55am	Depart Hotel
7:25am	Arrive Laguardia Airport
7:30am	Board Plane
7:45am	Wheels up La Guardia Airport FBO: Butler Aviation 718-476-5200 Flight time: 2:30(1:30 OTC)
9:15am CDT	Wheels down Cedar Rapids, Iowa FBO: Van Dusen 319-366-1925 Advance: lead: Paul Holtzman

NOTE: Holding room at FBO is the airport manager's board-room.
Phone: 319-362-3132

NOTE: LMB will be greeted by local supporters at airport. Rep. Bob Arnold, Rep. Dave Osterberg, Jerry Crawford, Pat Marshall, Clark Rasmussen, and Mike Tramantino.

9:20am	Board Buses
9:25am	Depart Airport Drive time: :20
9:45am	Arrive World Ag Expo Location: Amana Society Main Amana Colony Cedar Rapids Advance: Dwight Holton Proceed to Holding Room

NOTE: Holding room is First Aid Trailer
Phone: 319-622-6349
Staff can be reached at press tent
Phone: 319-622-6144

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10:00am — Proceed to Address Ag. Expo
Intro: Congressman Neil Smith
Location: Main Stage
Press: open

NOTE: LMB will be introduced by Cong. Neil Smith. Sec. of Agriculture Dale Cochrane will introduce Smith. LMB will proceed to the stage on cue.

NOTE: LMB will use a teleprompter

NOTE: On stage will be State Chair Bonnie Campbell, Dianne Nagle, Congressional candidate Eric Tabor, Future Farmers of America, Amana Society CEO Dennis Schragg.

10:30am — Conclude Remarks

Proceed to Photo Opportunity

NOTE: LMB will briefly drive a John Deere tractor and plow 15 feet of earth.

10:45am — Proceed to Visitor Center by Motorcade
Proceed to holding room

NOTE: Holding room at Visitor's Center is the 2nd floor Director's office.
Phone: 319-622-6262

11:00am — Proceed to Press Availability
Location: Visitor Center Auditorium
Press: open

11:25am — Depart Press Availability
Proceed to Holding Room

NOTE: Press to file. 10 phones installed in Visitor's Center Auditorium.

11:30am — Hold for local interviews

NOTE: Local interviews will be conducted in 2nd floor conference rooms adjacent to LMB's holding room.

11:35 KCCI (CBS) Des Moines, Steve Oswalt — General Questions
11:40 WHO (NBC) Des Moines, Dane Placko
11:45 KGAN (CBS) Cdr Rapids, Wade Wagner — Ag. Policy, exports, US-Soviet grain trade.

11:50 Ken Sullivan, Cedar Rapids Gazette
11:55 Mike Glover, Iowa AP

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12:00pm Proceed to Motorcade

NOTE: Des Moines Register Reporter David Yepson will ride in limo with LMB from the Amana Society to the airport.

12:05pm Depart Amana Society

12:35pm Arrive Airport

12:40pm Board Plane

12:50pm CDT Wheels up Cedar Rapids
FBO: Van Dusen
319-366-1925
Flight time: 4:30(3:30 OTC)

NOTE: Flight time reflects :30 fuel stop in Albuquerque, NM.
2:10 MDT Wheels Down Albuquerque
2:40 MDT Wheels Up Albuquerque
FBO: America West, 505-842-4035

3:20pm PDT Wheels down Ontario, CA
FBO: Wells Aviation
714-366-1925
Advance: lead: Redman Walsh

NOTE: LMB will be greeted at the airport by State Sen. Ayala, Sen. Bob Pressley, and CA state director Tony Podesta. Podesta will ride with LMB from the airport the rally.

NOTE: Press bus will be at FBO at 2:00pm. Gray Line Bus Co. Contact: George at (213) 481-2121

NOTE: Plane will depart immediately for LAX, where staff and press baggage will be removed and delivered to the Century Plaza. LAX FBO: America West. Estimated Wheels Down: 4:00pm
Phone: 213-417-4048

3:25pm Board Buses

3:30pm Depart Airport

4:00pm Arrive United Food and Commercial Workers Union Hall
Event: GHWB 60 Day Notice Rally
Location: 855 W. San Bernadino
Bloomington
714-877-5000
Press: open
Proceed to Holding Room

NOTE: Holding Room Phone: 714-877-2981

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4:15pm Proceed to Address Supporters
Press: open

NOTE: LMB will be introduced by Sen. Ayala. LMB will enter the hall on cue. Joining LMB on stage are members of the area union locals. LMB will be presented with a 3'x5' pink slip for George Bush.

4:45pm Conclude Remarks

NOTE: 5:00 Hold for Live at 5 TV Interviews

5:00 KCBS (CBS) L.A. Live interview with studio anchor
5:06 KTTV (FOX) L.A. Taped interview
5:12 KNBC (NBC) L.A. Live interview with Linda Douglas

5:15pm Proceed to Helicopter

NOTE: Helicopter Information:
Riverside Air Service
(714) 689-1160

5:20pm Wheels up UFCW Hall Parking Lot

NOTE: Traveling press will take bus back to Hotel. Staff will ride in 15 passenger van. LMB will helicopter to Bel Air for Senate FR.

5:50pm Wheels down Los Angeles/UCLA Campus
Advance: Pat Dorenson

Proceed to motorcade

5:55pm Depart UCLA Campus

6:10pm Arrive Senate FR
Host: Nancy and Bob Daly
Location: 256 Cops de Oro Rd
Bel Air
LA
213-476-0190/0174
Contact: Pat Dorenson:818-995-3600
Advance: Pat Dorenson
213-451-1459
Press: closed

7:10pm Proceed to motorcade

7:15pm Depart Senate FR

9504367/4405

7:35pm Arrive Hotel

NOTE: The Senator will be greeted by the Hotel Manager and Convention Services Representatives.

RON For LMB, BAB, Staff, Press
Century Plaza Hotel
Location: 2025 Avenue of the Stars
Los Angeles, CA 90067
213-277-2000
Fax: 213-551-3355
2nd FAX# 213-551-3374

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Saturday, September 10, 1988

8:30am PDT	Private Breakfast
9:45am	Board Buses
10:00am	Depart Hotel Drive time: 30 mins. Sen. Cranston will meet Sen. at Hotel

NOTE: Senator Cranston will meet Senator Bentsen at hotel at 9:45 and ride in the Car to the Operation Safe Street Location.

10:30am PDT	Arrive Operation Safe Streets (OSS) Event: Hdqtrs tour/Discussion/Remarks Host: Sheriff Dept. Location: 21356 S. Avalon Blvd Carson, CA 213-830-1123 Contact: Captain Ralls 213-974-4672 Advance: Kathy Nealy(lead) Adam Anthony (site) Press: open

NOTE: The Senator will be met by State Senator Cecil Green, the Carson City Council Members: Mike Mitoma, Silvia Muse, Vera DeWitt, John Andrews and Sgt. Rich Davison.

NOTE: The Senators Holding Room is the Captain's Room 213-830-1123. The Staff Holding Room 213-830-9694.

11:20am	Board Buses
11:30am	Depart Event Drive time: 40 mins.

NOTE: Car Ride with Rick Orloff, a reporter from "The LA Daily News."

12:10pm	Arrive Airport

NOTE: Holding room available.

12:20pm	Board Plane
12:30pm	Wheels up Los Angeles/LAX FBO: America West Remote Pad #3 213-215-5321 or 213-215-5323 Fax: None Flight time: 30 mins
1:00pm	Wheels down San Diego/Lindberg Field FBO: Jim's Air Service 619-298-7704/Mike Biacamonte Fax: 619-298-3534 Advance: Kris Van Giesen

9504367407

NOTE: Chris Van Giesen can be reached by Cellular phone 619-548-8928. The Senator's Holding room #619-298-7704. EXT 34. The Staff's Holding Room #619-298-7704 EXT 30.

1:05	Board Buses
1:10p	Depart Airport Drive time: 5 Mins.

NOTE: Car Ride with Senator Cranston.

1:15	Arrive San Diego Rally Event: Rally Location: San Diego County Admin. Ctr. Harbour Dr. (Btwn Grape & Ash) San Diego Press: open

NOTE: The Senator will be greeted by Irma Munoa, San Diego Democratic Chair, Assemblyman Leon Williams and Congressman Jim Bates. Holding Room available in San Diego Admin. Ctr. Room #166.

	Proceed to Holding Room #166
1:20	Proceed to Stage
1:25pm	Introduction by Alan Cranston
1:27pm	Remarks
1:50pm	Depart Rally Proceed to Holding Room -- Admin. Ctr
	Proceed to Holding Room #166

NOTE: Press board buses and proceed to airport to file.

1:55pm	Arrive Political Meet & Greet (10 mins.) Location: San Diego Admin. Ctr. Room #103
2:05	Board Buses
2:10	Depart San Diego Ctr. Drive time: 20 mins.

9504367440 8

2:15	Arrive Airport Hold for press/press to file
	Hold for Local Press\Press to file
2:20	San Diego Tribune -- Rick Shaugnessy
2:27pm	Orange County Register -- Dennis Foley
2:34pm	KFNB-TV (CBS) -- Mark Brown (taped)
2:40	Conclude Interviews
2:45pm	Board Plane
2:50pm	Wheels up San Diego/Linbergh Field FBO: Jim's Air Service 619-298-7704 Fax: 619-298-3534 Flight time: 30 Mins.

NOTE: The Senator's Holding Room #619-298-7704 EXT 34.
The Staff's Holding Room #619-298-7704 EXT 30.

3:20pm	Wheels down Los Angeles/LAX FBO: America West Remote Pad #3 213-251-5321 or 213-215-5323
	Board Buses
3:30pm	Depart Airport Drive time: 30mins
4:00pm	Arrive Century Plaza Hotel Location: 2025 Ave. of Stars Los Angeles 213-277-2000
	Down Time

NOTE: At 7:50 Verne Watkins will call for the Senator at his Suite and Escort him to the Brentwood Room.

8:00pm PDT	Arrive Willie Brown Dinner Event: Dinner & Cocktail Gala Host: Speaker Willie Brown Location: Century City Plaza Hotel Los Angeles Ballroom 2025 Ave of the Stars Los Angeles 212-227-2000 Contact: Marlene Bane 818-995-0133 Advance: Kathy Nealy Press: open Black-tie Event

9504367440 9

Proceed to Brentwood Room

NOTE: In the Brentwood Room, The Senator and Mrs. Bentsen will meet with members of the state assembly for a meet and greet and photo opp.

8:30pm	The Program Begins: Introduction of State officials and honored guests.

NOTE: The Senator and Mrs. Bentsen will be introduced, enter and take their seats at the head table.

8:45pm	Remarks and intro by W. Brown
8:55pm	Senator Bentsen address dinner
9:07pm	Intro of Senator Inouye by W. Brown
9:17pm	Remarks by Senator Inouye (Keynote)
9:50pm	Depart Willie Brown Dinner
10:00pm	Arrive Suite

RON For LMB/BAB/STAFF/PRESS
Location: Century Plaza Hotel
2025 Ave of the Stars
Century City, LA
213/277-2000
Fax: 213/551-3355

NOTE: Staff room 1817.

9504367441 0

Sunday, September 11, 1988

7:00am	PDT	Baggage Call
		Private Breakfast
8:05am		Board Buses
8:15am		Depart hotel en route airport Drive time: 20 mins.
8:45am		Arrive Airport
		Board Plane
9:00am		Wheels up Los Angeles FBO: America West 213/215-4307 Flight time: 1:50 (2:50)
11:50pm	CDT	Wheels down Denver, CO FBO: Jet Aviation 303-398-3933 Advance: fuel stop
12:50pm		Wheels up Denver, CO FBO: Jet Aviation 303-398-3988 Flight time: 3:00 (5:00)
5:50pm	EDT	Wheels down Washington National FBO: Butler Aviation 703-549-8340 Advance: Scott Sudduth
6:00pm		Depart airport en route LMB home
6:20pm	EDT	Arrive LMB home

9504367441

Schedule For: LMB
Trip Dates: 9/13/88 - 09/17/88
Trip No.: 8.0
Draft Number: 27 09/13/88

D.C. -- McALLEN -- HARLINGEN -- FORT WORTH/DALLAS -- SHREVEPORT -- MEMPHIS -- GREENVILLE -- WEST PALM BEACH -- PANAMA CITY -- D.C.

TRAVELING WITH LMB

BAB	
SS X 13	
Joe O'Neill	
Steve Ward	
Ed Knight	
Mike Sims	
Vicki Radd	
Ellen Moskowitz	
Mike McCurry	
Tom Redder	
Judy Whittlesey	
James Taylor	Harlingen to Dallas
Ruben Bonnilla	Harlingen to Dallas
Hugo Berlango	Harlingen to Dallas
Jack Martin	Harlingen to Dallas
Larry Harrington	Memphis to Washington
Sen. Albert Gore	Memphis to North Carolina
Jack Martin	Harlingen to Dallas
Alan Greer	West Palm to Panama City

CHARTER INFORMATION [Plane # 1]

Remarks:	Washington to Washington
Charter Company:	America West
Plane Type:	737-100
Tail Number:	N708AW
Pilot:	Ted Dehesse
Co-Pilot:	Jim Overton
Flight Attendants:	Karen Vance
	Janice Mceldowney

9504367441 2

Garber Staff:

Lisa O'Connell
Frank Settles
Meridith Jones
Scott Stein

9 5 0 4 3 6 7 4 4 1 3

SCHEDULING DESK

Scheduling Desk	Issues Desk	Press Desk
Tuesday, September 13		
Richard Sigel		
617-451-2480/367		
Wednesday, September 14		
Richard Sigel		
ext. 367		
Thursday, September 15		
Richard Sigel thru TX		
617-451-2480/367		
Jenny Vidis		
617/451-2480 x365		
Friday, September 16		
Jenny Vidis (THRU NC)		
617-451-2480/365		
Pam Veasey	Sam Buell	
617-451-2480/366	617-451-2480/752	
Saturday, September 17		
Pam Veasey	Sam Buell	
617/451-2480/366	617-451-2480/752	

ADVANCE

City	Name	Phone
Boston Desk	Paige Alexander	
Harlingen	Suzy Trees	
	Mike Jones	
	Seth Goldman	
	Bill Sherman II	
	Agnes Cooper	
	Stephen Mines(T)	
	Seth Goldman	
Dallas/ Ft. Worth	Andrew Pavan	
	Thurston Hammer	
	Sol Villasana	
	Joy Howell	

95043674414

	Amy Hughes
Shreveport	Steve Bachar Peter Cutler Laughlin MacDonald Michael Toscano Eric Myers(T) Manuel Garza(T)
Memphis	Caleb Marshall Bill Antholis Ken Citron Randi Lewis Kim King(T) Barbara Korthals-Altes
Greenville	Kris Van Giesen Marc Wurzell Cece Ray Peter McLaughlin Dorthy Thurman(T) Mary Duffy Kathy Roth
West Palm Beach	Paul Gorgio Michael Moore Peter Mirijanian Eric Sklar James Day Carrie Goux
Panama City	Steve Silverman Mark Sump Nialls Viagnolles Sam Rodriguez Laura Hartigan David Neslin

9504367441 5

Tuesday, September 13, 1988

NOTE: America West Plane will arrive in DC from Chicago at @10:25pm Monday evening.
Crew RON at Holiday Inn (703) 243-9800

4:15pm		Baggage call at airport
5:00pm		Depart Senate Office Building
5:20pm		Arrive Washington DC National
5:35pm	EDT	Wheels up DC National FBO: Butler Aviation 703-549-8340 Fax: 703-892-5486 Flight time: 3:25(2:25 OTC) Food: dinner
8:00pm	CDT	Wheels down McAllen Airport FBO: McAllen Aviation 512-687-8171 Advance: lead: Suzi Trees press: Seth Goldman
8:05pm		Board Buses
8:10pm		Depart Airport LMB/BAB proceed to family home

Sunday

NOTE: Press and staff will depart airport en route Embassy Suites Hotel.

8:35pm		Arrive Family Home Location: 2 1/2 Miles South Bentsen Rd. McAllen 512-687-3157
		RON For LMB/BAB Family Home
		RON For STAFF/PRESS Location: Embassy Suites 1800 S. Second St. McAllen, TX 512/686-3000 Fax: 512-631-8362

9504367441 6

RON For Crew
McAlen Holiday Inn

NOTE: Plane will ferry from McAllen to Harlingen Wed. morning at @ 7am.

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Wednesday, September 14, 1988

NOTE: Press and staff baggage call is 7:30am.
Press and staff will depart the hotel at 7:45am and arrive at the Confederate Air Force at 8:45am.

NOTE: BAB to travel separately from LMB for the day. BAB to return in time for evening fundraiser.

7:05am	Depart Family Home
7:15am	Arrive Senate Fundraising Breakfast Location: Home of Morris Atlas 1600 Iris St. McAllen 512-686-4780 Press: closed
8:15am	Depart Senate fundraiser Drive time: :50
9:05am	Arrive Confederate Air Force Event: Remarks and Plane Inspection Location: Harlingen Airport Harlingen 512-425-1057 Contact: Ralph Royce,Exec.Dir. Advance: site:Mike Jones Press: open Proceed to Holding Room

NOTE: Holding Room is Conference Room.
Phone: 512-425-1057
Staff can be reached at this phone number.

9:10am Proceed to Address Audience

NOTE: LMB's address takes place adjacent to the hangar area of the Confederate Air Force.
LMB will be introduced by CAF Executive Director Ralph Royce.

9:30am Conclude Remarks

NOTE: Following LMB's remarks, Ralph Royce will present LMB with a CAF commendation.

9:35am Inspect WW II Bomber Plane

NOTE: LMB will don a bomber jacket and proceed to view a BT 13. LMB will be greeted at the BT 13 by two young cadets who will ask him about the plane. LMB will climb into the plane and start the engine.

NOTE: (10:00am
Press to file at CAF Officer's Club
10 telephones have been installed.)

9504367441 8

10:00am	{Marine military Academy C.11 (512) 423-6006	Hold for filming television spot
11:20am		Depart Confederate Air Force
11:30am		Board plane

NOTE: Plane will be boarded at and will take off from the CAF.

11:40am	Wheels up Harlingen/Rio Grande Valley	
	FBO:	Young Flying Service 512-423-0997
	Flight time:	1:10
	Food:	lunch
12:50pm	Wheels down DFW International	
	FBO:	General Aviation 214-574-3390
	Advance:	lead: Andy Paven press:Joy Howell

NOTE: LTV Missiles and Electric Group President, Robert Parker, will meet LMB at the airport and ride with him to LTV.

12:55pm	Board buses	
1:00pm	Depart airport Drive time: :30	
1:30pm	Arrive LTV Inc.	
	Event:	View Weapons Systems/Speech
	Location:	Marshall St. at West Freeway Dallas
	Advance:	site: Thurston Hammer
	Press:	open
	Proceed to Holding Room	

NOTE: Holding room is Bill Branum's office
Phone 214-266-7682
Staff can be reached at 214-266-7914
Holding room near stage is Mr. Stoney's office: 214-266-9666

1:35pm	Proceed to View HVM Missile Display	
1:50pm	Proceed to Address Employees	
	Location:	Front Lawn of LTV Inc.
	Press:	open

NOTE: LMB will proceed to the stage in an army Jeep.

NOTE: LMB will be introduced by Robert PArker.
LMB will use a teleprompter.

2:35pm	Proceed to motorcade

9504367441 9

NOTE: Press needing to file will remain at LTV Inc. with the bus.

2:40pm	Depart LTV Inc.
3:15pm	Arrive Adolphus Hotel Dallas \

NOTE: Downtime for LMB

4:15pm	Depart Hotel
4:30pm	Arrive Dallas Times Herald Editorial Board Location: 1101 Pacific Dallas 214-720-6111/6632 Advance: site: Sol Villasana Press: closed
5:15pm	Depart Dallas Times Herald Ed Board
5:30pm	Arrive Adolphus Hotel Event: Downtime/Dinner Son Lloyd will join LMB for dinner
7:30pm	Depart Adolphus Hotel Senate Advance:James Clark 214-740-0088
7:45pm	Arrive Senate Fundraiser Call time: 7:30 Host: Raymond Nasher Location: 4701 Miron Dallas 214-357-5298 Advance: Senate Campaign Staff Press: closed
8:45pm	Depart Fundraiser
9:00pm	Arrive Adolphus Hotel

RON For LMB/BAB/Staff/Press
Location: Adolphus Hotel
1321 Commerce Street
Dallas, TX 75202
214/742-8200
Fax: 214/747-3532
Staff room fax: 214-748-7314

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RON For Crew

NOTE: Plane will ferry from DFW International to Dallas/Love Field after drop off in Ft. Worth. Plane to depart at 1:25pm, arriving Dallas @1:45pm.

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Thursday, September 15, 1988

8:00am	Baggage call for Staff and Press
8:10am	Depart Suite
8:~~10am~~ 15	Arrive Breakfast with MSD/LMB Texas Business Council Location: Adolphus Hotel Sam Houston Room Dallas Advance: site: Thurston Hammer Press: closed
9:00am	Proceed to Announcement of MSD/LMB Texas Business Council Location: Adolphus Hotel Pat Morris Ness Room Press: open
9:25am	Conclude Announcement
9:30am	Proceed to Meeting with Black Religious Leaders Host: John Hall Location: Adolphus Hotel Press: closed
9:45am	Proceed to motorcade ~~Intro:~~
9:50am	Depart Adolphus Hotel
10:~~10am~~ 10:00	Arrive Airport/Dallas Love
10:15am 11:05 board plane	Board plane
10:30am	Wheels up Dallas Love Field FBO: Jet East 214/350-8523 Flight time: :45 Food: croissants, fruit
11:15am depart Hotel	Wheels down Shreveport Regional Airpor FBO: Shreveport Air Center 318/636-1000 Fax: 318/636-1878 Advance: Steve Bachar (lead) Cellular:

11:35 Arrive Airport

12:40 board plane

12:00 wheels up.

Jet O'Neill's Suite

9 5 0 4 3 6 7 4 4 2 2

11:25am	Proceed to Airport Greeting Event: Remarks Location: FBO tarmac Press: open Exp. attend: 100 people
11:40am	Proceed to Holding Room Location: Conference Room Shreveport Air Center 318/636-1000 Make-up person will be present.
12:00pm	Proceed to Live Shots
12:15pm	Board buses
12:20pm	Depart airport Drive time: :05 min.

NOTE: Staff and press proceed to the Louisiana Army Ammunition Plant.

12:25pm	Arrive Political Reception Event: Meet & Greet/Brief Remarks Location: 3rd Floor Central Terminal Bldg. Shreveport Regional Airport Press: closed

NOTE: There will be approximately 60 people in attendance, many of whom are representatives of the oil and gas industry.

12:45pm	Board buses
12:45pm	Depart meeting en route plant Drive time: :35 min.
1:15pm	Arrive Louisiana Army Ammunitions Plant Event: Tour/Remarks Press: open Proceed to Holding Room for briefing b Col. Richard Wright Press: closed
1:25pm	Proceed to Tour/Remarks
2:10pm	Board buses
2:15pm	Depart event en route airport Drive time: :30 min.

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2:45pm	Arrive Shreveport Air Center Proceed to holding room for downtime Location: Conference Room

NOTE: Press to file at FBO in Room 21. There will be 10 phones available.

3:40pm	Board plane
3:50pm	Wheels up Shreveport FBO: Shreveport Air Center 318/636-1000 Fax: 318/636-1878 Flight time: :50 Food: snack
4:40pm	Wheels down Memphis Int'l Airport FBO: Memphis Aero 901/345-4700 Advance: Caleb Marshall (lead) Proceed to holding room Make-up person will be present.
5:00pm	Hold for live shots
5:20pm	Depart airport en route hotel Drive time: :20 min.
5:40pm	Arrive Radisson Hotel Location: 185 Union Avenue Memphis 901/528-1800 Fax: 901/526-3226

NOTE: The Staff Room will be _____.

	Proceed to Suite
6:00pm	Proceed to political meeting Event: Meet and Greet Location: Suite Radisson Hotel Press: closed

NOTE: There will be approximately a dozen people stopping by this reception, including several black leaders. Senators Gore and Sasser will also be present.

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6:30pm	Proceed to Suite for downtime
7:20pm	Depart hotel en route to fundraiser LMB and BAB will walk to the event.
7:25pm	Arrive Shelby County Democratic Fundraiser Location: Peabody Hotel 149 Union Avenue Memphis 901/529-4000 Proceed to Holding Room Location: Executive Meeting Room Mezzanine Level

NOTE: While in holding room, the TN Sheet Metal Workers Union will present LMB with a plaque and make him an honorary member of the union. A photographer will be present.

7:30	Proceed to Shelby County Demo. Fundrai Event: Remarks/Meet & Greet Intro: Gov. McWherter Location: Venetian Room Mezzanine Level Press: open Exp.Attend: 500 people

NOTE: Buck Lewis, State Demo. Chr., will emcee the program. He will intro both Senators Sasser and Gore who will each make brief remarks. Gov. McWherter will intro LMB and BAB. LMB will make brief remarks and work the ropeline before exiting.

8:20pm	Depart Shelby County Fundraiser LMB and BAB will walk to hotel.
8:30pm	Arrive Radisson Hotel RON For LMB/BAB/STAFF/PRESS Location: Radisson Hotel Memphis, TN 901/528-1800 Fax: 901/526-3226 Hotel Advance: Barbara Korthal-Altes RON For Crew

NOTE: The Staff Room will be _____.

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Friday, September 16, 1988

7:15am		Baggage Call
7:30am		Private Breakfast
8:00am		Proceed to Tri-State Democratic Offici Breakfast Event: Remarks Location: Tennesee Ballroom Ground Floor Radisson Hotel Press: open Exp. Attend.: 200-300 people
8:40am		Depart Hotel Drive time: :20 min.
9:00am		Arrive Memphis Int'l Airport
9:05am		Board plane
9:15am	CDT	Wheels up Memphis Int'l Airport FBO: Memphis Aero 901/345-4700 Flight time: 1:40(2:40 OCT)
11:55pm	EDT	Wheels down Kinston Eastern Regional J FBO: ISO Aero Service 919/522-1135 Advance: Kris Van Geisen
12:05pm		Board buses
12:10pm		Depart Airport en route Greenville Drive time: :40
12:50pm		Arrive Courthouse rally Intro: Jim Graham, Ag. Cmnr. Greenville Press: open Proceed to Holding Room Location: Courthouse
1:00pm		Proceed to Rally
1:20pm		Hold for local press

NOTE: Press to file and eat.

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1:45pm	Proceed to Holding Room for lunch/ downtime
2:35pm	Depart event Drive time: :40 min.
3:15pm	Arrive Kinston Airport
3:20pm	Board plane
3:30pm	Wheels up Kinston Eastern Regional J FBO: ISO Aero Service 919/522-1135 Flight time:1:30(1:30 OTC)
5:00pm	Wheels down Palm Beach Int'l Airport FBO: Butler Aviation Palm Beach Inc 407/683-4121 Fax: 407/689-8343
5:10pm	Board buses
5:15pm	Depart airport en route event
5:30pm	Arrive event/rally
5:50pm	Depart event proceed to holding
6:00pm	Live shots/Press to file
	Holding Room

NOTE: Press proceed to airport to file.

6:15pm	Depart event en route Senate FR
	Drive Time: 15 minutes
6:30pm	Arrive Senate FR Host: Mary & Bob Montgomery Location: 2273 Ibis Isle Road East Palm Beach, FL 407/586-6075
7:30pm	Remarks
7:50pm	Depart Senate FR en route airport
	Drive Time: 15 minutes

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8:05pm	Arrive airport
8:15pm	Wheels up Palm Beach Commercial: Butler Aviation Palm Beach Inc 407/683-4121 Fax: 407/689-8343 Flight time: 1:05(:05 OCT)
8:20pm CDT	Wheels down Panama City County Airport FBO: Bay Aviation 904/763-4642 Fax: None on location
8:30pm	Board buses
8:35pm	Depart airport en route hotel
8:55pm	Arrive hotel
	RON For LMB/BAB/STAFF/PRESS Panama City, FLA

9504367442 8

Saturday, September 17, 1988

7:30am	Private breakfast in Suite
8:00am	Baggage Call
8:15am	Arrive Private Breakfast Mtg with Panhandle Leaders
8:45am	Depart Breakfast Mtg.
	Proceed to Motorcade
8:50am	Board Buses
9:00	Depart Hotel Drive time: 20 mins.
9:15am	Arrive Courthouse Rally w/ Panhandle Democratic Leaders Location: County Court Hous
	Proceed to Holding
9:25am	Intro by_____
9:30	Remarks
9:45	Conclude Remarks
	Proceed to Motorcade
9:50am	Depart rally en route airport Drive time: 20 mins.

NOTE: Car ride with Reporter from Miami Herald.

10:10am	Arrive Airport
	Proceed to Holding
	Hold for Local Press
10:35am	Board plane
10:15am CDT	Wheels up Panama City Commercial: Bay Aviation 904-763-4642
	Wheels down Washington/Dulles FBO: Butler Aviation
	Board buses

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Depart Airport

Arrive LMB home

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Schedule For: LLOYD BENTSEN, JR.
Trip Dates: 9/19/88 - 9/23/88
Trip No.: 9.0
Draft Number: 73 10/23/88

WASHINGTON, D.C. -- HOUSTON -- LONGVIEW -- OKLAHOMA CITY -- MIDLAND -- LUBBOCK -- SACRAMENTO -- FRESNO -- SAN JOSE -- SEATTLE -- EVERETT -- DECATUR -- ATHENS -- HARRISBURG

TRAVELING WITH LMB

BAB	
Joe O'Neill	
Steve Ward	
Ed Knight	
Mike Sims	
Mike McCurry	
Tom Redder	
Vicki Radd	
Ellen Moskowitz	
Judy Whittlesey	
Sen. David Boren	Washington to Oklahoma City
Cody Graves	Washington to Oklahoma City
Gay Burton	Washington to Midland
Les Francis	Sacramento to Illinois
Bill Daly	Springfield to Harrisburg
John Mobley	Midland to Lubbock
Greg Hartman	Midland to Lubbock
John Hall	Houston (RON)
	Lubbock to Washington
Marina Weiss	Oklahoma City to Springfield

CHARTER INFORMATION [Plane # 1]

Charter Company:	America West
Plane Type:	737-100
Tail Number:	N708AW
Pilot:	Ted Dehesse
Co-Pilot:	Jim Overton
Flight Attendants:	Karen Vance
	Janice Mceldowney
	Gloria Brown
Garber Staff:	Scott Stein
	Meridith Jones

9504367443 1

CHARTER INFORMATION [Plane # 2]

Remarks:	Sacramento to San Jose
Charter Company:	America West
Plane Type:	737-300
Tail Number:	N166AW
Pilot:	(same)

CHARTER INFORMATION [Plane # 3]

Remarks:	San Jose to Springfield
Charter Company:	America West
Plane Type:	737-100
Tail Number:	N708AW
Pilot:	Ted Dehesse
Co-Pilot:	Jim Overton
Flight Attendants:	Karen Vance
	Janice Mceldowney
	Gloria Brown
Garber Staff:	Meridith Jones
	Scott Stein

CHARTER INFORMATION [Plane # 4]

Remarks:	Parkersburg, WVA to Athens, Ohio
Charter Company:	US Jet
Phone:	703/892-6200
Plane Type:	Agusta 109
Tail Number:	109TR
Pilot:	Gary Effers
Co-Pilot:	John McLeod
Flight Attendants:	On Board: Lmb, Bab
	Ss X 2
	1 Staff

CHARTER INFORMATION [Plane # 5]

Remarks:	Parkersburg to Athens
Charter Company:	Helicopter Flight Services
Plane Type:	Long Ranger
Tail Number:	N3176L
Pilot:	Ammon Webster
Flight Attendants:	5 passenger
	For Press

CHARTER INFORMATION [Plane # 6]

Remarks:	Parkersburg to Athens
Charter Company:	Helicopter Flight Services
Plane Type:	Jet Ranger
Tail Number:	N137VG
Pilot:	Lawrence Cohen

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Flight Attendants:	4 Passenger-Single Engine for press

CHARTER INFORMATION [Plane # 7]

Remarks:	Decatur to Washington
Charter Company:	Presidential Airways
Plane Type:	737-200
Tail Number:	N331XV
Pilot:	Don Simonds
Co-Pilot:	Ron Woodard
Flight Attendants:	Jennifer Tripp Gloria Brown Nancy Miller
Garber Staff:	Meridith Jones Scott Stein

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SCHEDULING DESK

Scheduling Desk	Issues Desk	Press Desk

ADVANCE

City	Name	Phone
Boston Desk	Paige Alexander	
Houston	Bill Antholis Randi Lewis Jim Loftus (RON)	
Longview	Suzy Trees Thurston Hammer John Wright Seth Goldman Sally Strauss Peter McLaughlin Julie Farkas (press)	
Oklahoma City	Gary Ginsberg Ken Orkin Janice Gunn Mike Toscano Tim Durham Manuel Garza Bill Sherman II Laughlin MacDonald	
Midland	Andrew Paven Mike Jones Sol Villasano Ellen Golin Joy Howell Teri Simpson(T)	
Lubbock	Steve Bachar Peter Cutler Alan Clarke Kathy Sylvester Agnes Cooper (RON) Ray Walter(T)	
Sacramento	Caleb Marshall	

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	Ken Citron	FAX: x2133
	Dan Goldes	
	Ron Weathersby	
	Rachel Richmond	
Fresno	Kris Van Giesen	
	Phil Caplan	
	Darius Anderson	
	Peter Demchuck	
	Ron Goldstein	
	Julius Royal	
San Jose	Janna Sidley	
	Andrew Hurwitz	
	Mike McKay	
	David Berman	
	Scott Melrose	
	Eric Myers(T)	
	Jonas Hanalin(T)	
	Laura Hartigan(RON)	
Seattle	Tom Epstein	
	Steve Schneider	
	Stuart Ishimora	
	Cece Ray	
	Carol Foreman	
	Garrett Lambert(BAB Ad)	
Illinois	Paul Gorgio	
	Jim Merlino	
	Bill Antholis	
	Patrick Hewes	
	Kathy Roth	
	Barbara Korthalas-Altes	
	Diane Becker	
Athens, Ohio	Paul Holtzman	
	Steve Silverman	
	Marc Wurzell	
	Ruth Lednicer	
	Patricia Mantey	
	Barry Plunkett	
Harrisburg	Larry Hughes	
	Mark Sump	
	Peter Mirijanian	
	Sarah McKearen	
	John Wadsworth	

9 5 0 4 3 6 7 4 4 3 5

Monday, September 19, 1988

NOTE: 1:00pm Staff and Press Baggage Call at Butler Aviation

1:30pm	Depart Senate office
1:50pm	Arrive Washington National Airport
2:00pm	Board plane
2:10pm	Wheels up Washington FBO: Butler Aviation 703/549-8340 Fax: 703/892-5486 Flight time: 3:00(2:00 OCT)
4:10pm CDT	Wheels down Houston Hobby Airport FBO: Atlantic Aviation 713/644-6431 Fax: 713-644-5177 Advance: Lead: Bill Antholis Press: Randi Lewis

NOTE: Bill Antholis' mobile phone: [redacted]

NOTE: LMB will be greeted at the airport by MSD.
Sen. Boren will ride with LMB from the airport to the Houston Club. MSD, LMB, and their staff and press will proceed in one motorcade.

4:15pm	Proceed to motorcade
4:20pm	Depart Airport Drive time: :25
4:45pm	Arrive Houston Club Joined by MSD/Private Energy Meeting Event: Informal Discussion Intro: Charles Duncan Location: 811 Rusk Capitol Room/8th Floor Houston 713-225-1661 Advance: MSD lead: M. Schwartz MSD site: S. Farnsworth Press: closed

NOTE: Roaming Access Number: 713/825-7626 -- #1 617/924-7785.

5:15pm	Depart Meeting en Route Holding Room

NOTE: Holding room is the North Capitol Room.
Phone: 713-225-1661
Ext. 306

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5:45pm

Proceed to People for an Energy Policy Forum
Event: Remarks
Intro: A.H. Wadsworth and Duncan
Location: Houston Club
Texas Room/10th Floor
Houston
713-225-1661
Press: open

NOTE: Wadsworth is Master of Ceremonies. Duncan introduces LMB. LMB makes remarks and introduces MSD. LMB will use a teleprompter.

6:45pm

Depart Houston Club
Drive time: :10

7:00pm

Arrive Hyatt Regency
Event: Downtime/Dinner
Location: 1200 Louisianna St.
Houston
713-654-1234
Hold for meeting with MSD ans Sen. Boren

7:30pm

Proceed to Fundraiser
Tier 1: Private Co-Chair Reception
Event: Meet and Greet/Receiving line
Host: Charles Duncan
Location: Hyatt Hotel
1200 Louisiana
2nd Floor Arboraetum
Houston
713-654-1234
Press: closed

8:00am

Proceed to Holding Room

NOTE: Holding room is the Cypress Room.

8:15pm

Proceed to Fundraiser
Tier 2: Sit-down dinner
Event: Remarks
Intro: Lt. Gov. Bill Hobby
Host: Charles Duncan
Location: Hyatt Regency
Third Floor/Grand Ballroom
Houston
Press: closed

NOTE: Charles Duncan will introduce Lt. Gov. Hobby. Hobby will introduce LMB, who will make remarks before introducing MSD. LMB and MSD will speak and depart before dinner is served.

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9:00pm	Depart Fundraiser
9:05pm	Proceed to suite

RON For LMB/STAFF/PRESS:
Location: Hyatt Regency
1200 Lousianna Street
Houston, TX 77002
(713)654-1234
Fax: X1644

RON For CREW
Location: HOU - Holiday Inn
713/943-7979

NOTE: LMB Staff Room: 1641 713-650-0857
MSD Staff Room: 1741 fax: 713-759-0047

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Tuesday, September 20, 1988

6:00am	Baggage Call
6:30am	Private breakfast
7:10am	Proceed to Motorcade
7:15am CDT	Depart Hyatt Hotel Drive time: :25 Sen. Boren travels w/ LMB thru Oklahoma
7:40am	Arrive Airport
7:45am	Board plane
8:00am	Wheels up Houston Hobby FBO: Atlantic Aviation 713-644-6431 Fax: 713-644-5177 Flight time: 1:00
9:00am	Wheels down Longview/Gregg County FBO: Gregg/Stebbin Aviation 214-643-2621 Advance: lead: Suzi Trees press: Seth Goldman
9:05am	Proceed to Airport Greeting Event: Energy Policy Remarks Location: Longview Gregg County Airport Gregg Stebbins Aviation Longview Contact: Chuck Crocker Advance: site: Thurston Hammer Press: open

NOTE: LMB will be introduced by Neil Hawthorn.

9:40am	Conclude Remarks/Proceed to Holding

NOTE: BAB to be interviewed by Longview News Journal, Reporter, Delores Brown, Editor, Living Today.

NOTE: Press to file in main terminal conference room.
LMB holding room is office next to pilot's lounge.
LMB will have photo taken with State Rep. candidate Daryl Atkinson.

NOTE: Hold for local press interviews. Interviews will take place in the pilot's lounge. Make-up available.
KLTV (ABC) Tyler, Clint Yeatts
KLMG (CBS) Longview, Terry Bowers

NOTE: KTAL (NBC) Shreveport, Rick Rainey
KTBS (ABC) Shreveport, Jeff Eliasoph

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Roundtable: Longview News Journal, Les Cole; Marshall News Messenger, Tom Kelly; Kilgore News Herald, Nell Dugan.

10:25am	Board plane
10:40am	Wheels up Longview FBO: Gregg Aviation 214/643-2621 Flight time: 1:00
11:40am	Wheels down Oklahoma City/Will Rogers FBO: AAR Oklahoma\ 405/681-3000 Fax: 405/685-3000 Advance: Gary Ginsberg (lead) Mike Toscano (press)

NOTE: Ginsberg's cellular #[redacted]

NOTE: LMB and BAB will be greeted by Mrs. Molly Boren, David Walters - State Dukakis/Bentsen Chair, Betty McElderry - State Co-Chair and Nance Dizmond - State Sec.-Treasurer.

NOTE: Holding room is available in administrative offices at 405/681-3000.

11:50am	Proceed to Motorcade
11:55am	Depart airport en route rally Drive time: :20 min.

NOTE: LMB and Sen. Boren will ride in limo. BAB and Mrs. Molly Boren will ride in spare limo.

12:15pm	Arrive Oklahoma City Rally Location: Leadership Square 211 N. Robinson Oklahoma City Advance: Ken Orkin (site) cellular #405/630-7269 Press: open Call time: 11:30am

NOTE: LMB and BAB and the Borens will hold for a few minutes in the limo before proceeding to stage. (If needed, a holding room is available in the Leasing Offices of the Leadership Square complex. Phone number: 405/235-5575.)

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12:20pm Proceed to Rally
Intro: Sen. Boren

NOTE: David Walters will intro Sen. Boren who will speak briefly and intro LMB. LMB will make remarks and work the ropeline before exiting.

12:50pm Proceed to Motorcade

12:55pm Depart rally en route funderaiser
Drive time: :15 min.

NOTE: Press will proceed to the Hilton Inn West, 401 S. Meridian, Rooms 609 and 615 for filing and food. Phone: 405/947-7681.

1:10pm Arrive Fundraiser
Call time: 1:00
Intro: Sen. Boren
Location: Applewoods Restaurant
4301 S.W. 3rd St.
Oklahoma City
405/947-8484
Advance: Dan Cooney (fin.advance)
Press: closed
Exp. Attend. 60 people

NOTE: A staff room will be available with food and phones.

1:55pm Proceed to private lunch
Location: Banquet Room
Applewood Restaurant
LMB, BAB and the Borens will eat.

2:35pm Proceed to motorcade

2:40pm Depart FR en route meeting
Drive time: :02 min.

2:42pm Arrive roundtable with local editors
Location: Santa Fe Room
Sattleback Inn
4300 S.W. 3rd St.
Oklahoma City
405/947-7000
Press: closed

NOTE: There will be 21 editors of Oklahoma newspapers present. Sen. Boren will intro LMB and then depart.

NOTE: 2:42pm BAB to be jointly interviewed by Tulsa World, John Meyers and Daily Oklahoma, Kay Morgan.

3:10pm Proceed to Motorcade

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3:15pm — Depart en route airport
Drive time: :05 min.
LMB and BAB will ride in limo.

3:20pm — Arrive airport

Proceed to Holding Room for make-up
Location: Administrative Offices
405/681-3000

NOTE: BAB to be interviewed by KTVY/NBC - Oklahoma City.

3:25pm — Proceed to TV interviews
Location: Pilot's Lounge

NOTE: Interviews: KJRH (NBC Tulsa) with Royal Ails
KOCO (ABC Oklahoma City) with Terry Watkins
KOTV (CBS Tulsa) with Brett Ship

NOTE: BAB interviews:

3:40pm — Board plane

3:50pm — Wheels up Oklahoma City
FBO: AAR Oklahoma Inc.
405/681-3000
Fax: 405/685-3000
Flight time: 1:00(1:00 OTC)

4:50pm — Wheels down Midland International
FBO: Rich Air
915/563-2033
Advance: Andrew Paven (lead)
Ellen Golin (press)

NOTE: LMB and BAB will be greeted by State Rep. Gary Watkins, County Judge Jan Fisher, County Atty. Gary Garrison, County Commissioner Joe Eddie Hernandez and District Judge Joe Connally and wife Martha.

5:00pm — Proceed to Motorcade

5:05pm — Depart airport en route Odessa
Drive time: :20 min.
LMB and BAB will ride alone in limo.

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5:25pm Arrive U. of Texas - Permian Basin
Event: Energy Forum
Location: Founders Building
East University Blvd.
Odessa
915/367-2123
Advance: Mike Jones (lead)
Press: open

Proceed to Holding Room
915/367-2123 ext. 568.

5:30pm Proceed to briefing on The Center for Energy and Economic Diversification

NOTE: Dr. Duane Leach, Pres. of UTPB, Dr. Warren Gardner, VP for Academic Affairs, Drew Crutcher, Resident Dir. for the Center and Charles Perry will brief LMB.

5:55pm Proceed to Holding Room for make-up

NOTE: BAB to proceed to Room 19 for interviews, 5:55pm Odessa American, Kerry Haglund; 6:25pm Midland Reporter Times, Jane Bees.

6:00 Proceed to Live shots
Location: Music Storage Room

NOTE: Interviews: KMID (ABC) live with Mike Barker
KOSA (CBS) live with
KTPX (NBC) taped

6:15pm Proceed to Energy Forum
Event: Remarks/Q&A
Intro: Dr. Duane Leach
Location: Performing Arts Center
Press: open

6:55pm Proceed to Motorcade

7:00pm Depart event
Drive time: :20 min.

7:20pm Arrive airport

7:25pm Board plane

7:35pm Wheels up Midland
FBO: Rich Air
915/563-2033
Flight time: :25(:25 OTC)

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8:00pm

Wheels down Lubbock International
FBO: Wes Tex Air
806/765-9396
Advance: Steve Bachar (lead)
Kathy Sylvester (press)

NOTE: Bachar's cellular #: 806/777-6473.

8:10pm

Proceed to Motorcade

8:15pm

Depart airport en route FR
Drive time: :15 min.
LMB and BAB will ride alone in limo.

NOTE: Press and staff will proceed to hotel for RON.

8:30pm

Arrive Senate fundraiser
Call time: 8:00
Host: John Sims
Location: Lubbock Club
1st National Bank
Pioneer Building
Lubbock
806/763-7308
Advance: Gay Irwin (advance)
Press: closed

9:30pm

Depart fundraiser
Drive time: :05 mins.
LMB and BAB will ride alone in limo.

9:35pm

Arrive hotel

RON For LMB/BAB/STAFF/PRESS
Location: Holiday Inn Civic Ctr
901 Avenue Q
Lubbock, TX 79401
806/763-1200
Fax: 806/763-2656
Hotel Advance: Agnes Cooper

NOTE: Staff room will be Room 647.

RON For MSD
Location: Perry St.
Brookline, MA

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RON For CREW
Location: Lubbock Holiday Inn
806/746-2208

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Wednesday, September 21, 1988

7:30am	Baggage call for Staff and Press
7:45am	Press bus departs en route Hale Ctr
8:00am	Depart hotel en route Hale Ctr Drive time: :45 min. LMB will ride alone in limo.

NOTE: 9:00 am BAB to depart hotel for breakfast with Lubbock Co. Democratic Women, Ranching Heritage Center, McKanna Parlor, Texas Tech U. Campus. After breakfast, BAB to rejoin LMB at the airport.

8:45am	Arrive Hi-Plains Hospital Event: tour Host: Gordon Russell, Admstr. Location: 203 West 4th St. Hale Center 806/839-2471 Press: open

NOTE: LMB will be greeted in hospital lobby by Gordon Russell, Administrator, Dr. Kit Linton and Joe Stokes, Chr. of Hospital Board who will give LMB a tour of the hospital.

9:05am	Depart hospital enroute school Drive time: :05 min. LMB will ride alone in limo.
9:10am	Arrive Hale Center High School Event: Rural Health Care Speech Location: 12th and I Streets 806/839-2452 Press: open Call time: 8:30 am Proceed to Holding Room Location: Band Room Office 806/839-2452
9:15am	Proceed to Health Care Speech Intro: State Sen. Pete Laney

NOTE: St. Sen. Pete Laney will intro Gordon Russell who will speak briefly. Laney will then intro LMB and LMB will speak for approximately 15 mins.

9:55am	Depart Hale Center en route airport Drive time: :35 min.

NOTE: Dave Knapp of the Avalanche Journal will ride with LMB.

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10:30am	Arrive airport Location:	Wes Tex Air 806/765-9316
	Proceed to holding room for make-up	
10:35am	Proceed to local press interviews Location:	Pilot's Lounge

NOTE: T.V. Interviews: KAMC (ABC) taped one-on-one
KLBK (CBS) taped one-on-one
KCBD (NBC) taped one-on-one

NOTE: Press to file at FBO. 10 phones will be available in the classroom.

10:55am	Board plane	
11:05 CDT	Wheels up Lubbock FBO: Flight time: 3:00(1:00 OCT)	Wes Tex Air 806/765-9396
12:05 PDT	Wheels down Sacramento FBO: Fax:	Sacramento Metro 916-929-5411 None

NOTE: Holding Room Available. #206 916-648-0606.

12:15pm	Proceed to Motorcade	

NOTE: The Senator will be greeted by Mayor Ann Rudin, State Senator John Garamendi and Assemblyman Phil Issenberg.

12:20pm	Depart Airport Drive time: 25 mins.	
12:45pm	Arrive Sutter Memorial Hospital Event: Host: Location: Contact: Advance: Press:	 Tour/Remarks/Q & A Patrick Hayes - CEO 53rd and "F" Streets Neo-Natal Wing - tour Auditorium - Remarks Sacramento 916-454-3333 Kathrine Drikas Caleb Marshall (lead) Ken Citron (site) open

NOTE: Senator Bentsen and Mrs. Bentsen will be met by Kathrine Drikas, Director of Marketing; Patrick Hays, CEO of Sutter Health; Mike Colin, Hospital Administrator. The Senator and Mrs. Bentsen will proceed to holding to be briefed and scrub.

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NOTE: Press pool proceed to 2nd floor to Neo-Natal Care Unit. Press proceed to 7th floor Auditorium.

12:55pm	Tour Neo-Natal Wing

NOTE: The tour will be conducted by Steve Butler, Neo Natalogist; and Shelly McGriff Nurse Manager of Special Care Nursing.

1:10pm	Proceed to 7th floor auditorium
1:15pm	Arrive Auditorium
	Phil Hayes - Sutter Health CEO
	Remarks and Intro by Ann Rudin
	Intro by Assemblyman Phil Issenberg
1:20	Remarks/Q & A
1:45pm	Hold for lunch/phone calls
	Press to File

NOTE: Holding Room: Lassen Room #916-454-3333 x1255; Staff Room: Donnor Room x1144; Press filing Room/lunch: Patio Room x1194; Senator's Holding Room for Down time Alpine Room : x1195.

2:45pm	Depart Hospital Drive time: 25 mins.

NOTE: Car Ride with the "Sacramento Bee" Reporter.

3:10pm	Arrive Airport
	Hold for Private Mtg
3:30pm	Board Plane
3:40pm	Wheels up Sacramento Metro Airport FBO: County Operations 916-929-5411 Flight time: 35 mins.
4:15pm	Wheels down Fresno FBO: Beechcraft West 209/454-7500 Fax: 209/454-7518

NOTE: Holding Room Available # 916-454-7521.

4:25pm	Proceed to Motorcade

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4:30pm	Depart Airport
4:45pm	Arrive Golden State Plaza
	Proceed to Holding/Make-up

NOTE: Holding Room -- Public Works Bldg. 209/4453-5115

4:55pm	KERO/CBS Ron Fineman
	KGET/NBC Cindy Moore
	KBAK/ABC
5:20pm	Arrive Rally Event: Rally Intro: Assemblyman Bronzan Location: Golden State Plaza Tulare/Btwn "L" & "M" Streets Fresno, CA Press: open
	Proceed to Stage
5:25pm	Intro by Assemblyman Bruce Bronzan
5:30pm	Remarks
5:45pm	Conclude Remarks
	Hold for Local Press
	Fresno Bee/Jim Boren (10 mins)
6:05pm	Depart Event Drive time: 25 mins.

NOTE: Press proceed to Hilton Hotel:
1055 Van Ness Ave.
Fresno, CA 93721
209/485-9000

6:30pm	Arrive Fundraiser Host: Tom & Peggy Stefanopoulos Location: 2140 West Alluvial Avenue Fresno, CA 209/431-5723 Press: closed
7:30pm	Depart Fundraiser Drive time: 25 mins.
	Press depart hotel en route Airport

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7:55pm	Arrive Airport
8:05pm	Board plane
8:15pm	Wheels up Fresno FBO: Beechcraft West 209/454-7500 Fax: 209/454-7518 Flight time: 30 mins.
8:45pm	Wheels down San Jose FBO: San Jose Jet Center 408/297-7552 Fax: 408/293-2353

NOTE: The Senator will be Greeted by Mayor Tom McEnery and Rod Dierdon, City Supervisor. Holding Room Available -- Conference Room.

9:50	Proceed to Motorcade
9:00pm	Depart airport Drive time: 15 mins.
9:15pm	Arrive Hotel
	RON For LMB/STAFF/PRESS Location: Fairmont Hotel 170 S Market St San Jose, CA 95113 408/998-1900 Staff Room 408-998-3987 Direct Line
	RON For MSD Location: Perry Street Brookline

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Thursday, September 22, 1988

7:15am	Private breakfast
7:30am	Baggage Call
8:00am	Proceed to Motorcade
8:10pm	Depart Hotel Drive time: 20 mins.
8:30am	Arrive Intel Semi-Conductor Manufacturer Event: Remarks/ Q & A Intro: Gordon Moore -- CEO Location: Intel Santa Clara Bldg. # 9 3609 Juliette Santa Clara 408/765-1483 Contact: Kathy Wood Press: open

NOTE: 8:45am BAB to depart hotel for coffee/breakfast with representatives of the arts community at the Art Museum, 1110 South Market Street.

9:10am	Proceed to Motorcade
9:15am	Depart event

NOTE: 9:25am BAB to depart art musuem to rejoin LMB at airport. Arrive airport at 9:40am.

9:35am	Arrive airport
	Hold for Local Press (Meeting Room)
	Press to File
	San Jose Mercury News/Phil Trounstein
9:55am	Board plane
10:05am	Wheels up San Jose FBO: San Jose Jet Center 408/297-7552 Fax: 408/293-2353 Flight time: 1:45
11:50am	Wheels down Seattle Boeing Field FBO: Galvin Flyin Service 206-763-0350/442-1579/1920 Advance: lead: Tom Epstein press: Carol Foreman

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NOTE: Plane will park in front of the customs office at the main terminal.
Cellular Phones (Tom Epstein) 206-972-4179
(Steve Schneider) 206-972-6731

NOTE: LMB will be greeted at the airport by Gov. Booth Gardner and Helen Jackson. Gardner will ride with LMB from the airport to the Westin Hotel.

NOTE: Plane will ferry from Seattle Boeing to Everett.

11:55am	Proceed to motorcade
12:00pm	Depart airport Drive time: 10 mins.
12:10pm	Arrive Victory '88 Fundraiser Call time: 12pm Intro: Gov. Booth Gardner Location: Westin Hotel Grand Ballroom 1900 5th Ave. Seattle 206-728-1000 Advance: Mingle/Brief Remarks Press: closed Advance : site:Steve Schneider

NOTE: LMB will be greeted at curbside by Mayor Charles Royer. Royer will escort LMB into the fundraiser and lead LMB to the head table. Iowa Sec. of State Elaine Baxter will join LMB at the head table.

NOTE: Press and staff will eat lunch in the Adams and Baker Rooms.

12:55pm	Proceed to Suite for Downtime and lunch
1:25pm	Proceed to Motorcade

NOTE: Gov. Gardner will ride with LMB from the Westin Hotel to the Scott Paper Co.

1:30pm	Depart Westin Hotel Drive time: :45

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2:15pm Arrive Scott Paper Co.
Everett
206-259-7333 ext. 7535
Advance: site: Stuart Ishimora

NOTE: Greeting LMB at curbside: Jerry Willis, Scott Paper Regional VP; Tom Fahey, Plant Manager; Farris Bryson, AWPPW International President; James Thompson, AWPPW General VP; Chuck Mahlum, AWPPW Area Rep.; Don Reese, AWPPW Local Pres.;

NOTE: Andy Kaddes, AWPPW Local 644 President.

2:20pm Proceed to View Paper Production
Location: Finishing Building
Press: open

NOTE: Leading LMB on the tour: Tom Fahey, Don Reese, Andy Kaddes, Chuck Mahlum. Gov. Gardner will join LMB for the tour. On the tour, LMB will pull a lever engaging the paper rolling machinery.

2:30pm Proceed to Holding Area Behind Stage

2:35pm Proceed to Address Employees
Location: Scott Paper Co. Parking Lot
Press: open

NOTE: LMB, BAB, Helen Jackson, and Gardner will be introduced by Farris Bryson. The four will proceed to the stage on cue. Gov. Gardner will then introduce LMB. Also on stage is State Sen George Flemming, Dem. Nominee for Lt. Governor.

3:00pm Conclude Remarks/Proceed to Holding

NOTE: Press bus departs Scott Paper en route Airport. Press to file at airport. Paine Field, North Complex. Building C-80. Room R-8. 10 Phones have been installed.

NOTE: LMB Holding Room: Office of Tom Lee: 206-259-7453
3:05pm Hold for Local Press in the Maintenance Building's Electronic Training Center and Meeting Room.

NOTE: 3:05-3:20 pm Print Roundtable:
Joel Connelly, Seattle Post-Intelligencer
Eric Pryne, Seattle Times
Peter Callahan, Tacoma News-Tribune

NOTE: Mark Funk, Everett Herald
Connie Rosenwald, Spokesman-Review
Jeff Mapes, Portland Oregonian

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3:25pm	Proceed to motorcade
3:30pm	Depart Scott Paper Co. Drive time: :10
3:40pm	Arrive Airport Location: Main Terminal 206-353-2110

NOTE: LMB will speak briefly with Larry Hanson, publisher of the Everett Herald, before boarding the plane.

3:45pm	Board plane
4:00pm PDT	Wheels up Everett, WA FBO: Flight Line 206/355-6600 Flight time: 3:25(5:25 OTC)
9:25pm CDT	Wheels down Springfield FBO: Garrett General 217-544-3431 Advance: lead: Paul Georgio press:Kathy Roth

NOTE: LMB will be greeted at the airport by local supporters: Vince DeMuzio, Party Chair; Doug Stevens, Congressional nominee; Ozzie Langfelder, Springfield Mayor; Se. Penny Severens.

NOTE: Cellular Phone: Paul Gorgio [redacted]

9:30pm	Proceed to motorcade
9:35pm	Depart Airport Drive time: :15
	RON For LMB/STAFF/PRESS Location: Hilton Hotel 7th and Adams St Springfield 217-789-1530 RON:Barbara Kothalas-Altes, Diane Becker

NOTE: Staff room is 2803.
Staff room fax machine #: 217-789-2738

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RON For MSD
Location: Perry St.
Brookline, MA

RON For Crew
Location: Holiday Inn
Decatur
217/422-8800

NOTE: America West plane will fly to Phoenix with Mike Sims.
Presidential Airways plane will land in Decatur.

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Friday, September 23, 1988

NOTE: Staff meeting in staff room at 7:25 am.

7:30am	Private breakfast

NOTE: 7:45 am Baggage Call for Staff and Press

7:55am	Proceed to motorcade

NOTE: BAB to depart with motorcade to Decatur. Upon arrival in Decatur, her motorcade will proceed to the Decatur Area Vocational Center.

8:00am	Depart Hilton Hotel Drive time: :45
8:45am	Arrive Caterpillar Plant Plant D Location: 27th and Pershing Rd Decatur 217-424-4000 Advance: site:Jim Merlino and Bill Antholis Proceed to holding room

NOTE: Waiting in the holding room are Bob Courtwright, plant manager, and Brian McDuffy, UAW CAP Director. A UAW and plant photographer will photograph the group.

8:55am	Proceed to Address Employees on Shop Floor Press: open

NOTE: LMB will be introduced by Ron Diamond and proceed to the stage on cue.

9:15am	Conclude Remarks
9:20am	Proceed to View Caterpillar Truck Press: open

NOTE: LMB will climb into the cab of a 35 ton dumptruck and elevate the bed. Caterpillar employee Ron Todd will be in the cab with LMB.

9:30am	Proceed to Motorcade
9:35am	Depart Caterpillar Drive time: :15

NOTE: Illinois Democratic Chairman Vince DeMuzio will ride in the limo with LMB from Caterpillar to the airport.

NOTE: BAB to arrive at airport at 9:45 am.

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9:50am Arrive Reception with Supporters
Event: Brief Remarks
Intro: Joe McLaughlin, Cty Chair
Location: Decatur Airport
Main Terminal
Octagonal Dining Room
217-428-1758/429-5956
Press: closed

NOTE: County Chairman Joe McLaughlin will meet LMB at curbside, escort him into the room, and introduce him. LMB will make brief remarks.

NOTE: Press to file at Pilot's Classroom at Decatur Aviation

10:15am Depart Reception

10:20am Proceed to Holding room
Location: Decatur Aviation
Office of Jim Smiley
217-423-9832
Make-up Available

NOTE: 10:25 am Local interviews in pilot's lounge.
WAND (ABC) Decatur, Doug Wolf
WLS (ABC) Chicago, Hugh Hill
WEEK (NBC) Peoria, Shelly Dancoft

NOTE: WCIA (CBS) Champaign, Dave Brandon

10:45am Board plane

11:00am CDT Wheels up Decatur
FBO: Decatur Aviation
Commercial: Presidential Airways
217/423-9832
Flight time: 1:00(2:00 OCT)

1:00 EDT Wheels down Parkersburg/Wood County, W
FBO: Wood County Airport
304/464-5115
Advance: Paul Holtzman (lead)
Ruth Lednicer (press)

NOTE: Press and staff proceed to buses for 1:15pm departure en route Athens, Ohio. Drive time: 1hr. 15min.

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1:10pm Proceed to helicopters

NOTE: LMB/BAB, SS x 2 and staff will proceed to helicopter #1. Staff x 3 and one pool person will proceed to helicopter #2. Pool x 5 will proceed to helicopter #3.

1:20pm Wheels up Parkersburg, West Virginia
FBO: Wood County Airport
304/464-5115
Flight time: 15 - 17 min.

1:40pm Wheels down Athens, Ohio
FBO: Obleness Hospital Helipad
614/593-5551

NOTE: LMB and BAB will be greeted by Dr. Charles Ping, Pres. of Ohio University and Dr. Rick Castrop, Pres. of Obleness Hospital.

NOTE: Holding room is available in hospital Maintenance Office. Phone #: 614/593-5551 ext. 280 or ext. 254.

1:45pm Proceed to motorcade

1:47pm Depart Helipad en route student union
Drive time: :03 min.
LMB and BAB will ride alone.

1:50pm Arrive Baker Center Student Union
614/593-4020
Contact: Mike Sostrich, Asst. Dean

Proceed to holding room for make-up
Location: Food Service Manager's Office
2nd floor
614/593-4035

NOTE: Staff room will be Room 155, 2nd floor. Phone #:614/593-4036.

NOTE: FAX #: 614/593-2867. Arrange for pick-up of faxes by calling Pat Mantey at 614/593-4035 or 4036.

2:00pm Proceed to local press interviews
Location: Faculty Lounge
2nd floor

NOTE: LMB's interviews will consist of a print roundtable with: Athens Messenger, Athens News, Post (campus paper), Columbus Dispatch and Cleveland Plain Dealer.

2:20pm Proceed to motorcade

2:25pm Depart student union en route rally
Drive time: :05
LMB and BAB will ride alone.

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2:30pm	Arrive Courthouse Rally Event: rally/remarks Location: Athens County Courthouses Athens, Ohio Advance: Steve Silverman (site) Press: open Proceed to holding room Location: Commissioner Grof's office 2nd floor 614/592-3214 or 614/592-3222
2:35pm	Proceed to Rally Intro: Lt. Gov. Paul Leonard There will be a teleprompter.

NOTE: Following LMB's speech, Mary Jane Jones (Dir. of Food Service Baker Center and an award winning baker) will present LMB and BAB will a homemade pie on behalf of Athens.

3:00pm	Proceed to motorcade
3:05pm	Depart rally en route student union Drive time: :05 min. LMB and BAB will ride alone in limo.
3:10pm	Arrive Baker Center student Union Proceed to holding room for lunch/ phone calls Location: Food Service Manager's office 2nd floor 614/593-4035

NOTE: Press to proceed to Room 203, 2nd floor to file. 10 phones will be available.

NOTE: Press will depart at 3:40pm en route to Wood County Airport. Drive time: 1hr 15min.

4:00pm	Proceed to Motorcade
4:05pm	Depart student union en route helipad Drive time: :02 min. LMB and BAB will ride alone in limo.

9504367445 9

4:08pm	Arrive Helipad
4:15pm	Wheels up Athens,Ohio FBO: Obleness Hospital Helipad 614/593-5551 Flight time:15 - 17 min.
4:35pm	Arrive Woods County Airport Location: Parkersburg, WV Proceed to Holding room for make-up Location: Airport Manager's office 304/464-5113
4:40pm	Proceed to local interviews Location: Conference Room

NOTE: Interviews will be with:

NOTE: Press and staff buses will arrive airport at 4:50.

5:05pm	Board plane
5:15pm	Wheels up Parkersburg, West Virginia FBO: Wood County Airport 304/464-5115 Flight time: :45
6:00pm	Wheels down Harrisburg Int'l FBO: IFC Aviation 717/944-3211 Advance: Larry Hughes (lead) Mike Toscano (press) Hold for make-up
6:10pm	Proceed to satellite live shots Location: Pilot's Lounge IFC Aviation 717/944-3211

NOTE: LMB's interviews will be with:
WDTV (CBS Clarksburg) with Tim Irr
WSAZ (NBC Charleston/Huntington)
AP Wire with Roy Formanck

NOTE: BAB's interview will take place in the Office of the Comptroller.

6:40pm	Board buses
6:45pm	Depart airport en route hotel Drive time: :20 min. LMB and BAB will ride alone in limo.

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7:05pm — Arrive hotel
Location: Harrisburg Holiday Inn
2nd & Chestnut Streets
Harrisburg, PA
717/234-5021
Fax: " ask for fax

NOTE: There will some supporters outside the hotel to greet LMB and BAB.

Proceed to Suite
Event: dinner/phone calls
Location: Suite 934

NOTE: Staff rooms will be Rooms 918 and 919.

7:45pm — Private Meeting in Suite

NOTE: Gov. Casey and Sen. Mitchell will stop by the suite to visit with LMB.

8:10pm — Proceed to Pennsylvania State Democratic Dinner
Event: Remarks
Intro: Gov. Casey
Location: Grand Ballroom
Advance: Mark Sump (site)
Press: open
Exp. Attend.: 450 persons

8:30pm — Proceed to motorcade

8:35pm — Depart hotel
Drive time: :20 min.
LMB and BAB will ride alone in limo.

8:55pm — Arrive airport

9:00pm — Board plane

9:10pm — Wheels up Harrisburg
FBO: IFC Aviation
717/944-3211
Flight time: :45

9:55pm — Wheels down Washington Dulles Intl Air
FBO: Page Avjet
703/471-4450

10:05pm — Depart airport
Drive time: :45 min.

9504367446 1

10:50pm Arrive LMB home

RON For MSD
Location: Perry St.
Brookline, MA

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Schedule For: LLOYD BENTSEN, JR.
Trip Dates: 10/01/88 - 10/09/88
Trip No.: 11.0
Draft Number: 62 10/09/88

WASHINGTON -- SAN ANTONIO -- AUSTIN -- OMAHA -- LONE STAR -- DALLAS -- SAN ANTONIO -- HOUSTON -- FARMINGTON -- EL PASO -- WASHINGTON

TRAVELING WITH LMB

BAB	Austin to Washington
Gayle Bentsen	San Antonio to Houston
SS X 13	Austin to Washington
Joe O'Neill	Washington to Washington
John Hall	Austin to Omaha
Susan Estrich	Washington to Omaha
Steve Ward	Washington to Washington
Ed Knight	Washington to Washington
Jack Devore	Austin to Omaha
Mike Sims	Austin to Washington
Mike McCurry	Washington to Washington
Tom Redder	Austin to Washington
Vicki Radd	Washington to Washington
Ellen Moskowitz	Washington to Washington
Judy Whittlesey	Washington to Washington
Gay Burton	Washington to Washington
Tom Donilon	Washington to Omaha
Tad Devine	Washington to Omaha
Charlie Stevenson	Washington to Austin
Mike Pate	Washington to Austin
Van McMurtry	Washington to Austin
Marianne Sullivan	Washington to Austin
Madeleine Albright	Washington to Omaha
Rep. Dennis Eckart	Washington to Austin
David Zesiger	Washington to Austin
Ted Overman	Washington to Omaha
Joe Snyder	Washington to Austin
Susie Menard	Washington to Austin
Rodney Ellis	Omaha to Washington
John Hall	Omaha to Lone Star
John Mobley	Austin to Omaha
Ann Mobley	Austin to Omaha
George Christian	Austin to Omaha
Joanne Christian	Austin to Omaha
Paul Kirk	Omaha to Houston
Michael Sheehan	Washington to Austin
Jim Johnson	Washington to Omaha
Keith Boykin	Omaha to Longview
Cong. Jim Chapman	Omaha to Longview
cellular 1	roaming # then: 617/974-7785

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cellular 2
Redder Sky Page

roaming # then: 617/974-8821
1-800-759-7243 PIN 75208

CHARTER INFORMATION [Plane # 1]

Remarks:	Washington to Washington
Charter Company:	America West
Plane Type:	737-100
Tail Number:	N708AW
Pilot:	Dave Churchill
Co-Pilot:	Dennis Glauner
Flight Attendants:	Karen Vance
	Janice Mceldowney
	Lisa O'Connell
Garber Staff:	Meridith Jones
	Scott Stein

CHARTER INFORMATION [Plane # 2]

Remarks:	Washington to San Antonio
Charter Company:	Aviation Charter
Phone:	512/320-8003
Plane Type:	Falcon 10
Tail Number:	N10F
Pilot:	Max Martin
Co-Pilot:	Pete McGuigun

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SCHEDULING DESK

Scheduling Desk	Issues Desk	Press Desk
Sunday, October 2		
Pam Veasey	Sam Buell	Murray Rapp
617/451-2480/366	x752	x371
Monday, October 3		
Pam Veasey	Sam Buell	Murray Rapp
(H)617/723-6434		
Tuesday, October 4		
Pam Veasey (THRU TX)	Sam Buell	Murray Rapp
Rita Conroy	Sam Buell	Murray Rapp
617/451-2480/370		
Wednesday, October 5		
Rita Conroy	Sam Buell	Murray Rapp
Thursday, October 6		
Jenny Vidis	Sam Buell	Murray Rapp
617/451-2480/365		
Friday, October 7		
Jenny Vidis THRU San Ant	Sam Buell	Murray Rapp
Pam Veasey	Sam Buell	
Saturday, October 8		
Pam Veasey		

ADVANCE

City	Name	Phone
Boston Desk	Paige Alexander	
Austin	Barrett Murphy	
	Steve Wurbel	
	Beth Cataldo	
	Dwight Holton	
	Bill Sherman II	
	Andy Tomback	
	Dan Rosenthal	
	Rachel French	
	Katie Broren	

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	Pat FN'Piere
	Seth Goldman
	Agnes Cooper(RON)
Omaha	Dan Lee
	Paul Holtzman
	Steve Bachar
	Mike Mckay
	Richard Lind
	Redmond Walsh
	Ken Citron
	Ken Orkin
	Caleb Marshall
	Mike Jones
	Sam Rodriguez
	Jennifer Marshal(RON)
	Laura Hartigan(RON)
	Andy Paven
	Scott Sudduth
	Sandy Ring
	Mort Engelberg
	Loretta Ucelli
	Neil Fleiger
	Michael Toscano
	Jim Levy
	Eric Myers
Lone Star	Mitchell Schwartz
	Andrew Frank
	Bill Antholis
	James Day
	Steve Barr
	Barry Plunkett
	Dennis Alpert
	Manuel Garza
	Stephen Mines
	Peter McLaughlin
	Heidi Buss
	Ed Emerson
	Tom Hughes
	Michael Cavallero
Dallas	Gary Ginsberg
	Michael Moore
	Sol Villasano
	Ron Weathersby
	Julie Farkas
	Diane Becker(RON)
	Matt Littlejohn
	Thurston Hammer
San Antonio	Kris Van Giesen
	Mark Sump
	Locky MacDonald
	Lou Gilmore

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	Kathy Roth
	Rachel Richmond
	Ben Cooper
Houston	Larry Windsor
	Phil Caplan
	Stuart Ishimora
	Mary Broshnahan
	Caroln Costel
	Miriam Alexander(RON)
	Ray Walter
Farmington	Steve Silverman
	Bain Ennis
	Steve Schneider
	Scott Melrose
	Jessica Braverman
	Katie Wurtz
	Ron Goldstein
El Paso	Ed Burtenshaw
	Andrew Hurwitz
	Sean Mullin
	Mary Duffy
	Barbara Korthals-Altes
	Sandy Cheiton

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Saturday, October 1, 1988

9:45	Depart Bentsen home
10:00am	Arrive Senate office Event: Debate prep Location: 703 Hart Senate Office Bldg Washington, D.C. 202/224-5933 Fax: 202/2241863
12:00pm	Proceed to lunch with Senate colleague Location: Senate office Washington, D.C.
12:45pm	Photo Opp
1:00pm	Depart Hart Senate Office Bldg.
1:15pm	Arrive Ritz Carlton Hotel Event: Debate Review Location: 2100 Mass Ave. N.W. 7th Floor Washington D.C. 202-293-2100 Fax: 202-293-0641
1:20pm	Debate review
6:00pm	Depart Ritz Carlton Hotel Drive time: 15 mins.
6:15pm	Arrive Bentsen home
	RON For LMB/BAB Location: Bentsen home

95043674468

Sunday, October 2, 1988

8:40am	Depart Bentsen home
9:00	Arrive Ritz Carlton Hotel Event: Debate prep Location: 2100 Mass Ave. N.W> 7th Floor Washington, D.C. 202-293-2100 Fax: 202-293-0641 Advance: Jana Sidley
12:15pm	Depart Ritz Carlton Hotel
12:30pm	Arrive home
12:35pm	Lunch
1:00pm	**STAFF depart Ritz Carlton Hotel Drive Time: 20 mins.

NOTE: A Van will be provided to transport the Debate Prep Staff to the airport.

1:20pm	Depart home en route airport
	**STAFF Arrive Airport
1:25pm	Baggage Call
1:40pm	Arrive airport
1:45	Board plane
1:50pm EDT	Wheels up Washington National Airport FBO: Butler Aviation 703/549-8340 Fax: 703/892-5486 Flight time: 3:30
2:00pm	Wheels up **STAFF/PRESS D.C. National FBO: Butler Aviation 703-549-8340 Fax: 703/892-5486 Flight time:3:05(2:05 OCT)
4:05pm	Wheels down **STAFF/PRESS - Austin FBO: Page Avjet 512/476-5451 Fax: 512/480-9129 Advance: Barrett Murphy

NOTE: Barrett Murphy cellular phone: 512/422-5642

NOTE: Staff vans are available to drive the staff to the Four Seasons

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Hotel. The Press will load a bus and proceed to San Antonio -- Sea World. (The drive is estimated at 1:30)

4:15pm **STAFF/PRESS Depart Airport

NOTE: The Staff will arrive the Four Seasons Hotel at approximately 4:30pm.

4:20pm CDT Wheels down San Antonio
FBO: Airstar
512/820-8525
Fax: None
Advance: Seth Goldman, Kris Van Giesen

NOTE: The Senator will be greeted by Tom Schieffer and Pete Geren. Cellular phone #[redacted]

4:35pm Proceed to motorcade

4:40 Depart airport

5:05pm Arrive Sea World
Press: closed

Proceed to Holding

NOTE: The Holding Room is Conference Room A of the Administration Bldg.

5:30pm Proceed to FR

5:40pm Arrive De Lido Restaurant
Senate Event
Event: Private Reception/FR
Location: Sea World
Austin, TX

6:16pm Intro of Senator by John Dalton

6:25pm Remarks

6:35pm Depart De Lido Restaurant
Drive time: 10 mins (golf cart)

NOTE: Holding Room Available -- Custom Greyhound Bus on the Grounds.

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6:46pm — Arrive Shamu Show
Location: Sea World
Shamu Stadium
Press: open

NOTE: The Senator and Mrs. Bentsen will proceed to the Grandstand -- VIP suite.

7:10pm — Depart Shamu Stadium

Proceed to Holding/Meet & Greet

NOTE: The Press and audience will proceed to Water Ski Stadium and watch the water ski show while the Senator and Mrs. Bentsen greet local elected officials. These officials will be introduced and enter the stadium following the show.

8:10pm — Arrive Water Ski Stadium
Event: Presentation/Remarks
Intro: Mayor Cisneros
Location: Sea World
Water Ski Stadium
Austin

8:35pm — Intro by Mayor Cisneros

8:45pm — Remarks followed by Fireworks

9:10pm CDT — Depart Sea World
Drive time: 60 mins.

10:10pm — Arrive Four Seasons Hotel
Austin, Texas

RON For LMB/BAB/STAFF
Location: Four Seasons Hotel
98 San Jacinto Blvd.
Austin, Texas
512/478-4500
Fax: 512/478-3117

NOTE: Staff/VIP Room #316 512/478-4500 x316.
Staff Office (xerox, fax, 5 phone lines) #416; x7466, x7416, x7966, x7666, x7766. For Fax ask for x7716.

----------PRESS SCHEDULE----------

9504367441

5:40pm	Arrive Sea World San Antonio Press: open
6:00pm	Arrive Shamu Show
7:10pm	Depart Shamu Stadium
7:20pm	Arrive Water Ski Stadium
9:00pm	Board Bus
9:10pm	Depart Sea World Drive time: 1:20
10:30pm	Arrive Radisson Hotel Austin, TX
	RON For PRESS Location: Radisson Hotel 700 San Jacinto Austin, TX 512/476-3700

9504367447 2

Monday, October 3, 1988

9:00am	Arrive Debate Prep Location: Four Seasons Hotel Newport Restaurant 98 San Jacinto Blvd. Austin 512-478-4500 Fax: 512/478-4500 X7716 Advance: Barrett Murphy, Beth Cataldo

NOTE: Barrett Murphy cellular phone# 512/422-5642

NOTE: Two phone lines available: 512/472-0432 or 512/472-0435.

12:00pm	Proceed to suite for lunch/phone calls
1:30pm	Proceed to debate prep
5:00pm	Proceed to suite
	RON For LMB/BAB Location: Four Seasons Hotel 98 San Jacinto Blvd. Austin, Texas 512/478-4500

95043674473

Tuesday, October 4, 1988

9:00am	Proceed to meeting room Event: Debate prep Location: Four Seasons Hotel Newport Restaurant
10:00am	Press Baggage Call (Radisson)

NOTE: Shuttle Available to transport the press to the Four Seasons Hotel.

12:00pm	Proceed to suite for lunch/phone calls Photo Opp
1:30pm	Proceed to meeting room Event: Debate prep Location: Four Seasons Hotel Newport Restaurant
3:30pm	Staff Baggage Call

NOTE: Any members of the traveling press who missed baggage call at the Radisson should leave their baggage at the Four Seasons at 3:30pm.

4:00pm	Proceed to suite for downtime
4:30pm	**PRESS departs Four Seasons
4:55pm	Proceed to Motorcade
5:00pm	Depart hotel
5:10pm	Arrive Rally Call Time: 4:30 Event: Brief Remarks/Send Off Location: Texas State Capitol Eleventh and Colorado Austin Advance: Barrett Murphy Press: open

NOTE: The program begins at 4:30 with the folowing introductions and remarks by John Sharp with Welcome, Jim Hightower to Garry Mauro to Jim Mattox to Bob Bullock to Ann Richards to John Sharp to Jake Pickle to Senator Bentsen.

NOTE: Barrett Murphy: Cellular phone [redacted]

NOTE: Holding Rooms Available. #1: Lt. Gov. Hobby's Office - #512/463-0016; #2: Rep. Bob Melton's Office #106 - #512-463-0265.

5:20pm	Brief Remarks and Intro by Jake Pickle

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5:30pm	Brief Remarks by LMB
5:45pm	Proceed to motorcade along rope line
5:55pm	Depart event
6:15pm	Arrive airport
	Proceed to holding/Press to file
6:35pm	Board plane
6:45pm	Wheels up Austin FBO: Page Avjet 512/476-5451 Fax: 512/480-9129 Flight time: 1:45
8:30pm	Wheels down Omaha, NE FBO: Sky Harbor Aviation 402/422-6633 Fax: 402-422-0282 Advance: Dan Lee

NOTE: Dan Lee: Cellular phone [redacted]

8:40pm	Proceed to Welcome to Omaha Rally Intro: Bob Kerrey Location: Airport Hangar, Bay Number 3 Sky Harbor Aviation 402-422-6633 Fax: 402-422-0282 Advance: Dan Lee/Steve Bachar Press: Open

NOTE: LMB to be welcomed by Mayor Walt Calinger. Introduction by former Governor Bob Kerrey. Fred Connelly, President of the Omaha City Council will present LMB with a key to the city.

	Brief remarks by LMB
8:55pm	Proceed to motorcade
9:10pm	Depart airport Drive time: :15

9504367447 5

9:25pm Arrive Red Lion Inn

RON For LMB/BAB
Location: Red Lion Inn
1616 Dodge Street
Omaha, NE 68102
402/346-7600
Fax: 402/346-9032
Staff Rm. 1701 Direct Line: 402-346-6262

NOTE: 10:00 - 10:30pm There will be a senior staff orientation to the Civic Auditorium and the hotel staff rooms at this time. Tour will leave from the Red Lion Advance Staff Room.

9504367447 6

Wednesday, October 5, 1988

	Private breakfast
	Debate Review

NOTE: B.A. Bentsen to campaign independently between 10:00am and 11:30am. See BAB Schedule.

12:55pm CDT	Proceed to motorcade
12:58pm	Depart hotel
1:00pm	Arrive Omaha Civic Auditorium Event: Sound and light check 402-444-4750 Advance: Dan Lee
2:00pm	Depart Omaha Civic Auditorium
2:05pm	Arrive Red Lion Inn
2:10pm	Proceed to suite Event: Debate review
5:30pm	Private dinner with family
6:30pm	Remain in suite for make-up
6:45pm	Proceed to motorcade
6:50pm	Depart Red Lion Inn
6:55pm	Arrive Omaha Civic Auditorium
7:00pm	Proceed to holding room
7:28pm	Proceed to stage
7:30pm CDT	Debate
9:00pm	Proceed to holding room

NOTE: 9:05 - 9:10pm Phonecall in holding room from MSD.

9:15pm	Proceed to motorcade
9:17pm	Depart Civic Auditorium

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9:20pm Arrive Red Lion Inn

9:22pm Proceed to post debate rally
Location: Red Lion Ballroom
Omaha, NE
402-346-7600
Advance: Dan Lee/ Redmond Walsh
Press: Open

Brief remarks by LMB.

NOTE: Paul Kirk will serve as host for the event. He will introduce in this order, Bob Kerrey, Peter Hoaglund, and LMB. Congressman Eckart will conclude the program, presenting LMB with boxing gloves.

9:45pm Depart rally

9:50pm Proceed to reception with Texas supporters
Intro: John Mobley
Location: Terrace room on pool level
Red Lion Inn
Omaha, NE
402-346-7600
Fax: 402-346-9032
Contact: Jack Martin
Advance: Dan Lee/Redmond Walsh
Press: Closed

10:10pm Depart reception

10:15pm Proceed to reception with Victory Fund Board of Directors
Location: Capitol-Dodge Room
Omaha, NE
402-346-7600
Fax: 402-346-9032
Contact: Ann Kelly
Advance: Dan Lee
Press: Closed

10:30pm Depart reception

10:35pm Arrive Suite

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RON For LMB/BAB
Location: Red Lion Inn
1616 Dodge Street
Omaha, NE 68102
402/346-7600
Fax: 402/346-9032
Staff Rm. #1701 Phone: 402/346-6262

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Thursday, October 6, 1988

7:00am	CDT	Baggage call.
8:15am		Staff meeting in Staff Room
9:05am		Proceed to Motorcade
9:10am		Depart Red Lion Hotel Drive time: 15 min. LMB and BAB will ride alone in limo.
9:25am		Arrive Omaha airport Location: Sky Harbor Aviation Omaha, NE 402-422-6633 Fax: 402-422-0282 Advance: Dan Lee
9:30am		Board plane
9:40am	CDT	Wheels up Omaha FBO: Sky Harbor 402/422-5451 Flight time: 1:40(1:40 OTC)

NOTE: MSD press plane Wheels Down in Longview at 11:10am.

11:20am	CDT	Wheels down Longview FBO: Gregg Aviation 214/643-2621 Advance: Mitchell Schwartz (lead)

NOTE: LMB & BAB to hold for MSD Wheels Down at 11:30am. Holding room is located in FBO in the Flight Training Center Room. Phone #: 214/643-2621. Cong. Jim Chapman, Cong. Jack Brooks, LMB and BAB will greet MSD upon arrival.

11:40am		Proceed to Motorcade
11:50am		Depart airport en route Lone Star Drive time: 45 min. Joint motorcade with MSD and LMB.

NOTE: LMB and MSD to ride in limo together. BAB to ride in limo with Sissy Ward (wife of John Ward).

95043674480

12:35am

Arrive Lone Star Steel Co.
Event: meet and greet
Location: Pilot's Lounge
Lone Star Steel Airstrip
214/656-6578 or 656-6540
Press: closed

NOTE: LMB and MSD will meet Lone Star Steel executives: CEO Jim Shanault, Director of Community Relations John Irwin and Manager of Employee Relations Ron Turner.

NOTE: Press buses will proceed to rally site.

12:40pm

Proceed to Rally
Location: Starlight Park
Lone Star Steel Co
U.S. Highway 256
Lone Star, TX
214/656-6578 or 656-6540
Fax: 214/656-6992
Advance: Andy Frank (site)
Press: open

NOTE: Program: Congressman Jim Chapman will intro MSD who will speak and then intro LMB.

1:30pm

Proceed to motorcade

1:40pm

Depart Lone Star en route Longview
Drive time: 45 min.
MSD and BAB to ride in limo together.

2:25pm

Arrive Longview Airport Main Terminal

Proceed to Roundtable w/editors of local weekly papers
Location: Conference Room
Main Terminal

NOTE: Press to proceed to FBO for filing. 10 phones will be available in the main lobby of Gregg Aviation.

NOTE: BAB will proceed to interview with Margaret Dornbusch of the Atlanta (TX) Citizen Journal in the Airport Police Office of the Main Terminal.

9504367448 1

2:55pm	Proceed to Holding Room Event: lunch/phone calls Location: Airport Police Office Main Terminal 214/643-3032
3:40pm	Proceed to motorcade/depart event
3:45pm	Arrive FBO/board plane
3:55pm	Wheels up Longview FBO: Gregg Aviation 214/643-2621 Flight time: :35(:35)
4:30pm	Wheels down Dallas-Love FBO: Citi Jet 214/956-1000 Fax: 214/956-1791 Advance: Gary Ginsberg (lead)

NOTE: Ginsburg's cellular #: [redacted]

NOTE: Holding room is available in the Longhorn Room. Phone: 214/956-1007.

4:40pm	Proceed to Motorcade
4:45pm	Depart airport Drive time: 15 min. LMB and BAB will ride alone in limo.

NOTE: Press and staff proceed to Adolphus Hotel for RON. Staff room is Room 1902. Direct phone #: 214/748-4042. Direct FAX #: 214/748-7314.

5:00pm	Arrive United National Bank Bldg. Event: Tape Senate Commercial Location: United National Bank Bldg. 1525 Elm 2nd Floor Dallas, TX 214-954-0333 Contact: Shirley Booth, Bob White Press: closed

9504367448 2

6:20pm Proceed to Motorcade

6:25pm Depart Senate office en route FR
Drive time: 10 min.
LMB and BAB will ride alone in limo.

6:35pm Arrive Senate Fundraiser
Location: Infomart
1950 Stemmons Freeway
Dallas, TX
214/746-3569
Contact: Juanita Petitt
Advance: Paul Wageman (Senate Finance Advance)

Proceed to Holding Room
Location: Board Room
214/746-4666

6:40pm Proceed to Fundraising Reception
Tier 1
Event: Remarks/Meet and Greet
Intro: Lupe Murchison
Host: Raymond Nasher
Location: Room 1061
Infomart
Press: closed
Call time: 6:30 Exp. Attend: 200

7:30pm Proceed to Holding Room
Location: Board Room
214/746-4666
LMB will meet w/fundraisers.

8:00pm Proceed to Fundraising Reception
Tier 2
Event: Meet and Greet/Remarks
Intro: Cappy McGarr
Host: Raymond Nasher
Location: Atrium
Infomart
Press: closed
Call time: 7:30 Exp. Attend:500-1,000

8:30pm Proceed to Motorcade

8:35pm Depart Fundraiser en route hotel
Drive time: 10 min.

95043674483

8:45pm Arrive Adolphus Hotel

RON For LMB/BAB/STAFF/PRESS
Location: Adolphus Hotel
1321 Commerce Street
Dallas, TX 75202
214/742-8200
Fax: 214/747-3532
Advance: Diane Becker (RON)

NOTE: Staff Room is Room 1902. Direct phone #: 214/748-4042.
Direct FAX #: 214/748-7314.

9504367444 4

Friday, October 7, 1988

7:45am	Baggage Call
7:30am	Staff Meeting in Staff Room
8:05am	Proceed to Motorcade
8:10am	Depart Adolphus en route Fairmont Drive time: 5 min.
8:15am	Arrive Fairmont Hotel Location: 1717 N. Akard Dallas, TX 214/720-2020 Fax: 214/720-5269 Proceed to Holding Room Location: Executive Room Banquet Level 214/720-2020
8:20am	Proceed to Dallas Democratic Forum Breakfast Event: Remarks Intro: Tom Timmons, Pres. Location: Regency Ballroom Fairmont Hotel Press: open Calltime: 7:30 Exp.Attend: 500+
8:45am	Proceed to Local Press Interviews Location: Oak Room Banquet Level

NOTE: Press to file in Garden Room on the Terrace Level. 10 phones will be available.

NOTE: LMB's T.V. interviews: KDFW (CBS) with Rich Ray, KXAS (NBC) with Larry Estopa and WFAA (ABC) with Cindy Kinnard. Radio interviews: DPLK FM with Kevin McCarthy (live) and WBAP AM with Debra Ferguson.

9:15am	Proceed to Motorcade
9:20am	Depart Fairmont en route airport Drive time: 15 min. LMB will ride alone in limo.

NOTE: BAB will depart for Dallas/Love Field for 10:00am Southwest flight # 15 en route to Houston. BAB will rejoin LMB in Houston at the hotel.

9504367448 5

9:35am	Arrive Dallas/Love Field
9:40am	Board Plane
9:50am	Wheels up Dallas/Love Field FBO: Citi Jet 214/956-1000 Fax: 214/956-1791 Flight time: 1:05(1:05 OTC)
10:50am	Wheels down San Antonio FBO: Sun Jet 512/828-0551 Fax: 512/340-3711 Advance: Kris Van Geisen (lead) Kathy Roth (press)

NOTE: Van Geisen cellular phone #: 512/240-8313.
Holding room is available in the Airport Manager's office.
Phone: 512/828-0551.

NOTE: LMB will be greeted by: Myrna Vonnimitz, George Carson, Henry Munoz, Glenn Biggs, Al Hartman and Raoul Jiminez. All are fundraisers and organizers for LMB.

11:00am	Proceed to Motorcade
11:05am	Depart airport Drive time: 15 min. Raoul Jiminez will ride in limo w/LMB.
11:20am	Arrive Hyatt Hotel Location: 123 Lo Soya San Antonio, TX 512/222-1234 Fax: " " ext.2291 Proceed to Holding Room Location: Room 123 512/222-1234 Make-up person will be present.

NOTE: Staff room is Room 127.

NOTE: Press will go directly to boats behind the Hyatt Hotel and proceed to the rally site.

9504367444 6

11:30am — Proceed to Private meeting w/local candidates
Location: Director's Room
Press: closed

NOTE: LMB will meet and greet 7 local Democratic candidates and have his picture taken with them.

11:40am — Proceed to local press interviews
Location: Rio West Room
Hyatt Hotel

NOTE: LMB's TV interviews: KMOL (NBC San Antonio) w/Brain Karem
KENS (CBS San Antonio) w/
KTBC (CBS Austin) w/David Plant
KSAT (ABC San Antonio) w/ Kathy Teague

12:10pm — Proceed to boats

NOTE: LMB, staff and pool will board 2 boats and ride 5 min. down the San Antonio River to the rally site.

12:15pm — Depart hotel en route rally
Drive time: 5 min.

12:20pm — Arrive Rally
Event: Remarks
Intro: Judge Thomas Vickers
Location: Arneson River Theater
Presa and Villita Streets
San Antonio, TX
Advance: Mark Sump (site)
Press: open

NOTE: Program: Raoul Jiminez will welcome everyone. Walter Martinez and Orlando Garcia will then speak. Judge Thomas Vickers will intro LMB upon his arrival. LMB will speak and work the rope line.

12:50pm — Depart rally
Drive time: 5 min.

12:55pm — Arrive Hyatt Hotel
Location: 123 Lo Soya Street
San Antonio, TX
512/222-1234

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Proceed to Suite
Event: Lunch/phone calls

NOTE: Press to file in the Nuesos Room in the Hyatt Hotel.
10 phones will be available.

2:00pm	Proceed to motorcade
2:05pm	Depart event en route airport Drive time: 15 min. Laura Lippman of San Antonio Light rides
2:20pm	Arrive San Antonio airport
2:25pm	Board plane
2:35pm	Wheels up San Antonio FBO: Sun Jet 512/828-0551 Fax: 512/340-3711 Flight time: 50 minutes
3:25pm	Wheels down Houston Hobby Airport FBO: Atlantic Aviation 713/644-6431 Fax: 713/644-5177 Advance: Larry Windsor (lead)
3:35pm	Proceed to motorcade
3:40pm	Depart Airport
4:00pm	Arrive KHOU Studio Event: Satellite Taping Location: KHOU - Channel 13 1945 Allen Pkwy Houston, TX Contact: Kathy Slater Advance: Larry Windsor Press: closed Proceed to Holding/Make-up
4:15pm	Tape Satellites
4:55pm	Proceed to Motorcade
5:00pm	Depart KHOU Studio Drive time: 20 mins

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5:20pm — Arrive Hotel
Event: Dinner/phone calls

NOTE: Mrs. Bentsen will have already arrived to the Hotel.

6:35pm — Proceed to Motorcade

6:40pm — Depart Hyatt Regency Hotel

6:45pm — Arrive Senate Fundraiser
Event: Senate Fundraiser
Intro: Lan Bentsen
Location: George Brown Convention Ctr.
1001 Convention Center Blvd.
Houston, TX
713/853-8042
Press: closed

Tier I -- FR
Call Time: 6:00
Duration: 7:00
Private Reception
Location: Cafe on third floor
Houston
Press: closed

7:15pm — Tier II -- FR
Call Time: 7:00
Duration: 10:00
General Reception
Intro: Lan Bentsen
Location: Ballroom B
Houston
Press: closed

8:05pm — Intro by Lan Bentsen

8:10pm — Remarks

8:20pm — Proceed to Motorcade

8:25pm — Depart George Brown Convention Ctr.
Drive time: 10 mins

8:30pm — Arrive Hotel

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RON For LMB/BAB/Staff/Press
Location: Hyatt Regency
1200 Louisiana St.
Houston, TX
713/654-1234
Fax: 713/654-1644
Staff Rm. #2920 713/951-9529

Staff Rm. FAX #713/951-9516

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Saturday, October 8, 1988

NOTE: Houston roaming #:713/825-7626

7:00am	Private Breakfast
7:30am	Baggage call

NOTE: Senator Bentsen and staff should dress very casually for event in New Mexico. No suits! Jeans are appropriate.

7:45am	Staff Mtg/Breakfast
8:15am	Press Availibility

NOTE: The Press Availibility will take place in the Sandlewood Room of the Hyatt Hotel -- 4th floor. Press to file following Press Avail.

8:30am	Proceed to Holding/Press to file
8:55pm	Proceed to Motorcade
9:05am	Depart Hotel Drive time: 25 mins.
9:30am	Arrive Houston Hobby Airport
9:35am	Board plane
9:45am CDT	Wheels up Houston Hobby Airport FBO: Atlantic Aviation 713-644-6431 Fax: 713-644-5177 Flight time:2:20(1:20 OCT)
11:05am MDT	Wheels down Farmington, New Mexico FBO: Four Corners Aviation 505/325-2867 Fax: none Advance: Steve Silverman

NOTE: N.B. : No Farmington roaming access #

11:15am	Meet & Greet along rope line
11:25am	Proceed to Motorcade
11:30am	Depart Airport Drive time: 60 mins.

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12:30pm	Arrive Northern Navajo Fairgrounds Event: Photo Opp/Remarks Location: Fairgrounds Indian Reservation Shiprock, NM
	Proceed to Political Meeting

NOTE: LMB will be met by Navajo Councilmen: Chairman Peter McDonald and wife Wanda, Vice-Chair Johnny Thompson and wife Pamela, Cong. Bill Richardson, Cong. candidate Ton Udall, Sen. Jeff Binghaman, Donald Bonalli, Virgil Kirk, and Jim Attsiti.

12:40pm	Proceed to Stage
12:45pm	Program Begins
12:50pm	Introduction by Bill Richardson
12:55pm	Remarks by LMB
1:15pm	Proceed to Motorcade
1:25pm	Depart Navajo Fairgrounds, Shiprock Drive time: 50 mins.
2:05pm	Arrive Airport
2:10pm	Hold for local press/Press to file
	KOAT/ABC - Albuquerque -Leslie Clark
	KOBF/NBC - Farmington - Derik Lattig
	KGGM/CBS - Albuquerque - Lisa Cruz

NOTE: Senator Bentsen has opportunity to change clothes

2:25pm	Board Plane
2:35pm	Wheels up Farmington, New Mexico FBO: Four Corners Aviation 505-325-2867
3:40pm	Wheels down El Paso FBO: Cutter Beach Craft 915/779-0270

NOTE: El Paso roaming access#:915/525-7626

The Senator will be greeted by Congressman Ron Coleman, County Chair Toni Diamond, Judge George Rodriguez, Jr. and Judge Travis Johnson. The plane will park at Transit Terminal -- Holding Room - Customs office - 915/541-7123 or 7124

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3:50pm Proceed to Motorcade

3:55pm Depart Airport
Drive time: 20 mins.

4:15pm Arrive Texas Lyceum
Young Businessmen Organization (250-250)
Event: Remarks
Intro: Dean Elspeth Rostow
Location: Westin Paso Del Norte Hotel
Salon C
101 S. El Paso St.
El Paso, TX
Advance: Ed Burtenshaw
Press: open
Former Dean of PA LBJ Sch. of PA

Proceed to Holding

NOTE: The Holding room is the Board Room. The Senator will be met at the Holding Room by Walt Rostow.

4:20pm Introduction by Elspeth Rostow

4:25pm Remarks by LMB

4:40pm Conclude Remarks

NOTE: Following the Senators remarks Chairman Lyndon Olsen will present the Senator with a key to the city and a book -- "A Union of Eagles" (The story of the twin cities Juarez and El Paso) Immediately after LMB/BAB proceed along rope line.

4:45pm Proceed to Holding/Make-up

NOTE: Mrs. Bentsen will proceed to the Suite for down time.

5:00pm Hold for Local Press

NOTE: Local Press Room -- 429A

KDIV - ABC -- Tom Costello

KDBC - CBS -- Pat Monroe

KTSM - NBC -- John Flack

"El Paso Times" Chandler Thompson

5:20pm Conclude Press Interviews

Proceed to Political Meeting

NOTE: Political Mtg. will take place in Board Room amd last 10 mins.

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5:30pm	Proceed to Suite
	Dinner/phone calls
7:05	Proceed to Motorcade
7:10pm	Depart Westin Del Norte Hotel Drive time: 15 mins
7:25pm	Arrive Omar Bradley Chapter Dinner 550-600 (guest) Event: Remarks Intro: General John Oblinger Host: Association of US Army Location: El Paso Marriott Hotel 1600 Airway Blvd. Ballroom El Paso Advance: Ed Burtenshaw Press: open
	Proceed to Holding

NOTE: Holding Room is Board Room. The Senator will be met at the holding room by General John Oblinger and escorted to the Ballroom.

7:30pm	Program begins -- Posting of colors
	Invocation
7:45pm	Inroduction by General Oblinger
7:50pm	Remarks by LMB
8:05pm	Conclude remarks
8:10pm	Proceed to Motorcade
8:20pm	Depart Marriott Hotel Drive time: 15 mins.
8:35pm	Arrive Westin Del Norte Hotel
	RON For LMB/BAB/Staff/Press Location: Westin 101 S. El Paso St. El Paso, TX 915/534-3000 Fax: 915/534-3024 Staff Room #1405

NOTE: Direct phne lines: 915/544-9745 or 915/544-9743. Fax: 915/544-9741

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Sunday, October 9, 1988

7:15am		Baggage Call
7:45am		Private Breakfast
8:00am		Staff Breakfast & Mtg
7:25am		Proceed to Motorcade
8:30am		Depart Hotel Drive time: 15 mins
8:45am		Arrive Airport
8:50am		Board Plane
9:00am	MDT	Wheels up El Paso, TX FBO: Cutter Beach Craft 915/779-0270 Flight time:3:30(5:30 OTC)
2:30pm	EDT	Wheels down Washington Dulles FBO: Page aVJET 703-471-4450
3:00pm		Depart Airport Drive time: 40 mins.
3:40pm		Arrive LMB/BAB Home

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Schedule For: LLOYD BENTSEN, JR.
Trip Dates: 10/24/88 - 10/29/88
Trip No.: 14.0
Draft Number: 35 10/23/88

GRAND RAPIDS -- CAPE GIRARDEAU -- LITTLE ROCK -- WHITE, S.D. -- FARGO -- GREAT FALLS -- RIVERSIDE -- BAKERSFIELD -- LOS ANGELES --CHICO -- SAN FRANCISCO -- AUSTIN

TRAVELING WITH LMB

BAB	
Lloyd M. Bentsen	Little Rock to Watertown
SS x 13	
Joe O'Neill	
Tom Redder	
Mike McCurry	
Vicki Radd	
Ed Knight	
Steve Ward	
Ellen Moskowitz	
Mike Sims	
Judy Whittlesey	
Les Francis	Washington to Los Angeles
Sen. Max Baucus	Little Rock to Great Falls
Ted Mondale	Watertown to Fargo
Rodney Ellis	Washington to Little Rock
Pam Veasey	Washington to Little Rock
Gov. George Sinner	Watertown to Fargo
Cellular 1	roaming #:617/974-7785
Cellular 2	roaming #:617/974-8821
Redder Sky Page	1-800-759-7243 PIN#75208

CHARTER INFORMATION [Plane # 1]

Charter Company:	America West
Plane Type:	737-100
Tail Number:	N708AW
Pilot:	Ted Dehess
Co-Pilot:	John Logan
Flight Attendants:	Janice Mc Eldowney
	Lisa O'Connell
	Karen Vance
	Frank Settles
Garber Staff:	Meridith Jones
	Scott Stein

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SCHEDULING DESK

Scheduling Desk	Issues Desk	Press Desk
Monday, October 24 Rita Conroy (THRU MO) 617/451-2480 x370 Rita Conroy h)	Sam Buell x752	Murray Rapp x371
Monday, October 24 Richard Sigel 617/451-2480 x367 Richard Sigel h)	Sam Buell	Murray Rapp
Tuesday, October 25 Richard Sigel(THRU ND) Jenny Vidis 617/451-2480 x365 Jenny Vidis h)367-6852	Sam Buell Sam Buell	Murray Rapp Murray Rapp
Wednesday, October 26 Jenny Vidis(THRU BFLD) Richard Sigel (CHICO) Rita Conroy	Sam Buell Sam Buell Sam Buell	Murray Rapp Murray Rapp Murray Rapp
Thursday, October 27 Rita Conroy (THRU CA)	Sam Buell	Murray Rapp

ADVANCE

City	Name	Phone
Boston Desk	Paige Alexander	
Grand Rapids, MI	Steve Silverman Andrew Hurwitz Suzanne Thelan Scott Melrose Andrew Friendly	
Cape Girardeau,MO	Dwight Holton Bill Sherman II Terri Simpson Kathy Roth Ann Greenfield	

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Little Rock, ARK	Kathy Nealy Ken Citron Debbie Getson Michael Toscano Agnes Cooper
White, SD	Kris Van Geisen Michael Moore Patrick Hewes Ed Emerson Julie Farkas Peter McLaughlin Ben Cooper
Fargo, ND	Redmond Walsh Peter Cutler Noel Boxer Tom Gorman Neil Robertson Dan Rosenthal Eric Myers
Great Falls, MT	Steve Bachar Kirk Hanlin Rachel Richman Seth Goldman Tom Hughes Locky MacDonald Laura Hartigan (RON)
Riverside, CA	Tom Epstein Steve Leroy Rachel French Eric Sklar Michael Cavallero Stephen Mines
Bakersfield	Janna Sidley Niall Niagnolles Tim Marshall David Neslin Ron Goldstein Robert Cooper
Los Angeles	Ed Burtenshaw Sean Mullin Eric Savador Kathy Sylvester Mary Sue Mauer Diane Becker Ray Walter
Chico	Caleb Marshall Phil Caplan

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	Michael Brown Mary Duffy Darius Anderson James Day
San Francisco	Andrew Paven Andrew Hurwitz Pat FN'Pierre Sam Rodriguez Sandy Cheiton
Texas (Austin)	Gary Ginsburg Ken Orkin Bill Antholis Scott Melrose Agnes Cooper (RON) Janice Gunn

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Monday, October 24, 1988

8:30am	EDT	Press and Staff Baggage Call at National Airport
9:00am	EDT	Depart LMB home. Drive time: 15
9:00am	EDT	Staff board bus.
9:15am	EDT	Arrive National Airport Location: Butler Aviation
9:20am	EDT	Board plane
9:30am	EDT	Wheels up National Airport FBO: Butler Aviation 703-549-8340 Fax: 703-892-5486 Flight time: 1:45
11:15am	EDT	Wheels down Grand Rapids FBO: Northern Air Service 616/949-5000 Fax: 616/949-0732 Advance: Steve Silverman

NOTE: Grand Rapids roaming access#:616/450-7626

NOTE: LMB to have 5 minute interview on plane with John Sinkovics Reporter from the Grand Rapids Press. LMB to be greeted at airport by Gov. Blanchard and Sen. Riegle.

11:25am	EDT	Proceed to motorcade.

NOTE: Senator Reigle to ride with LMB and BAB.
Governor Blanchard to ride in spare limo.

11:30am	EDT	Depart airport
11:55am	EDT	Arrive The Grand Center Location: 245 Monroe Street, N.W. Grand Rapids, MI 49503 616-456-3922 Advance: Steve Silverman
12:00pm	EDT	Proceed to holding room.

NOTE: LMB holding room is the Operations Manager's Office, Ms. Virgie Jackson's Office.

12:05pm	EDT	Proceed to Board Room for local press.

NOTE: Local press roundtable to include: Lisa Perlman, A.P., Linda

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Warner, U.P.I., Patty Montemurri, Detroit Free Press, Charlie Cain, Detroit News, and Charlotte Channing, Kalamazoo Gazette.

NOTE: BAB to be interviewed by feature reporter of the Grand Rapids Press in the holding room.

12:25pm EDT — Proceed to speech to the Economic Club Grand Rapids
Event: Speech & Q & A.
Intro: Senator Riegle
Location: The Grand Hall
616-456-3922
Press: open
Call time: Noon

NOTE: Mr. Beeman, Chair of the Economic Club will open the program. Gov. Blanchard will make brief remarks and introduce Sen. Riegle. Sen Riegle will introduce LMB.

12:55pm — Depart speech

1:00pm — Proceed to Board Room for downtime and lunch.

NOTE: Press to file in the remaining section of the Grand Hall.

1:25pm — Depart Board Room.

1:30pm — Depart Grand Center
Drive time: 25 minutes

1:55pm EDT — Arrive airport

2:05pm EDT — Board plane

2:10pm EDT — Wheels up Grand Rapids
FBO: 616/949-5000
Commercial: Northern Air Service
Fax: 616-949-0732
Flight time:1:20(:20 OTC)

2:30pm CDT — Wheels down Cape Girardeau
FBO: Cape Central Airways
314/335-6631

NOTE: Cape Girardeau roaming access#:314/373-9910

NOTE: LMB to be greeted by a small group of local politicans.

2:40pm — Proceed to motorcade

2:45pm — Depart airport

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3:00pm — Arrive Thorngate Plant
Host: Frank Adams, Plant Man.
Location: 1507 Independence Street
Cape Girardeau, MO
314-334-7723

NOTE: LMB to be greeted curbside by Frank Adams, Plant Manager and Wilma Munch, Local Union President.

3:05pm — Proceed to tour

NOTE: Wayne Cryts, Congressional Candidate, and State Sen. John Dennis to join LMB and BAB on tour. Tour will include: the Plotting Room, AM-5/Computer Room, Cutting, Pressing, and Inspection Rooms.

NOTE: Staff holding room: the break room.

3:20pm — Proceed to stage to address workers.

NOTE: Frank Adams to welcome LMB. Wayne Cryts introduces LMB.

3:45pm — Depart stage.

3:55pm — Depart Thorngate Plant

4:10pm — Arrive airport

4:15pm — Hold for local press.

NOTE: LMB to be interviewed: 4:15 - 4:20 KFVS/CBS - Grant Utti, 4:20 - 4:25 WPSD/NBC Paducah, KY - Mark Powell, 4:25 - 4:30 Tribune radio network - Ben Kiningham.

NOTE: BAB to do KMOX radio call. Contact: Peggy Cohill - 314-444-3284. Studio phone: 314-436-7975.

NOTE: Press to file in Old FAA room.

4:35pm — Board plane.

4:45pm CDT — Wheels up Cape Girardeau
FBO: Cape Central Airways
314/335-6631
Flight time: 1:10

5:50pm CDT — Wheels down Little Rock
FBO: Midcoast Aviation
501/37205722
Advance: Lead: Kathy Nealy
Press: Michael Toscano

NOTE: Little Rock roaming access#:501/680-7626

NOTE: LMB will be greeted at the area by Mayor Lottie Schackleford

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and other local supporters.

5:55pm — Proceed to holding room

NOTE: Holding room is Arkansas Room.
Local interviews conducted in conference area.

NOTE: KATV (ABC) Live from studio, Susan Roesgen and Andy Pierson
KTHV (CBS) Live, Joe Quinn
KARK (NBC) Ann Porter

6:15pm — Proceed to motorcade

6:20pm — Depart Airport
Drive time: :15

LLOYD BENTSEN SENIOR ARRIVES LITTLEROCK AIRPORT AT 6:21 PM
American Airlines Flight 284.

6:35pm — Arrive Hotel
Event: Down Time/Dinner
Location: Excelsior Hotel
State House Plaza
Little Rock
501-375-5000
Advance: lead: Kathy Nealy
press:Michael Toscano
Sen. Max Baucus to join party at Hotel

7:15pm — Proceed to motorcade

7:20pm — Depart Hotel

7:30pm — Arrive Fundraiser
Event: Meet & Greet/ Brief Remarks
Location: Little Rock Club/ 30th Floor
1st. Commercial Bank Building
Capitol and Broad St
Little Rock
501-372-1821
Press: closed

NOTE: Gov. Clinton introduces Sen. Pryor who introduces Sen. Bumpers who introduces LMB.

8:00pm — Proceed to Motorcade

8:05pm — Depart Fundraiser
Drive time: :10

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9:15pm

Arrive Get-Out-the-Vote-Election-
Event: Remarks
Location: Greater Paradise Baptist Church
3023 West 12th St.
Little Rock
501-372-1821
Advance: site: Ken Citron
Press: open
Proceed to Holding Room

NOTE: Holding Room is Pastor's Study. LMB will greeted in the holding room by State Representatives Erma Brown, William Townsend, Jerry Jewell, Henry Wilkins, and Bill Walker.

8:20pm

Proceed to Address Rally

NOTE: Bishop L.T. Walker introduces LMB who proceeds to the stage on cue. Bishop Walker again introduces LMB once he reaches the stage. Joining LMB on Stage:
Leroy Brownlee, Rev. Maurice Watson, Mayor Shackleford,

NOTE: Bishop J.L. Burrus, and Daisy Bates.

8:45am

Depart Rally

8:55pm

RON For LMB/BAB/STAFF/PRESS
Excelsior Hotel
Location: State House Plaza
Little Rock, ARK 72201
501/375-5000
Hotel Advance: Agnes Cooper

RON For MSD
Location: Fairmont Hotel
San Francisco, CA
415/772-5000

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Tuesday, October 25, 1988

	Staff meeting in staff room
7:45am	Depart hotel Drive time: :15
8:00am	Arrive Airport
8:05am	Board plane
8:15am CDT	Wheels up Little Rock FBO: Midcoast Aviation 501/372-5722 Flight time: 2:10
10:25am CDT	Wheels down Watertown FBO: Fischer Aviation 605-886-8620 Advance: lead: Kris Van G. Press: Ed Emmerson

NOTE: Plane will park adjacent to the main terminal.
Holding room is airport manager's office. Ph: 605-886-2265

10:30am	Proceed to motorcade
10:35am	Depart Airport Drive time: :55
11:30am	Arrive Downtown White
11:35am	Proceed to Palace Cafe Event: Greet Patrons Location: 323 West Main White 605-629-3431 Press: pool

NOTE: LMB to speak briefly with White residents who remember his father.

11:50pm	Proceed to Historical Society Museum Ribbon Cutting Location: White Historical Society Museum Main St White Press: open

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2:10pm Proceed to Deubrook Public School
Location: Deubrook Public School
Main St.
White
Advance: site: Michael Moore
Proceed to Holding Room

NOTE: Holding Room is principal's office.
Phone: 605-629-3201, 3211, 8601

12:20pm Proceed to Address Rally
Event: Remarks
Intro: Sen Tom Daschle
Location: Gymnasium
Deubrook Public School
White
Press: open

NOTE: LMB will be introduced by Sen. Daschle.
LMb will proceed to the stage on cue.

12:50pm Proceed to Holding Room

NOTE: Hold for local press.
Interviews to be conducted in Chemistry Room.
Press bus returns to airport for filing in main terminal old sector maintenance office.

1:15pm CDT Depart School
Drive time: :55

2:10pm CDT Arrive Watertown Airport
Event: Downtime

2:50pm Board Plane

3:00pm CDT Wheels up Watertown
FBO: Fischer Aviation
605-886-8460
Flight time: 1:05

4:10pm CDT Wheels down Fargo
FBO: Valley Aviation
605/336-7791
Advance: lead: Redmond Walsh
press: Tom Gorman

NOTE: Plane parks adjacent to the main terminal.
Holding Room is Administrator's Office: 701-241-1501, 1502
Hold for local interviews.
Interviews to be conducted in conference room.

4:45pm Proceed to motorcade

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4:50pm — Depart airport
Drive time: :20

5:10pm — Arrive Red River Valley Fairgrounds
Schollander Pavillion Addition
Event: Rally
Location: West Main Street
West Fargo
701-282-2200
Advance: site: Peter Cutler
Press: open
Proceed to holding room

NOTE: Holding room is maintenance office.
Phone: 701-282-2200

5:15pm — Proceed to Address Rally
Press: open

NOTE: LMB will be introduced by .
On cue, LMB will proceed to the stage on a stagecoach drawn by two clydesdales.

5:50pm — Depart Fairgrounds
Drive time: :20

6:10pm CDT — Arrive Airport

NOTE: Press to file at main terminal.
LMB to hold in Administrator's Office.
Phone: 701-241-1502

6:25pm — Board plane

NOTE: Press to file

6:35pm CDT — Wheels up Fargo
FBO: Valley Aviation
701/237-6882
Flight time: 1:30(:40 OTC)

7:20pm MDT — Wheels down Great Falls
FBO: Rocky Mountain Air
406/761-4040
Advance: Steve Bachar (lead)
Seth Goldman (press)

NOTE: LMB, BAB and Senator Max Baucus will be greeted by Gov. Ted Schwinden, Senator John Melcher, Congressman Pat Williams and Attorney General Mike Greely.

7:35pm — Depart airport
Drive time: :05 min.

9 5 0 4 3 6 7 4 5 0 7

7:40pm

Arrive Heritage Inn
Location: 1700 Fox Farm Rd
Great Falls, MT
406/761-1900

7:45pm

Proceed to rally
Intro: Gov. Ted Schwinden
Location: Atrium
Heritage Inn
Press: open
Exp. Attend: 2,000

NOTE: Program:

8:15pm

Proceed to Suite

RON For LMB/BAB/STAFF/PRESS
Location: Heritage Inn
1700 Fox Farm Rd
Great Falls, MT
406/761-1900
Fax: ext.666
Advance: Laura Hartigan (hotel)

NOTE: The staff room is room ____. Direct phone:
Direct FAX:
A room will be available for everyone to watch Nightline.

RON For MSD
Location: Radisson Hotel
Denver, Colorado
303/893-3333

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Wednesday, October 26, 1988

8:00am	Baggage Call
8:15am	Staff meeting in staff room
8:45am	Proceed to Local Press Interviews
9:15am	Proceed to Fundraising Breakfast Intro: Sen. Max Baucus Location: Rooms A & B Exp. Attend: 150
9:45am	Proceed to Motorcade
9:50am	Depart hotel enroute airport Drive time: :05 min. LMB and BAB will ride alone in limo.
9:55am	Arrive airport
10:00am	Board plane
10:10am MDT	Wheels up Great Falls FBO: Rocky Mountain Air 406/761-4040 Flight time:2:20(1:20 OTC)
11:30am PDT	Wheels down March Air Force Base 714/655-4479 Advance: Tom Epstein (lead)
11:40pm	Board buses
11:45pm	Depart airport enroute rally Drive time: :20 min. LMB and BAB will ride alone in limo.
12:05pm PDT	Arrive Riverside Rally Location: City Hall Mall 3900 Main St. Riverside, CA Proceed to Holding Room Hold for live shot?
12:20pm	Proceed to Rally Intro: Cong. George Brown Location: City Hall Mall Press: open Call time: 12:00 Exp. Attend:

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12:50pm	Proceed to Holding Room Location: City Hall 3900 Main Street

NOTE: Press to file.

12:55pm	Proceed to Local Press Interviews
1:15pm	Proceed to Holding Room for lunch and phone calls Location: City Hall 3900 Main St.
2:05pm	Proceed to Motorcade
2:10pm PDT	Depart City Hall enroute airport Drive time: :20 min.
2:30pm	Arrive airport
2:35pm PDT	Board plane
2:45pm PDT	Wheels up March Air Force 714/655-4479 Flight time: :40
3:15pm	Wheels down Bakersfield FBO: Aircraft Fuel 805/399-1416

NOTE: The plane will park @ Emerton West. Contact: Al Emerton.

3:30pm PDT	Depart airport
4:00pm PDT	Arrive event -- Citizens Forum
5:00pm PDT	Hold for live shots/press to file
5:15pm	Depart
5:35pm	Arrive airport
5:45pm	Board
5:55pm	Wheels up Bakersfield FBO: Aircraft Fuel 805/399-1416 Flight time: :30
6:25pm	Wheels down Burbank FBO: Martin Aviation 818/843-8311

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6:20pm	Depart airport
7:00pm PDT	Arrive FR Location: Hirsh Ranch 3528 Laurel Canyon Blvd Studio City 213/287-1988 Contact: Cindy Ledow Press: closed
7:45pm	Depart FR
8:00pm	Arrive Hotel
	RON For LMB/BAB/STAFF/PRESS Location: Sheraton Universal 333 Universal Terrace Los Angeles, CA 818/980-1212
	RON For MSD Location: Hyatt Regency Chicago, IL 312/565-1234

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Thursday, October 27, 1988

7:15am		Staff meeting in staff room
7:45am		Proceed to Motorcade
7:50am		Depart Hotel Drive time: :30
8:20am	PDT	Arrive Campaign 88 Fundraising Breakfast Event: Remarks Location: Century Plaza Hotel Los Angeles Press: closed
8:50am		Depart Fundraising Breakfast Proceed to Holding Room
9:10am		Proceed to Address World Affairs Council Location: Century Ballroom Century Plaza Hotel Press: open
9:45am		Depart
9:50am		Hold for Local Press/Press to File
10:15am		Depart
10:45am		Arrive airport
10:55am		Board plane
11:05am		Wheels up Los Angeles Flight time:1:15
12:20pm		Wheels down Chico
12:50pm		Board Buses
12:55pm		Depart airport
1:20pm		Arrive rally
2:00pm		Depart rally

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2:20pm	Arrive airport
	Hold for Local Press
2:40pm	Downtime/phone calls
3:20pm	Board Plane
3:30pm	Wheels up Chico Flight time::35
4:05pm	Wheels down San Francisco
4:25pm	Depart airport
4:50pm PDT	Arrive Seniors rally
5:30pm	Depart event
5:50pm	Arrive Studio
6:00pm	Hold for Satellites

NOTE: Satellite to California markets

6:45pm	Depart
7:10pm	Arrive Hotel
	RON For LMB/BAB/STAFF/PRESS San Francisco, CA
	RON For MSD

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Friday, October 28, 1988

	Staff meeting in staff room
8:10am	Depart hotel
8:30am	Arrive School Event: Drug Free Schools Location: Oakland
9:30am	Depart
9:50am	Arrive airport
	Local Press
	Press to file
10:15am	Board Plane
10:25am	Wheels up Oakland Flight time: 3:15(5:15 OTC)
	Wheels down Austin
4:35pm	Board Buses
4:40pm	Depart airport
5:00pm	Arrive Rally
5:45pm	Depart
6:05pm	Arrive Hotel
6:15pm	Proceed to Campaign Planning Dinner
	RON For LMB/BAB/STAFF/PRESS Austin, TX
	RON For MSD

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Schedule For: LLOYD M. BENTSEN, JR.
Trip Dates: 10/31/88 - 11/05/88
Trip No.: 15.0
Draft Number: 76 11/05/88

SAN ANTONIO -- TEMPLE -- FT. WORTH -- SHERMAN -- OWENSBORO -- ST. LOUIS -- CARBONDALE -- MASSILLON -- CHARLESTON -- LONGVIEW -- MT. PLEASANT -- PARIS -- SULFUR SPRINGS -- DALLAS -- LAKE CHARLES -- HOUSTON -- LAS CRUCES -- LOS ANGELES -- SAN FRANCISCO -- CHICAGO

TRAVELING WITH LMB

BAB	Longview to Chicago
SS x 13	
Joe O'Neill	
Tom Redder	
Mike McCurry	
Vicki Radd	
Ed Knight	
Steve Ward	
Ellen Moskowitz	
Mike Sims	
Judy Whittlesey	Longview to Chicago
Rodney Ellis	
Missy Mandel	Austin to Ft. Worth
	Longview to Austin
Michael Levy	Corpus Christi to Austin
Gay Burton	Longview to Chicago
Tad Devine	St. Louis to Chicago
Gary Morris	Longview to Dallas
Rob Lowe	Longview to Dallas
Steve Bachar	Owensboro to St. Louis
FAA inspector	
Tom Cosgrove	Longview to Dallas
Tony Podesta	LA to San Francisco
Ann Rosewater	LA to San Francisco
Cellular 1	roaming # then:617/974-7785
Cellular 2	roaming # then:617/974-8821
Redder Sky Page	1-800-759-7243 PIN#75208

CHARTER INFORMATION [Plane # 1]

Charter Company:	America West
Plane Type:	737-100
Tail Number:	N708AW
Pilot:	Ted De Hess
Co-Pilot:	John Logan
Flight Attendants:	Janice Mc Eldowney
	Karen Vance

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Garber Staff:

Frank Fettles
Lisa O'Connell
Meridith Jones
Scott Stein

9 5 0 4 3 6 7 4 5 1 6

SCHEDULING DESK

Scheduling Desk	Issues Desk	Press Desk
Monday, October 31		
Richard Sigel 617/451-2480	Sam Buell x752	Murray Rapp x371
Tuesday, November 1		
Rich Sigel THRUFTWORTH	Sam Buell	Murray Rapp
Amanda Moose THRU STLOUI 617/451-2480 x366 Amanda Moose h)617/367-6852	Sam Buell	Murray Rapp
Jenny Vidis 617/451-2480 x365	Sam Buell	Murray Rapp
Wednesday, November 2		
Jenny Vidis THRU W VA Rita Conroy 617/451-2480 x370	Sam Buell	Murray Rapp
Thursday, November 3		
Rita Conroy THRU SULFUR Richard Sigel	Sam Buell	Murray Rapp
Friday, November 4		
Rich SigelTHRU LAS CRUCE Jenny Vidis	Sam Buell	Murray Rapp
Saturday, November 5		
Jenny Vidis THRU CA Amanda Moose x366	Sam Buell	Murray Rapp

ADVANCE

City	Name	Phone
Boston Desk	Paige Alexander	
San Antonio	Mark Sump Kirk Hanlin Rachel Richman Julie Farkas Neil Robertson	

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	Roland Delagarzo
Temple	Stuart Ishimaru Phil Caplan Rachel French Seth Goldman Tom Hughes Michael Cavallerro
Ft. Worth	Tom Epstein Sean Mullin Dan Markoff Jon Foster David Neslin John Wright Laura Hartigan(RON)
Sherman	Caleb Marshall Bill Sherman II Suzanne Thelan Barbara Webber Mary Raguso Stephen Mines
Owensboro	Steve Bachar Marc Wurzell Josh King Alan Clarke Locky MacDonald Valerie Forti
St. Louis	Mike Jones Bill Sherman I Dan Cook Pat FN'piere David Asher Jill Wilkens Ariela Gross
Carbondale	Carol Olwart Janice Gunn Salil Mehata Ed Emerson Barabra Korthals-Altes Katie Wurtz
Canton	Andrew Hurwitz Bill Rudnick Debbie Getson Mary Sue Mauer Terri Simpson Ben Cooper
Charleston	Ed Burtenshaw Ken Citron

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	Peter Appel Mary Duffy Pam Fallan Andrew Friendly
Longview	Gary Ginsberg Ken Orkin Patricia Mantey Julie Farkas Kathy Roth Agnes Cooper(RON)
Mt. Pleasant	Helen Ball Niall Vignoles Manuel Garza Jessica Braverman Tim Marshall
Paris	Janna Sidley Kirk Hanlin Kyle Michel David Neslin Leah Gurwitz Peter McLaughlin
Sulfur Springs	Bill Antholis Tris Castensela Mary Thyfault Peter Mirijanian
Dallas	Mark Sump Peggy Hicks-Moore David Neslin Tom Hughes
Lake Charles	Stuart Ishimaru Kathy Delany Rachel Richman Pam Barry Michael Cavallero Sandy Ring Diane Becker(RON)
Houston	Phil Caplan Locky MacDonald Barabra Webber Roland Delargarza
Las Cruces	Paul Gorgio Steve Aguillar Marc Wurzell Alan Clarke Steven Mines Mike Mckay

9 5 0 4 3 6 7 4 5 1 9

Los Angeles	Steve Bachar Elliot Shapiro Sam Rodriguez Carrie Goux Seth Goldman Jon Foster Tony Blinkin Fred Gaines Laura Hartigan(RON)
San Francisco	Charlie Duncan Bain Ennis Dorthy Thurman Mary Raguso Neil Fleiger Brian Burns Eve Weiss Andre Delatre Cheryl Leger
Chicago	Andrew Hurwitz Bill Rudnik Mary Sue Mauer David Asher Barbara Korthals-Altes Carmel Martin Andy Tomback Sally Strauss James Day

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Monday, October 31, 1988

NOTE: 6:30pmBAGGAGE CALL IN LOBBY FOR STAFF AND PRESS

7:40am	Staff meeting in staff room
8:10am	Depart Hotel Drive time: :20
8:30am	Arrive airport
8:45an	Wheels up Austin FBO: Aero Services 512/479-6666 Flight time: :25
9:10am	Wheels down San Antonio FBO: Sunjet 512/828-0551 Advance: Lead: Mark Sump Press: Julie Farkas

NOTE: Mark Sump Cellular: [redacted]

NOTE: LMB to be greeted at the airport by local elected officials. Councilwoman Maria Berriozabal, District Judge Candidate Carlton Spears, Precinct 2 Constable Candidate Tom Brady, State Senate Candidate Nel Garcia.

NOTE: Holding Room is the Chief Pilot's Office
Phone: 512-828-0551

9:15am	Proceed to Motorcade
9:20am	Depart Airport Drive time: :20
9:40am	Arrive St. Mary's College Event: Defense Speech Location: St. Mary's College Business Center/Alkek Atrium 1 Camino Santa Monica San Antonio Advance: site: Kirk Hanlin Press: open Proceed to motorcade

NOTE: Holding Room is Office Of Dean Bob Howe
Phone: 512-436-3712/3713/3715

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9:50am Proceed to Address Audience
Press: open

NOTE: LMB will be introduced by the President of St. Mary's, Rev. John Moder and State Rep. Greg Luna. LMB will proceed to the stage on cue.

10:20am Conclude Remarks/Work Rope Line

NOTE: At the end of the rope line, camera crew is positioned for taping of commercial.
After the taping, LMB returns to holding room.

NOTE: Press to file in 2nd floor offices.

10:55am Proceed to Motorcade

11:00am Depart St. Mary's College
Drive time: :20

11:20am Arrive Airport

11:25am Board Plane

11:40am Wheels up San Antonio
FBO: Sunjet
512/828-0551
Flight time: :35

12:15am Wheels down Temple
FBO: Temple Airport Authority
817/773-4281
Advance: (lead) Stuart Ishimoru
(press) Seth Goldman

NOTE: Ishimoru Cellular: [redacted]
Caplan Cellular:

NOTE: LMB to be greeted by local elected officials and members of the LMB Senate Steering Committee.
LMB holding room: Mr. Sharey's Office (817) 773-4281
Messages: Airport Manager's Office: 817-773-4281

12:20pm Proceed to Motorcade

NOTE: LMB Coordinator Jamie Clements to ride with LMB from airport to event.

12:25pm Depart Airport
Drive time: :15

95043674522

12:40pm — Arrive Disabled American Veterans Hall
Event: Defense Remarks
Location: 19 N. Main St.
Temple, Texas
817-771-2383
Advance: site: Phil Caplan
Press: open
Proceed to holding room

NOTE: Holding Room is the lounge.
Phone: 817-771-2383.

12:45pm — Proceed to Address Audience
Press: open

NOTE: Emcee is Bell County Judge John Garth.
LMB to be introduced by Ted Connell.
LMB will proceed to the stage on cue.

1:15pm — Conclude Remarks/Proceed to Holding

1:20pm — Proceed to motorcade

NOTE: LMB Coordinator Ted Connell to ride with LMB from event back to airport.

1:25pm — Depart D.A.V. Hall
Drive time: :15

1:40pm — Arrive Airport

NOTE: Press to file in snack room of the main terminal.
Hold for local press in Pilot's Lounge.
LMB Holding Room: Mr. Sharey's Office: 817-773-4281

NOTE: Local Press:
KCEN (NBC) Rob Wilus
KXXV (ABC) Janet Greg // Waco Times Herald, Drew Parma
KWTX (CBS) // Temple Daily Telegram, Rick White

2:10pm — Board Plane

2:20pm — Wheels up Temple
FBO: Temple Aiport Authority
817/773-4281
Flight time: :35

2:55pm — Wheels down Ft Worth/Meecham Field
FBO: Texas Jet
817/624-8438
Advance: (Lead) Tom Epstein
(Press) David Neslin

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3:00pm	Proceed to Motorcade
3:05pm	Depart Aiport Drive time: :15
3:20pm	Arrive Hotel Event: Downtime Location: Worthington Hotel 200 Main St. Fort Worth 817-870-1000
4:30pm	Proceed to Make-up/Sound check for satellite interviews Worthington Hotel
4:45pm	Satellites to East Coast markets
5:15pm	Depart Satellite Interviews Proceed to suite
5:20pm	Proceed to Senate fundraiser Location: Worthington Hotel Pacific Room Contact: Pete Geren 817-334-0066 Press: closed

NOTE: 6:00pm Hold for live T.V. Interviews
KXAS (NBC)
WFAA (ABC)
KDFW (CBS)

6:15pm	Proceed to Suite Event: Dinner
7:00pm	Hold for phone call

NOTE: Phone call to Groton, CT meeting of military wives. Contact: Paul Austin at 203-446-9132 (10 minutes)
******
Actualities: Call 617-482-6181 (5 minutes)

7:25pm	Proceed to Motorcade
7:30pm	Depart Hotel Drive time: :15

95043674524

7:45pm — Arrive Macedonia Missionary Baptist Church
Event: Halloween Party/Greet Kids
Intro: Rev. Julius Jackson
Location: 2712 South Freeway at Morningside
Fort Worth
817-924-7617
Press: open

8:15pm — Proceed to Motorcade

8:20pm — Depart Macedonia Baptist Church
Drive time: :05

8:25pm — Arrive Mt. Olive Missionary Baptist Church
Event: GOTV Rally
Intro: Rev. Harold Fort
Location: 2951 Evans Ave.
Ft. Worth
817-924-3297
Press: open
With Rev. Jesse Jackson

NOTE: Holding room is the Pastor's Study.
Phone: 817-924-8771.

9:15pm — Proceed to Motorcade

9:20pm — Depart Church
Drive time: :15

9:35pm — RON For LMB/BAB/STAFF/PRESS
Location: Worthington Hotel
200 Main St.
Ft Worth, TX
817-870-1000
RON Advance: Laura Hartigan

NOTE: Staff Room is 925, 927
Direct Phone: 817-877-3680, 3572
Direct Fax: 817-877-1854

RON For MSD
Location: Howard Johnsons
Youngstown, OH
216/759-3180

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Tuesday, November 1, 1988

NOTE: 7:45am BAGGAGE CALL PRESS: RICOCHET LOBBY
STAFF: OUTSIDE ROOMS

NOTE: 7:50am Staff meeting in staff room.

8:15am	Proceed to Motorcade
8:20am	Depart Hotel Drive time: :20
8:40am	Arrive General Dynamics Event: Tour/Greet Employees Location: General Dynamics Drive Ft. Worth 817-777-2000 Advance: site: Sean Mullin Press: open

NOTE: LMB to be greeted at curbside by G.D. V.P. and Gen. Manager Charles Anderson and Air Force Plant Rep. Col. Robert. LMB to take motor tour of facility, greet employees along rope-line, and view completed aircraft.

9:30am	Proceed to Motorcade
9:35am	Depart General dynamics
9:50am	Arrive Airport

NOTE: Press to file in lobby
Hold for local press.
Holding Room is Texas Jet Conference Room 145 : 817-626-5491
Interviews in Room 141

NOTE: Press roundtable includes:
WBAP, Dan Potter/ KPLX, Chuck Schnecker/ KRLD, Brigette Black/ Dallas Morning News/ Dallas Time-Herald/ Fort Worth Star Telegram/

10:20pm	Board Plane
10:30am	Wheels up Fort Worth FBO: Texas Jet Commercial: Meecham Field 817/624-8438 Flight time: :30
11:00am CST	Wheels down Sherman/Grayson Co Airport FBO: Grayson Flight Services 214/786-9711 Fax: none Advance: Caleb Marshall

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11:05am — Proceed to airport manager's office
Event: local press interviews
214/786-2904
Contact: Doyle Dobbins' office

local press:11:15-11:45am

NOTE: KTEN (ABC) Edie Grier (1 on 1)
KXII (NBC/CBS) Laureen Pharr (1 on 1)
Dennison Herald, Irene Flattery (1 on 1)
Sherman Democrat, Kathy Williams (1 on 1)

NOTE: 10 minute roundtable:KNTU (Denton), Eric Gardner
KDSX (Sherman rado)
KIKM " "
Gainsville Daily Regular, Eric Williams

12:00pm — Depart airport
Drive time: :15
car ride w/Ellis Olmstead

12:15pm — Arrive Sherman courthouse
West Houston Street

12:15pm — Proceed to holding room
Location: County Judge Paul Lee's office
214/868-2515 x228,x229,x230

12:20 — Proceed to rally
Location: Sherman Courthouse

NOTE: Bob Slagel will MC and introduce Kurt Sleditz, State Rep.;
Steve Carrker, State Sen.; Carrker will introduce LMB.

12:45pm — Depart Sherman Courthouse
Drive time: :15
car ride w/David Bayless, Sr.

1:00pm — Arrive airport

downtime/lunch/phone calls

Press to file

NOTE: Holding room is airport manager's office:
214/786-2904

2:20pm — Board plane

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2:30pm — Wheels up Sherman
FBO: Grayson
214/286-9711
Fax: none
Flight time: 1:35

4:05pm — Wheels down Owensboro Davies Co Airpor
FBO: Millionaire
502/926-6700
Fax: 502/684-6695
Advance: Steve Bachar

NOTE: Bachar cellular:502/929-0505

NOTE: Sen. Ford and family will greet LMB

NOTE: Car will be available to drive speech to event for teleprompter.

4:10pm — Proceed to holding room
Location: airport director's office
502/685-4179

local press interviews

NOTE: 4:15-4:30pm print & radio roundtable:Bill Straub,KY Post Covington;Cindy Rugeley, Lexington Herald Leader; Paul Raupp, Bowling Green Daily News; Keith Lawrence, Messenger Inquirer (Owensboro); WHAS Radio; KY Radio National; AP Radio

4:45pm — Depart airport
LMB will ride w/Gov. Wilkinson

4:55pm — Arrive New Big Independent Tobacco Warehouse
Event: rally
Location: 1875 Old Calhoun Road
Owensboro, KY
502/683-7538

5:00pm — Hold for live shot/taped interview

NOTE: live shot w/ John McGrath WHAS (CBS) -- Louisville at 5pm
taped interview w/WLKY (ABC) -- Louisville

NOTE: Gov. Wilkinson, Sen. Ford, Former Gov. Martha Lane Collins and U.S. Rep. William Natcher will attend.

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5:15pm	Proceed to holding room
5:20pm	Proceed to rally Intro: Sen. Wendell Ford teleprompter

NOTE: LMB will be onstage for introductions of Gov. Wilkinson & Sen. Ford. Sen. Ford will introduce LMB. LMB speaks and stays onstage for singing of "My Kentucky Home". LMB exits stage and works a rope line.

6:05pm	Depart Drive time: :05
6:10pm	Arrive airport

NOTE: Press to file

6:30pm	Board plane
6:35pm	Wheels up Owensboro FBO: Millionaire 502/926-6700 Fax: 502/684-6695 Flight time: :50
7:25pm	Wheels down St Louis FBO: Sabre Liner 314/537-3660 Fax: Ext. 2507 Advance: Mike Jones

NOTE: Jones cellular [redacted]

7:30pm	Board buses
7:35pm	Depart airport Drive time: :15 Mayor Vincent Schmoemehl will ride w/LMB
7:45pm	Arrive Washington University Event: rally call time 7pm
7:50pm	Proceed to rally (LMB walks onstage on cue) Intro: Bob Feiganbaum Location: Bowles Plaza

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8:20pm — Proceed to political meeting
brief remarks/meet & greet
Event: GOTV remarks
Location: Umrath Room
Washington University
St. Louis
none
Contact: Maureen Guard 314/726-6101
Press: closed

8:35pm — Depart Washington University
Drive time: :15
Freeman Bosley, vice chair, Dem Party

8:50pm — Arrive airport

8:55pm — Board plane

9:00pm — Wheels up St Louis
FBO: Sabre Liner
314/537-3660
Fax: Ext. 2507
Flight time: :30

9:30pm — Wheels down Carbondale/So. Ill. Airpor
FBO: Air Institute
618/453-1144
Advance: Carol Olwert (lead)
Ed Emerson (press)

NOTE: Holding Room is available in Airport Manager's office.
Contact: Gary Schaeffer at 618/529-1721.

NOTE: LMB will be greeted by Senator Paul Simon and his wife, Jean, Cong. Ken Gray, St. Sen. (Cong. Cand.) Glenn Poshard, St. Rep. Bruce Richmond, Mayor Neal Dillard (Carbondale), Mayor David McDowell (Murphysboro), Jackson Dem. Chr. Ray Chancey,

State Central Cmte. members, John Rednour, Les McCollum and Frances Dhyskopp and local field organizer Scherrie Giamanco and husband Paul.

9:40pm — Proceed to Motorcade

9:45pm — Depart airport
Drive time: :15 min.
Sen. Simon and Jean to ride w/LMB.

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10:00pm Arrive hotel

RON For LMB/BAB/STAFF/PRESS
Location: Carbondale Holiday Inn
800 E. Main St.
Carbondale, IL
618/529-1100
Fax: 618/457-0292
Advance: Barbara Korthals-Altes

NOTE: Staff rooms: 108 & 110
Direct phone:618/457-5001 or 457-5205
irect FAX:618/457-5108

RON For MSD
Location: Alameda Hotel
Kansas City, MO
816/756-1500

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Wednesday, November 2, 1988

7:30am	Baggage Call
	Staff Meeting in staff room
8:00am	Proceed to Motorcade
8:05am	Depart hotel enroute SIUC Drive time: :10 min. St. Rep. David Phelps to ride w/LMB.
8:15am	Arrive Southern Illinois University Location: Student Center U.S. Route 51 Carbondale 618/536-3351 Contact: Terry Mathias 618/453-5306 Advance: Janice Gunn (site)

NOTE: SIUC Chancellor Lawrence Pettit will greet LMB curbside.

	Proceed to Holding Room Location: Projection Room 2nd Floor 618/453-5102
8:20am	Proceed to Political Meeting Event: Meet and Greet Host: Scherrie Giamanco Location: International Ballroom 2nd floor Press: closed Call time: 8am Exp. Attend: 60

NOTE: Attendees will be a mix of local electeds, union leadership, county Demo chrs and other party activists who will be key to the GOTV effort. LMB is expected to just meet and greet.

8:40am	Proceed to Holding Room Location: Auditorium 2nd floor
8:45am	Proceed to Rally Event: Remarks Intro: Sen. Alan Dixon Location: Ballroom 2nd floor Student Union Carbondale Press: open Call time: 8am Exp. Attend:2,000+

NOTE: Program:Chancellor Lawrence Pettit to welcome. National Anthem and Color Guard. Minister Karen Knodt to give invocation. Senator Paul Simon will speak. Senator Alan Dixon will intro

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LMB. LMB will enter, speak and work a rope line. line.

NOTE: Andre Peneda, Pres of Law School Dems, will present LMB with a gift.

9:10am — Proceed to Holding Room for make-up
Location: Auditorium
2nd floor

NOTE: Press to file in Coat Room at the Student Center.

9:15am — Proceed to Local Press Interviews
Location: Auditorium
2nd level

NOTE: Press interviews: Ben Kininghan, Tribune Radio Network (call-in 217/782-6890)
WPSD - TV (NBC) Pacudah w/John Garring

9:40am — Proceed to Motorcade

9:45am — Depart rally enroute airport
Drive time: :15 min.
St. Sen. Glenn Poshard to ride w/LMB.

10:00am — Arrive airport

10:05am — Board Plane

10:15am CST — Wheels up Carbondale/So. Ill. Airport
FBO: Air Institute
618/453-1144
Flight time: 1:10(2:10 OTC)

12:25pm EST — Wheels down Akron-Canton Airport
FBO: McKinley Air Service
216/499-3316
Fax: 216/499-0444
Advance: Andrew Hurwitz (lead)
Mary Sue Mauer (press)

NOTE: Hurwitz' cellular: [redacted]

NOTE: LMB will be greeted by Sen. John Glenn, Cong. Sawyer, Mayor Francis Ciccinelli of Massillon, Mayor Sam Purses of Canton and Mayor Francis E. Carr of Alliance.

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12:35pm
Proceed to Airport Greeting
Event: Remarks
Intro: Sen. John Glenn
Location: Tarmac
Press: open
Call time: 12noon Exp. attend:300-400

12:55pm
Proceed to Holding Room w/Sen. Glenn
Event: lunch/phone calls
Location: Office
216/499-3316

NOTE: Press to file and eat in FBO in Hangar. 10 phones will be available.

1:55pm
Proceed to Motorcade

2:00pm
Depart airport enroute Massillon
Drive time: :25 min.
Sen. Glenn to ride with LMB in limo.

2:25pm
Arrive LTV Steel
Massillon Cold Finished Bar Plant
Location: 401 Rose Avenue SE
Massillon, OH
216/837-7106
Contact: Manager Bill Hunter
Advance: Bill Rudnick (site)
Press: open

NOTE: Bill Hunter, Plant Manager, and Dave Anderson, Pres. of Local Union 1566, will greet LMB curbside.

Proceed to Holding Room
Location: Office
Administrative Bldg.
216/837-7106
LMB will be given a hardhat.

2:30pm
Proceed to tour of plant

NOTE: LMB will tour plant with Bill Hunter and Dave Anderson. LMB will be shown the M & M machine and the bundling machine where he will place a "Made in the USA" sticker on packaged tubes.

2:45pm
Proceed to Address to Workers
Intro: Sen. John Glenn
Location: Loading Dock Area
Press: open
Exp. Attend: 300

NOTE: Program: Sen. Metzenbaum to Gov. Richard Celeste to Sen. John Glenn who will intro. LMB. LMB will speak and then work a rope line.

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3:10pm	Proceed to Motorcade
3:15pm	Depart plant enroute airport Drive time: :25 min.
3:40pm	Arrive airport
	Proceed to Holding Room Location: Office 216/499-3316

NOTE: Press to file in the Hangar of the FBO.

3:45pm	Proceed to local press interview Location: Conference Room

NOTE: Print interview: Akron Beacon Journal w/John Funk

3:55pm	Board plane
4:05pm EST	Wheels up Akron-Canton Airport FBO: McKinley Airport 216/499-3316 Fax: 216/499-0444 Flight time: :40(:40 OTC)
4:45pm EST	Wheels down Charleston/Yeager Airport FBO: Piedmont Aviation 304/346-4171 Advance: Ed Burtenshaw (lead) Mary Duffy (press)

NOTE: Plane will park on the Southeast ramp of the Main Terminal. Phone:304/344-5158.

NOTE: LMB will be greeted by Sen. Jay Rockefeller, Sen. Robt Byrd, Cong. Bob Wise, Cong. Rayhall, Cong. Staggers, St. Sen. Gaston Caperton (candid. for Gov.), Sally Richardson, Vice-Chr WV Dem. Pty, and Joe Powell, Pres AFL-CIO of WV. Robert Byrd.

4:55pm	Proceed to Motorcade
5:00pm	Depart airport enroute Armory Drive time: :05 Byrd and Rockefeller to ride w/LMB.

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5:05pm — Arrive Charleston National Guard Armory
Location: 1703 Coonskin Drive
Charleston, WVA
304/357-5368
Contact: David Wheeler, Bldg. Man.

Proceed to Holding Room
Location: Office
304/357-5439,5440,5441

5:15pm — Proceed to Rally
Event: remarks
Intro: Sen. Robert Byrd
Location: Main Hall
Advance: Ken Citron (site)
Press: open
Calltime: 4:45pm Exp. Attend:1,500

NOTE: Program: Sen. Rockefeller will welcomes and intros stage. Cong. Bob Wise will clog. Senator Byrd will intro LMB. LMB will speak and work rope line.

5:40pm — Proceed to Holding Room
Location: Office
304/357-5439, 5440, 5441

NOTE: Press to file in Classroom A.

5:45pm — Proceed to Local press interviews
Location: Classroom C

NOTE: Press will consist of a print roundtable and a radio roundtable.

NOTE: Actualities to the Boston office (617)482-6181

6:15pm — Proceed to Motorcade

6:20pm — Depart Armory enroute airport
Drive time: :05 min.
Sen. Rockefeller to ride w/LMB.

6:25pm — Arrive airport

6:30pm — board plane

6:40pm — Wheels up Charleston
Commercial: Piedmont Aviation
304/346-4171
Flight time: 2:25(1:25)

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8:05pm

Wheels down Longview
FBO: Omega Aviation
214/643-0903

NOTE: Longview roaming access #:318/636-9888

Depart airport

Arrive hotel

RON For LMB/BAB/STAFF/PRESS
Location: Holiday Inn
3119 Estes Parkway
Longview, TX 75601
214-758-0700
Fax: 214-758-8705

NOTE: Staff Rooms: Room 475 and 476
Direct FAX: 214-

NOTE: BAB to arrive at 2:45 pm and to proceed to the Holiday Inn.

RON For MSD
Location: Warwick Hotel
Philadelphia, PA
215/725-6000

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Thursday, November 3, 1988

NOTE: Plane will ferry from Longview to Dallas

NOTE: PRESS and STAFF BAGGAGE CALL at 7:15 am.

NOTE: BAB to depart hotel 9:30 am for day of independent campaigning.

7:35am CDT	Proceed to motorcade.
7:45am	Depart hotel
8:00am	Arrive Maude Cobb Activities Center Event: Breakfast with supporters. Location: 100 Grand Blvd. Longview, TX 75601 214-237-1231 Advance: Ken Orkin (site) Press: open Call Time: 7:30am Exp. Attendance:450
8:05am	Proceed to holding room. Location: The Espes Room
8:10am	Proceed to stage for remarks.

NOTE: Program: Laughton Whitehead, County Chair will welcome and introduce local candidates on stage. He will then introduce Gary Morris who will sing one song and introduce Rob Lowe. Rob Lowe to introduce LMB.

8:30am	Depart stage
8:35am	Proceed to motorcade.
8:40am	Depart Maude Cobb Activities Center.
10:10am	Arrive North East Texas Community College - College Plaza Event: Rally Host: President Mike Bruner Location: Farm Route 1735 Mt. Pleasant, TX 75455 214-572-1911 Fax: 214/572-6712 Contact: Michael Elioff/Stu.Gov.Pres. Advance: Niall Vignolles Press: Open Exp. Att. 900
10:15am	Proceed to holding room.

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10:20am Proceed to stage for remarks.

NOTE: Program: Michael Elioff, Student Government President welcomes crowd. College President Mike Bruner introduces St. Rep. San Russell who introduces Gary Morris. Morris introduces Lowe who introduces LMB.

10:45am Depart stage.

10:50am Proceed to President's Office for interview with KFDA Amarillo.

NOTE: Press to file in Student Union Room 101.

11:05am Depart North East TX Comm. College

12:00pm Arrive Lamar County Courthouse
Event: rally
Location: 119 North Main
Paris, TX 75460
214-737-2420
Advance: Jana Sidley
Press: Open
Exp. Att.: 500 Call time: Noon

12:05pm Proceed to holding room. Holding room is Judge's Chambers.

12:15pm Proceed to stage.

NOTE: Program: Rob Lowe to welcome crowd. St. Representative Patterson will introduce Gary Morris who will sing and introduce LMB.

12:40pm Depart stage.

12:45pm Proceed to holding room for downtime and lunch.
Location: Judge's Chambers
214/737-2410/2411

NOTE: Press to file in the Plaza Mall Restaurant, 25 Main Street, Paris, TX.

1:30pm Depart Paris

9504367453 9

2:30pm Arrive Hopkins County Civic Center
Rodeo Arena
Event: Rally
Location: 1200 Houston Street
Sulphur Springs, TX
214-885-8071
Contact: Rod Henderson, Gen. Manager
Advance: Bill Antholis
Press: Open
Call time: 2:30 Exp. Att. 700

2:35pm Proceed to holding room.
214/885-2811

2:45pm Proceed to stage for remarks.

NOTE: Program: State Senator Richard Anderson will welcome crowd and introduce Gary Morris who introduces Rob Lowe. Lowe introduces Cong. Chapman who introduces LMB.

3:15pm Depart stage.

3:25pm Proceed to motorcade.

NOTE: LMB to helicopter to Dallas Love Field. Motorcade to meet at Dallas Love Field after MacNeil Lehrer taping.

NOTE: Helicopter 1: LMB, O'Neill, 2 SS Agents. Helicopter 2: Devine, McCurry, Radd, Redder. Helicopter 3 and 4 press pool.

NOTE: Remaining press to file in auditorium foyer.

3:35pm Arrive Sulphur Spring Municipal Airpt

3:50pm Wheels up Sulphur Springs
FBO: Caldwell Aviation
214/885-4911

4:30pm Wheels down Love Field
FBO: Jet East
214-350-8523
Fax: 214-352-4678

NOTE: Dallas roaming access #:214/384-7626

4:35pm Proceed to motorcade

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4:45pm	Arrive KERA studio for MacNeil Lehrer Interview Location: 3000 Harry Hinez Blvd Dallas, TX 214-871-1390
5:40pm	Depart KERA

NOTE: Motorcade from Sulphur Springs to arrive at airport at approximately 5:45 pm.

5:50pm	Proceed to motorcade.
6:00pm	Arrive Dallas Love Field/Jet East. 214-350-8523 Fax: 214-352-4678 Press: Open
6:10pm	Proceed to holding room for downtime and dinner.

NOTE: LMB holding room, 2nd floor office No.1

6:40pm	Proceed to 1st floor office #4 for mak up and taping of CBS Morning News.
6:45pm	Taping begins
7:00pm	Taping ends.
7:10pm	Board plane
7:20pm	Wheels up Dallas FBO: Jet East 214-350-8523 Flight time: :55
8:15pm CST	Wheels down Lake Charles FBO: Transit Aviation 318-478-7722 Advance: (Lead) Stuart Ishimoru

NOTE: Lake Charles roaming access #:318/636-9888
Ishimaru Cellular:318-496-7489/Delaney Cellular:318-496-7488
BAB to rejoin traveliing party. (Wheels Down 8:10).
Holding Room is pilot's lounge. 318-478-7722

NOTE: LMB to be met by Mayor Ed Watson, State Rep. Wilford Carter, State Democratic Chair Jim Brady, Cong. Hayes, and Sen. Breaux.

8:20pm	Proceed to Motorcade

9504367454 1

8:25pm Depart Airport

8:40pm Arrive GOTV Rally
Event: Remarks
Location: Le Centre Civique De Lake Charles
Lobby
Lake Charles, LA
318-491-1256
Advance: (Site) Kathy Delaney
Press: open
Proceed to holding room

NOTE: Holding Room is Wayne Sensati's office.
Phone: 318-491-1256

NOTE: Sen. Johnston introduces Sen. Breaux and LMB. LMB proceeds to the stage on cue. The stage will be filled with elected and Democratic officials.

8:45pm Proceed to Address Rally

9:15pm Proceed to Motorcade

9:20pm Depart Rally
Drive time: :10

9:30pm Arrive Hotel

RON For LMB/BAB/STAFF/PRESS
Location: Hilton Inn
505 North Lakeshore Drive
Lake Charles, LA
318-433-7121
Fax: 318-439-8653
(RON) Dianne Becker

NOTE: Staff Room is Room 429
Direct Phone:
Direct Fax:

NOTE: 9:50pm Hold for conference call to Dukakis/Bentsen Texas field staff.

RON For MSD
Location: Waldorf Astoria
New York City
212/355-3000

9504367454 2

Friday, November 4, 1988

NOTE: 7:45am BAGGAGE CALL FOR STAFF AND PRESS

8:30am Staff Meeting in Staff Room

8:50am Hold for Radio Interview

NOTE: Taped telephone interview with Michael Jackson.
Call 213-931-3204/3401 Contact: Lyle Gregory

9:05am Proceed to T.V. Interviews
Location: Room 115

NOTE: KPLC (NBC) Lake Charles, Paul Murphy
KLFY (CBS) Lafayette, Chuck Huebner
KATC (ABC) Lafayette, Jack Frost

9:20am Proceed to Motorcade

9:25am Depart Hotel

9:40am Arrive Airport

9:45am Board plane

9:55am Wheels up Lake Charles
Flight time: :35

10:30am Wheels down Houston Hobby Airport
FBO: Atlantic Aviation
713-644-6431
Fax: 713-644-5577
Advance: (Lead) Phil Caplan
(Press) Barbara Webber

NOTE: LMB to be greeted by local supporters.

NOTE: Phil Caplan Cellular: [redacted]

10:35am Proceed to Motorcade

10:40am Depart Airport

11:00am Arrive Museum of Natural Sciences
Event: View Model Shuttle/Remarks
Location: 1 Hermann Circle Drive
Houston
713-639-4600
Advance: site: Locky McDonald
Press: open
Proceed to holding room.

NOTE: LMB to be greeted at curbside by Museum Pres. Truett Latimer
Holding Room is office of Carolyn Sumner.
Phone: 713-639-4632

9504367454 3

Fax: 713-639-4635

11:05pm Proceed to View Space Shuttle Simulator Robotics Demonstration
Press: Pool

NOTE: Non-pool press and staff view shuttle simulation from "mission control".

11:15am Proceed to Holding Room

11:20am Proceed to Address Students, Q&A
Location: Auditorium

NOTE: LMB to be introduced by Museum President Truett Latimer. LMB proceeds to the stage on cue

11:50am Proceed to Motorcade

11:55am Depart Natural History Museum

12:00pm Arrive Warwick Hotel
Event: Downtime/Lunch
Location: Warwick Hotel
5701 Main St.
Houston
713-526-1999
Advance: (site) Kris Van Giesen

NOTE: Press to file and eat lunch in Don Quixote Room 1. Staff Room is Room 824.

1:10pm Proceed to Motorcade

NOTE: 2:20pm Press bus departs hotel for airport

1:15pm Depart Hotel

1:30pm Arrive T.V. Station KTRK
Tape Democratic Radio Response
Event: Satellite Interviews
Location: 3310 Bissonette
Houston
713-663-4582
Contact: Jean Garner
Advance: (site) Ed Emmerson
Press: closed

NOTE: 1:40pm Tape Democratic Response
1:50pm Make-up
2:00pm Satellite Interviews

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2:35pm		Proceed to Motorcade
2:40pm		Depart T.V. Station
3:00pm		Arrive Airport
3:05pm		Board plane
3:15pm	CST	Wheels up Houston Hobby Airport FBO: Atlantic Aviation 713-644-6431 Flight time: 1:55(:55 OTC)
4:10pm	MST	Wheels down Las Cruces International FBO: North American Aviation 505-523-9224 Fax: 505-525-3458 Advance: (Lead) Paul Georgio (Press) Alan Clarke

NOTE: Congressional Candidate Tom Udall and Sen. Jeff Bingaman to greet LMB at plane.

4:15pm Proceed to Address GOTV Rally

NOTE: LMB to be introduced by Senator Jeff Bingaman.
Joining LMB on stage: Bruce King, D/B State Chair; Mary Gail Gwaltney, County Dem. Chair; Ray Powell, State Dem. Chair

4:40pm Hold for Local Press

NOTE: Press to file in Pilot's Lounge.
LMB Holding Room: Manager's Office 505-525-3458
T.V. Interviews take place in conference room.

NOTE: KOB (NBC) Ed Nessett
KGGM (CBS) Allen Sillence
KOAT (ABC) Kim McNut

5:20pm		Board plane
5:30pm	MST	Wheels up Las Cruces Flight time:1:45(:45 OTC)
6:15pm	PST	Wheels down Burbank FBO: Martin Aviation 818/843-8311 Fax: 818/841-4054 Advance: Steve Bachar (lead) Seth Goldman (press)

NOTE: Bachar's cellular: 213/200-7952
Holding room is available in Hangar 35. Phone #:

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6:25pm

Proceed to airport GOTV rally
Event: remarks
Intro: St. Sen. Roberti
Location: Hangar 35
Advance: Carrie Goux (site)
Press: open
Call time: 5:30pm

NOTE: Program: Mike Woo, LA City Council to emcee. Woo will intro Sen. Cranston and the Assemblyman Richard Katz. AG John Van de Kamp will speak and then intro St. Sen. Roberti who will intro LMB. LMB will speak and work rope line.

6:50pm

Proceed to motorcade

6:55pm

Depart airport enroute hotel
Drive time: :45 min.
LMB and BAB will ride alone in limo.

7:40pm

Arrive hotel

RON For LMB/BAB/STAFF/PRESS
Location: Century Plaza Hotel
2025 Avenue of the Stars
Los Angeles,CA90067
213/277-2000
Fax: 213/551-3355
Advance: Laura Hartigan (RON)

NOTE: Staff room will be room 2801 and 2802.
Direct phone:213/286-9351 or 286-9353
Direct FAX for small items: 213/286-9352
Large FAX items (schedule, clips, etc):213/551-3355

RON For MSD
Location: Westin Hotel
Chicago
312/943-7200

9504367454 6

Saturday, November 5, 1988

7:15am	Baggage call for staff and press
7:25am	Staff meeting in staff room
7:55am	Proceed to Motorcade
8:00am	Depart hotel enroute East L.A. Drive time: :30 min.
8:30am	Arrive East L.A. GOTV Rally Location: East L.A. Community College 1301 Brooklyn Ave. East Los Angeles Proceed to Holding Room Location: Room 139 President's Conference Rm Administration Bldg. 213/265-8662
8:35am	Proceed to GOTV rally Event: remarks Intro: St.Sen. Art Torrez Location: Library Courtyard East L.A. Community College Advance: Sam Rodriguez (site) Press: open Call time: 8:00 am

NOTE: Program: Gloria Molina, LA City Councilwoman, will emcee. She will intro Rita Moreno, who will speak. Molina will then intro St. Sen. Art Torrez who will intro LMB. LMB will speak and work a rope line.

9:00am	Proceed to Motorcade
9:05am	Depart East L.A. enroute airport Drive time: :20 min. LMB and BAB will ride alone in limo.
9:25am	Arrive Burbank airport

NOTE: Press to file at Martin Aviation in the Administration Bldg. 10 phones will be available.

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Proceed to Holding Room
Location: Office
818/569-4211 or 569-4228

NOTE: Local press:

9:55am — Board plane

10:05am — Wheels up Burbank
FBO: Martin Aviation
818/843-8311
Fax: 818/841-4054
Flight time: 1:10(1:10 OTC)

11:20am — Wheels down San Francisco
FBO: Butler Aviation
415/877-6800
Fax: 415/583-0454
Advance: Charlie Duncan (lead)
Neil Fleiger (press)

NOTE: The plane will park at Ramp O.
Duncan's cellular: [redacted]

11:30am — Proceed to Motorcade

11:35am — Depart airport enroute event
Drive time: :25 min
LMB and BAB will ride alone in limo.

12:00 — Arrive GOTV Rally w/precinct captains
Location: ILWU Hall
400 N. Point
San Francisco, CA

Proceed to Holding Room
Location: Office
415/441-5511

12:05pm — Proceed to GOTV rally w/ precinct captains
Event: Remarks
Intro: Cong. Barbara Boxer
Location: Main Hall
Advance: Bain Ennis (site)
Press: open
Call time: 11:30 Exp. Attend:3,500

NOTE: Preprogram: Actor Danny Glover will emcee and intro County Chr Carol Migden and Congresswoman Nancy Pelosi. Pelosi will speak and intro Speaker Willie Brown. Brown will intro Lt. Gov. Leo McCarthy.

NOTE: Program: Upon LMB's arrival at site, Danny Glover will intro

95043674548

Congresswoman Barbara Boxer who will intro LMB. LMB will enter on cue, speak and work a rope line.

12:30pm — Proceed to Motorcade

12:35pm — Depart event enroute airport hotel
Drive time: :30 min
LMB and BAB will alone in limo.

1:05pm — Arrive airport hotel
Event: filing/interviews
Location: Westin Hotel
1 Old Bay Shore Highway
San Francisco
415/692-3500

NOTE: Press will file in the Belmont Room.

Proceed to Holding Room
Location: Ballroom A

1:25pm — Proceed to Motorcade

1:30pm — Depart hotel enroute airport
Drive time: :05 min.
LMB and BAB will ride alone in limo.

1:35pm — Board plane at Ramp Q

1:45pm PST — Wheels up San Francisco
FBO: Butler Aviation
415/877-6800
Fax: 415/583-0454
Flight time: 1:35(2:35)

4:20pm MST — Wheels down Salt Lake City
FBO: America West
801/539-7922

fuel stop

4:40pm — Wheels up Salt Lake City
FBO: America West
801/539-7922
Flight time:2:45(3:45)

8:25pm CST — Wheels down Chicago O'Hare
FBO: Butler Aviation
312/686-7000
Advance: Andrew Hurwitz (lead)

NOTE: Hurwitz cellular [redacted]

8:30pm — Proceed to Motorcade

9504367454 9

8:35pm Depart airport

9:05pm Arrive rally with supporters
Intro: Alderman Richard Mell
Location: Logan Square Historical Society
2408 North Kedzee
Chicago
Contact: Julie Starziak
Advance: Bill Rudnick (site)

NOTE: Rudnick cellular [redacted]

9:35pm Depart rally
Drive time: :30

10:05pm Arrive hotel

RON For LMB/BAB/STAFF/PRESS
Location: Hyatt Regency
151 E. Wacker Drive
Chicago, IL 60601
312/565-1234
Barbara Korthals-Altes (RON)

Staff room:1210

NOTE: direct staff line:312/861-0434
direct fax line:312/861-0663

RON For MSD
Location: Radisson Hotel
Denver
303/893-3333

95043674550

EXHIBIT 2

9 5 0 4 3 6 7 4 5 5 1

D.N.C. SERVICES CORPORATION
GENERAL FUND
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. [redacted]

THE SOVRAN BANK [redacted]

24715

November 16, [redacted] 88

PAY Fifty Six Thousand Seven hundred Fifty One and 08/100 DOLLARS $ 56,751.08

TO THE ORDER OF
Gaston Zowal
1067 Commonwealth Ave.
Boston, MA 02215

NOT NEGOTIABLE

⑈024785⑈ ⑆054001204⑆ ⑈25880 5⑈

D.N.C. SERVICES CORPORATION

[redacted]

Gaston Zowal

231401

9504367452

: U.C. , Division Director

OM: M.B. DATE: 15 NOV 88

BJECT: Request for expenditure approval / Check request

me to be used on check): GARBER TRAVEL

ailing address): 1047 COMMONWEALTH AVE

ty / State / Zip Code): BOSTON MA 02215

DOCUMENTATION:

- Proposal / Estimate Attached ____
- Invoice Attached ____
- Agreement / Contract Attached ____
- Receipt(s) Attached ____

AMOUNT: $ 56,751.08 TOTAL

PURPOSE OF EXPENDITURE:
(Give complete details of request)

BENTSEN CHARTER

DO NOT WRITE BELOW THIS LINE - for approval purposes only

[redacted] 11/15/88
Division Director — Date

Executive Director (Related Division Only) — Date

Treasurer / Administrator — Date

Amount

6000/6200
C/E

GARBER TRAVEL

[illegible] COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-[illegible]

INVOICE № 0682454 · DATE: 11/04/88 PAGE: 1

TO:
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME _____ REFERENCE _____

Agent # / Trip #	Dest.	No People	Inclusive Dates of Trip From	To	Account No	Amount
					949099	

Air Tickets/MCO/Tour Order
Tick # _____

Land

DUKAKIS-BENTSEN COMMITTEE
TRIP NUMBER: 949099 OCTOBER 2, 1988

TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.

AIR TRANSPORTATION 56,751.08 56,751.08

Total Travel Purchased 56,751.08

Credit Card # on ATC Doc. #
#

Credit Card Sent or Called to Vendor: #
#

Credit Card Deposited by Garber Travel: # Receipt #
Receipt

Cash or Check Received: Date Receipt #
Date Receipt #

Other

Balance Due: 56,751.08

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE

9 5 0 4 3 6 7 4 7 5 4

GARBER TRAVEL

[illegible] BOSTON, MA 02215
617 787 [illegible]

INVOICE 682454 | DATE 11/04/88 | PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME

REFERENCE

Agent #	Trip #	Dest	No. People	Inclusive Dates of Trip From	To	Account No 949099	Amount
Air Tickets/MCO/Tour Order							
Tick #							

Line

DUKAKIS-BENTSEN COMMITTEE
TRIP NUMBER: 949099 OCTOBER 2, 1988

TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.

AIR TRANSPORTATION 56,751.08 56,751.08

Total Travel Purchased 56,751.08

Credit Card # on ATC Doc. #
#

Credit Card Sent or Called to Vendor: #
#

Credit Card Deposited by Garber Travel # Receipt #
Receipt

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due 56,751.08

9504367/4555

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE

D.R.C. SERVICES CORPORATION
GENERAL FUND
400 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. [illegible]

SOVRAN BANK
[illegible]

24713

November 16, 88

PAY Twenty Three Thousand Eighty Eight and 90/100 DOLLARS $ 23,088.90

TO THE ORDER OF
Gaubar Trowill
1047 Commonwealth Ave.
Boston, MA 02215

NOT NEGOTIABLE

⑈024713⑈ ⑆054001204⑆ ⑈2620880 5⑈

D.R.C. SERVICES CORPORATION

DRAWER - FORM [illegible]

Bankam Chester

5000/6200

#231401

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0600

INVOICE № 0682453

DATE 11/04/88

PAGE 1

TO:
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME _____ REFERENCE _____

Agent # Trip #	Dest.	No People	Inclusive Dates of Trip From	To	Account No. 949098	Amount
Air Tickets/MCO/Tour Order						
Tick #						
Land						
DUKAKIS-BENTSEN COMMITTEE						
TRIP NUMBER: 949098					SEPTEMBER 27,	1988
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.						
AIR TRANSPORTATION					23,088.90	23,088.90
				Total Travel Purchased		23,088.90
Credit Card # on ATC Doc	#					
Credit Card Sent or Called to Vendor	#					
Credit Card Deposited by Garber Travel	#			Receipt #		
Cash or Check Received	Date		Receipt #			
Other						
				Balance Due		23,088.90

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1 PER MONTH

9504367/4557

GARBER TRAVEL

[illegible] COMMONWEALTH [illegible]
[illegible] STON, MA 02215
617 737 [illegible]

INVOICE	DATE	PAGE
682453	11/04/88	1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No 949098	Amount
Air Tickets/MCO/Tour Order							
Tick #							
Land							
DUKAKIS-BENTSEN COMMITTEE							
TRIP NUMBER: 949098						SEPTEMBER 27, 1988	
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.							
AIR TRANSPORTATION						23,088.90	23,088.90
						Total Travel Purchased	23,088.90
Credit Card # on ATC Doc							
Credit Card Sent or Called to Vendor							
Credit Card Deposited by Garber Travel						Receipt #	
Cash or Check Received				Date		Receipt #	
Other							
						Balance Due	23,088.90

9504367455 8

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE

D.H.C. SERVICES CORPORATION
GENERAL FUND
400 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. [illegible]

SOVRAN BANK
[illegible]

23614

Oct 2 19 88

PAY Forty Two Thousand Three Hundred Twenty Six 82/100 DOLLARS $ 42,326.82

TO THE ORDER OF

Garber Travel
1047 Commonwealth Avenue
Boston, MA 02215

NOT NEGOTIABLE

⑈023614⑈ ⑆054001204⑆ ⑈262880 5⑈

D.H.C. SERVICES CORPORATION

[illegible]

441 ad Bentsen Charter Travel 42,326.82

88.10.008 231401

9504367455 9

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0600

INVOICE
№ 0681494

DATE 09/28/88

PAGE 1

TO:
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No 949084	Amount
Air Tickets MCO/Tour Order							
Tick #							
Land							
DUKAKIS-BENTSEN COMMITTEE							
TRIP NUMBER:						949084	AUGUST 23 - 26, 1988
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.							
AIR TRANSPORTATION						42,326.82	42,326.82
						Total Travel Purchased	42,326.82
Credit Card # on ATC Doc							
Credit Card Sent or Called to Vendor							
Credit Card Deposited by Garber Travel						Receipt #	
Cash or Check Received				Date		Receipt #	
Other							
						Balance Due	42,326.82

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1 PER MONTH

D.M.C. SERVICES CORPORATION
GENERAL FUND
420 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

SOVRAN BANK

24714

November 16, 1988

PAY Sixty Seven Thousand Twenty Five and 85/100 DOLLARS $ 67,025.85

TO THE ORDER OF
Garber Travel
1047 Commonwealth Avenue
Boston, MA 02215

⑈024714⑈ ⑆054008204⑆ NOT NEGOTIABLE ⑈262880 5⑈

D.M.C. SERVICES CORPORATION

DELUXE - FORM DVC-3 V-7

Bantsen Charter

6000/6200

#231401

9504367 4561

EXPENDITURE / CHECK REQUEST

): U.C. , Division Director

OM: M.B. DATE: 15 NOV 88

BJECT: Request for expenditure approval / Check request

· GARBER TRAVEL
me to be used on check)

1047 COMMONWEALTH AVE.
iling address)

BOSTON, MA 02215
y / State / Zip Code)

DOCUMENTATION:

· Proposal / Estimate Attached _____

· Invoice Attached _____

· Agreement / Contract Attached _____

· Receipt(s) Attached _____

AMOUNT: $ 67,025.85 · TOTAL

~~[illegible] 63,226.63~~

'RPOSE OF EXPENDITURE:
ive complete details of request)

BENTSEN CHARTER

DO NOT WRITE BELOW THIS LINE - for approval purposes only

Mark [illegible] 11/15/88
Division Director Date

Executive Director (Political Division Only) Date

U [illegible]
Treasurer / Administrator Date

Amount

6000/6200
C/C

GARBER TRAVEL

7 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0600

INVOICE № 0682452

DATE: 11/04/88

PAGE: 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent # Trip #	Dest	No. People	Inclusive Dates of Trip From	To	Account No 949096	Amount
Air Tickets MCO Tour Order						
Tick #						
Land						
DUKAKIS-BENTSEN COMMITTEE						
TRIP NUMBER: 949096					SEPTEMBER 19,	1988
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.						
AIR TRANSPORTATION					67,025.85	67,025.85
				Total Travel Purchased		67,025.85
Credit Card # on ATC Doc	#					
	#					
Credit Card Sent or Called	#					
to Vendor	#					
Credit Card Deposited	#			Receipt #		
by Garber Travel	#			Receipt #		
Cash or Check Received	Date		Receipt #			
	Date		Receipt #			
Other						
				Balance Due		67,025.85

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH
IF YOU CHOOSE NOT TO USE OR DESTROY AIRLINE TICKETS, THEY HAVE CASH VALUE. IF UNUSED PLEASE RETURN FROM ATC FOR REFUND OR CREDIT

950436745653

GARBER TRAVEL

[illegible] COMMONWEALTH AVENUE
[illegible] STON, MA 02215
617) 787 0600

INVOICE 682452 DATE: 11/04/88 PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No. 949096	Amount
Air Tickets MCO Tour Order							
Tick #							
Land							
DUKAKIS-BENTSEN COMMITTEE							
TRIP NUMBER: 949096						SEPTEMBER 19, 1988	
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.							
AIR TRANSPORTATION						67,025.85	67,025.85
						Total Travel Purchased	67,025.85
Credit Card # on ATC Doc							
Credit Card Sent or Called to Vendor							
Credit Card Deposited by Garber Travel						Receipt #	
Cash or Check Received				Date		Receipt #	
Other							
						Balance Due	67,025.85

9 5 0 4 3 6 7 4 5 9 4

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1[illegible] PER MONTH
YOU ARE CAUTIONED NOT TO LOSE OR DESTROY AIRLINE TICKETS. THEY HAVE CASH VALUE. IF UNUSED, PLEASE RETURN PROMPTLY FOR REFUND OR CREDIT

D.R.C. SERVICES CORPORATION
[illegible]
400 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. [illegible]

SOVRAN BANK
[illegible]

23867

Oct. 17 19 88

PAY One Hundred Three Thousand Eight Hundred Twenty Eight 07/100 DOLLARS $ 103,828.07

TO THE ORDER OF
Garber Travel
1047 Commonwealth Ave.
Boston, MA 02215

NOT NEGOTIABLE

⑈023867⑈ ⑆054001204⑆ ⑈262880 5⑈

D.R.C. SERVICES CORPORATION

[illegible] - FORM [illegible]

441ad Bentsen Charter

231401

9 5 0 4 7 4 7 4 5 6 5

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0600

INVOICE № 0682421

DATE 10/14/88

PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE. WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No 949088	Amount
Air Tickets MCO Tour Order							
Tck #							
Land							
DUKAKIS-BENTSEN COMMITTEE							
TRIP NUMBER: 949088						SEPTEMBER 4,	1988
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.							
AIR TRANSPORTATION						29,393.98	29,393.98
						Total Travel Purchased	29,393.98
Credit Card # on ATC Doc. #							
Credit Card Sent or Called to Vendor #							
Credit Card Deposited by Garber Travel #						Receipt #	
Cash or Check Received	Date			Receipt #			
Other							
						Balance Due	29,393.98

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH

9504367745566

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0800

INVOICE № 0682422

DATE 10/14/88

PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No 949091	Amount
Air Tickets MCO Tour Order							
Tick #							
Land							
DUKAKIS-BENTSEN COMMITTEE							
TRIP NUMBER: 949091						SEPTEMBER 9,	1988
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.							
AIR TRANSPORTATION						39,495.78	39,495.78
						Total Travel Purchased	39,495.78
Credit Card # on ATC Doc							
Credit Card Sent or Called to Vendor							
Credit Card Deposited by Garber Travel						Receipt #	
Cash or Check Received				Date		Receipt #	
Other							
						Balance Due	39,495.78

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH

9504367 4567

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0600

INVOICE № 0682423

DATE 10/14/88

PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No 949093	Amount
Air Tickets MCO Tour Order							
Tick #							
Land							
DUKAKIS-BENTSEN COMMITTEE							
TRIP NUMBER: 949093						SEPTEMBER 13,	1988
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.							
AIR TRANSPORTATION						34,938.31	34,938.31
						Total Travel Purchased	34,938.31
Credit Card # on ATC Doc							
Credit Card Sent or Called to Vendor							
Credit Card Deposited to Garber Travel						Receipt #	
Cash or Check Received				Date		Receipt #	
Other							
						Balance Due	34,938.31

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH

9504361/4568

[illegible]

[illegible]

[illegible]

December 7, [illegible] 88

PAY One Hundred Forty Eight Thousand Nine Hundred Thirty Eight & 84/100 DOLLARS $ 148,938.84

TO THE ORDER OF

Gaeber Travel
1047 Commonwealth Ave.
Boston, MA 02215

NOT NEGOTIABLE

⑈024950⑈ ⑆054001204⑆ ⑈262880 5⑈

[illegible]

[illegible] - FORM [illegible]

Bantam Charter

Invoice #'s 0682477
0682478
0682479

88-12015

441a(d)

6000/6200

9 5 0 7 4 3 6 7 4 5 6 9

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0800

INVOICE № 0682477 DATE 12/01/88 PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No	Amount
						949111	

Air Tickets/MCO Tour Order
Tick # _____

Land

DUKAKIS-BENTSEN COMMITTE, INC.
TRIP NUMBER: 949111 OCTOBER 24, 1988

TRAVEL FOR SEN. BENTSEN AND STAFF.

AIR TRANSPORTATION	52,908.45	52,908.45

Total Travel Purchased 52,908.45

Credit Card # on ATC Doc # _____
_____

Credit Card Sent or Called to Vendor # _____
_____

Credit Card Deposited by Garber Travel # _____ Receipt # _____
_____ Receipt # _____

Cash or Check Received Date _____ Receipt # _____
Date _____ Receipt # _____

Other

Balance Due 52,908.45

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH
YOU ARE CAUTIONED NOT TO LOSE OR DESTROY AIRLINE TICKETS. THEY HAVE CASH VALUE. IF UNUSED, PLEASE RETURN PROMPTLY FOR REFUND OR CREDIT

9504367450

GARBER TRAVEL

INVOICE	DATE	PAGE
682477	12/01/88	1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No.	Amount
						949111	

Air Tickets MCO Tour Order
Tick # _____

Land

DUKAKIS-BENTSEN COMMITTE, INC.
TRIP NUMBER: 949111 OCTOBER 24, 1988

TRAVEL FOR SEN. BENTSEN AND STAFF.

AIR TRANSPORTATION	52,908.45	52,908.45

Total Travel Purchased 52,908.45

Credit Card # on ATC Doc #
#

Credit Card Sent or Called to Vendor #
#

Credit Card Deposited by Garber Travel # Receipt #
Receipt

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due 52,908.45

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1 1/2% PER MONTH
[illegible] TICKETS THEY HAVE CASH VALUE. IF UNUSED, PLEASE RETURN PROMPTLY FOR REFUND OR CREDIT

9504367451

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0500

INVOICE № 0682478 DATE 12/01/88 PAGE 1

ATN Member ASTA

DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent # / Trip #	Dest.	No. People	Inclusive Dates of Trip From	To	Account No.	Amount
					949114	

Air Tickets MCO Tour Order
Tick # _____

Land

DUKAKIS-BENTSEN COMMITTE, INC.
TRIP NUMBER: 949114 OCTOBER 31, 1988

TRAVEL FOR SEN. BENTSEN AND STAFF.

AIR TRANSPORTATION	40,582.18	40,582.18

Total Travel Purchased 40,582.18

Credit Card # on ATC Doc. # _____

Credit Card Sent or Called to Vendor # _____

Credit Card Deposited by Garber Travel # _____ Receipt # _____

Cash or Check Received Date _____ Receipt # _____

Other

Balance Due 40,582.18

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH
TICKETS ARE CONSIGNED NOT TO BE RE-SOLD OR DESTROY AIRLINE TICKETS. THEY HAVE CASH VALUE. TRUCKED PLEASE RETURN PROMPTLY FOR REFUND OR CREDIT

9504367452

GARDER TRAVEL

INVOICE	DATE	PAGE
682178	12/01/88	1

TO

DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest.	No People	Inclusive Dates of Trip From	To	Account No 949114	Amount
Air Tickets MCO Tour Order							
Tck #							
Land							
DUKAKIS-BENTSEN COMMITTE, INC.							
TRIP NUMBER: 949114						OCTOBER 31,	1988
TRAVEL FOR SEN. BENTSEN AND STAFF.							
AIR TRANSPORTATION						40,582.18	40,582.18
						Total Travel Purchased	40,582.18
Credit Card # on ATC Doc	#						
	#						
Credit Card Sent or Called	#						
to Vendor	#						
Credit Card Deposited	#					Receipt #	
by Garber Travel	#					Receipt #	
Cash or Check Received	Date		Receipt #				
	Date		Receipt #				
Other							
						Balance Due	40,582.18

9504367457 3

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH
YOU ARE CAUTIONED NOT TO ISSUE OR DESTROY AIRLINE TICKETS. THEY HAVE CASH VALUE. IF UNUSED PLEASE RETURN PROMPTLY FOR REFUND OR CREDIT

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0800

INVOICE № 0682479 DATE 12/01/88 PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No	Amount
						949115	

Air Tickets/MCO/Tour Order
Tick # _____

Land

DUKAKIS-BENTSEN COMMITTE, INC.
TRIP NUMBER: 949115 NOVEMBER 6, 1988

TRAVEL FOR SEN. BENTSEN AND STAFF.

AIR TRANSPORTATION 55,448.21 55,448.21

Total Travel Purchased 55,448.21

Credit Card # on ATC Doc. # _____

Credit Card Sent or Called to Vendor # _____

Credit Card Deposited by Garber Travel # _____ Receipt # _____

Cash or Check Received Date _____ Receipt # _____

Other

Balance Due 55,448.21

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1 % PER MONTH
YOU ARE CAUTIONED NOT TO LOSE OR DESTROY AIRLINE TICKETS. THEY HAVE CASH VALUE [illegible]

9504367/4574

GARBER TRAVEL

1337 CONN. AVE. N.W.
WASHINGTON, D.C. 20036
202/785-0700

INVOICE	DATE
NO 682479	12/01/88
	PAGE 1

TO

DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE. WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No	Amount
						949115	

Air Tickets/MCO/Tour Order

Tick # _____

Land

DUKAKIS-BENTSEN COMMITTE, INC.
TRIP NUMBER: 949115 NOVEMBER 6, 1988

TRAVEL FOR SEN. BENTSEN AND STAFF.

AIR TRANSPORTATION 55,448.21 55,448.21

Total Travel Purchased 55,448.21

Credit Card # on ATC Doc. # _____

Credit Card Sent or Called to Vendor # _____

Credit Card Deposited by Garber Travel # _____ Receipt # _____

Cash or Check Received Date _____ Receipt # _____

Other

Balance Due 55,448.21

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH
AIRLINE REGULATIONS NOT ALLOW US TO DESTROY AIRLINE TICKETS. THEY HAVE CASH VALUE. IF UNUSED, PLEASE RETURN PROMPTLY FOR REFUND OR CREDIT

9504386745/5

OGC 6025

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

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

BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

April 25, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR 26 AM 3:43

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

Attn.: Kenneth Kellner, Esq.

Re: MUR 2715

Dear Mr. Noble:

Enclosed is a supplemental response of the Dukakis/Bentsen Committee and Robert A. Farmer, as treasurer, with regard to the above-referenced matter.

Please let me know if you have any questions.

Very truly yours,

Kenneth A. Gross

Enclosure

9 5 0 4 3 6 7 4 5 7 6

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as Treasurer.	MUR 2715

SUPPLEMENTAL RESPONSE OF DUKAKIS/BENTSEN COMMITTEE, INC. AND ROBERT A. FARMER, AS TREASURER, TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS BY THE FEDERAL ELECTION COMMISSION

This response is submitted by the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as Treasurer, (collectively "Dukakis/Bentsen") as a supplement to the response submitted to the Commission on January 16, 1990. As explained in that earlier response, Dukakis/Bentsen was unable to fully respond to Interrogatory No. 5 because certain information was unavailable at that time.

As explained in the earlier response, from July 20, 1988, to November 8, 1988, there were ten Senate campaign events which occurred on Vice-Presidential campaign trips which were paid for by the Democratic National Committee under its Presidential/Vice-Presidential section 441a(d) authority. See Response to Interrogatory No. 1. However, the fraction of time spent on Sen-

9504367457 7

ate campaign appearances amounted to less than three percent of "split" campaign trips, and approximately 1.5 percent of Senator Bentsen's entire Vice-Presidential campaign schedule.

Upon information and belief, the total cost incurred by Dukakis/Bentsen for room and board for those portions of Vice-Presidential campaign trips during which Senator Bentsen met with Senate campaign supporters (identified in response to Commission Interrogatory No. 1.) was $56,124.21. This figure includes room and board for members of the Vice-Presidential traveling party which accompanied Senator Bentsen and members of the Vice-Presidential advance teams on these campaign trips.

When Senator Bentsen made a Senate campaign stop on a Vice-Presidential trip, the Dukakis/Bentsen campaign did not pay for any of the advance work, facilities, ground transportation, or provide any staff to the Senate campaign portion of the trip. See Affidavit of Peter L. Scher, attached to Response of January 16, 1990, ¶ 2.

9504367458

Documents relied upon in responding to this interrogatory have been produced herewith.

Kenneth A. Gross
Douglas A. Rediker
SKADDEN, ARPS, SLATE
MEAGHER & FLOM
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Daniel A. Taylor
Carol Darr
Dukakis/Bentsen Committee, Inc.

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

95043674579

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0800

INVOICE

DATE: 11/14/88

PAGE:

NO 0682968 4 69

TO
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 09

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 10/31 To 11/1	C35905	

Air Tickets/MCO/Tour Order
Tick #

Land

WORTHINGTON HOTEL
FT. WORTH, TX
****

STAFF BREAKFAST	$200.49	
STAFF ROOM 31	$116.20	
STAFF ROOM 31	$215.42	
STAFF ROOM	$248.26	
BENTSEN 31	$157.26	
BENTSEN	$ 60.94	
ELLIS 31	$138.88	
Tom EPSTEIN 31	$679.76	
John FOSTER 31	$393.44	
John HALL 31	$103.96	
Lane HARTIGAN 31	$921.21	
STAFF ROOM	$104.71	
Tom HUGHES 31	$110.91	
Ed KNIGHT 31	$106.49	
Kiry MANDEL 31	$165.04	$3,722.97
	Total Travel Purchased	$3,722.97

Credit Card # on ATC Doc #
#

Credit Card Sent or Called #
to Vendor #

Credit Card Deposited # Receipt #
by Garber Travel # Receipt #

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0500

INVOICE 1087
NO. 0682969

DATE: 11/14/88
PAGE:

TO:
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES, SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 09

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 10/31 To: 11/1	G35905	

Air Tickets/MCO/Tour Order
Tick. #

Land

WORTHINGTON HOTEL
FT. WORTH, TX
****

MARKOFF 31	$224.61	
MCCURRY 31	$126.35	
MOSKOWITZ 31	$179.67	
MULLEN 31	$375.83	
MESLIN 31	$711.22	
ONEILL	$114.50	
ONEILL 31	$115.18	
RADD 31	$121.82	
REDDER 31	$146.61	
SIMS 31	$103.96	
STEVENS 31	$218.27	
WARD 31	$149.05	
WRIGHT 31	$682.09	$3,269.16

Total Travel Purchased: $3,269.16

Credit Card # on ATC Doc #
#

Credit Card Sent or Called #
to Vendor #

Credit Card Deposited # Receipt #
by Garber Travel # Receipt #

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due:

9504367453

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE

[redacted]

Sang Jeting
Saber Travel Services

010322925 FT WOR
1420121360 TX
2042009593
WASHINGTON
DC

11 1 Bd

DATE	SERVER
AUTHORIZATION	CASHIER
CHECK NO./FOLIO NO.	

5834142

	PURCHASES
	TAX
	SERVED
	OTHER
7079.49	TOTAL

PURCHASER SIGN HERE

X See back of folio

SALES SLIP

USE THIS FORM TO BE USED WITH

Cardholder acknowledges receipt of goods and/or services in the amount of the Total shown hereon and agrees to perform the obligations set forth in the Cardholder's agreement with the issuer.

MasterCard VISA

SAFEIMPRINT U.S. Pat. 4,403,793

CUSTOMER COPY

IMPORTANT: RETAIN THIS COPY FOR YOUR RECORDS.

GARBER TRAVEL

[illegible] COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-[illegible]

INVOICE

DATE: 11/22/88

NO. [illegible]410 1

PAGE:

TO:
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 09

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From 10/28 To 10/31	C35905	

Air Tickets/MCO/Tour Order

Tick #

Land

FOUR SEASONS HOTEL
AUSTIN, TX
****

SENATOR LLOYD BENTSEN [illegible]	$767.96	
BENTSEN	$350.92	
JUDY WHITTLESEY [illegible],30	$340.80	
STEVE WARD [illegible],30	$352.36	
PAM VEASEY [illegible],30	$525.30	
MARY THYFAULT [illegible]	$537.80	
KAREN TUMULTY [illegible],30	$217.95	
MICHAEL TOSCANO [illegible]	$107.35	
MIKE SIMS [illegible],30	$325.20	
TOM REDDER [illegible],30	$400.39	
VICKI RADD [illegible],30	$363.52	
KEN ORKIN [illegible]	$702.10	
JOE ONEILL [illegible],30	$459.23	
JOE ONEILL	$ 95.86	
ELLEN MOSKOWITZ [illegible],30	$423.35	$5,970.15

Total Travel Purchased $5,970.15

Credit Card # on ATC Doc #
#

Credit Card Sent or Called to Vendor #
#

Credit Card Deposited by Garber Travel # Receipt #
Receipt

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE

9 5 0 4 3 6 7 4 5 3 3

GARBER TRAVEL

[redacted], MA 02215
(617) 267-[redacted]

INVOICE [redacted]

№ [redacted]

DATE: 11/22 88

PAGE:

TO:
DUKAKIS GENERAL ELECTION
C/O JEAN BEVERER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE:

09

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 10/28 To: 10/31	E35905	

Air Tickets/MCO/Tour Order

Tick #

Land

FOUR SEASONS HOTEL
AUSTIN, TX
****

SCOTT MELROSE [redacted] 30	$743.22	
MIKE MCCURRY [redacted] 30	$338.77	
ED KNIGHT [redacted] 30	$330.84	
STEPHEN SCHNEIDER [redacted]	$483.87	
ELLIS RODNEY [redacted] 30	$413.43	
AGNES COOPER [redacted]	$766.19	
GAY BURTON [redacted] 30	$345.36	
GARY GINSBERG [redacted]	$463.15	
JANICE GUNN [redacted]	$345.93	
RM. RENTAL ETC.	$2122.35	
L. DIST. PHONE Q	$ 4.73	$6,357.84

Total Travel Purchased $6,357.84

Credit Card # on ATC Doc. #

#

Credit Card Sent or Called to Vendor: #

#

Credit Card Deposited by Garber Travel # Receipt #

Receipt

Cash or Check Received: Date Receipt #

Date Receipt #

Other

Balance Due:

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1 % PER MONTH

9504367454

9 5 0 4 3 6 7 4 5 8 5

[redacted]

Gary Fertis [redacted] X

DATE	SERVER
AUTHORIZATION 023209	CASHIER
CHECK NO / FOLIO NO	

0197 124 70
FOUR SEASONS
1420131815 AMX
AUSTON, T

103188

5747340

PURCHASER SIGN HERE

X

Cardholder acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth in the Cardholder's agreement with the issuer.

SAFEIPERF U.S. Pat. 4,403,765

SALES SLIP

THIS FORM TO BE USED WITH

MasterCard VISA

CUSTOMER COPY

	PURCHASES
	TAX
	SERVER
	OTHER
12/27/99	TOTAL

IMPORTANT: RETAIN THIS COPY FOR YOUR RECORDS.

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
617 787-6800

INVOICE

DATE: 10/12/88

PAGE:

NO 682325 & 26

TO:
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 09

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 10/7 To: 10/8	V C35905	

Air Tickets/MCO/Tour Order

Tick #

Land

HYATT REGENCY
HOUSTON, TX
****

MIRIAM ALEXANDER		$202.92
RAY WALTER		$239.73
STUART ESHIMARU		$205.92
CAROLINE CASTLE		$222.42
PHIL CAPLAN		$251.33
MARY BROSHAHAN		$266.23
LARRY WINDSOR		$240.64
STAFF ROOM		$134.09
ELLEN MOSKOWITZ	7	$132.41
TOM REDDER	7	$130.04
MIKE MCCURRY	7	$107.61
JUDY WHITTLESEY	7	$102.21
GAY BURTON	7	$107.29
RODNEY ELLIS	7	$101.46
PAUL KIRK	7	$101.46

Amount: $2,613.76

Total Travel Purchased: $2,613.76

Credit Card # on ATC Doc #

Credit Card Sent or Called to Vendor #

Credit Card Deposited by Garber Travel # Receipt #

Cash or Check Received Date Receipt #

Other

Balance Due:

9504367458 6

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH

GARBER TRAVEL

1017 COMMONWEALTH AVENUE
BOSTON, MA 02215
617 787 0820

INVOICE 254

DATE: 10/12/88

PAGE:

TJO 682326

TO:

DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 09

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 10/7 To: 10/8	C35905	

Air Tickets/MCO/Tour Order

Tick #

Land

HYATT REGENCY
HOUSTON, TX
****

JOE O'NEILL 7	$101.46	
ED KNIGHT 7	$101.46	
VICKI RADD 7	$105.77	
MIKE SIMMS 7	$108.50	
STEVE WARD 7	$116.07	
BENTSEN 7	$ 3.91	$537.17

Total Travel Purchased $537.17

Credit Card # on ATC Doc. #

Credit Card Sent or Called to Vendor #

Credit Card Deposited by Garber Travel # Receipt #

Cash or Check Received: Date Receipt #

Other

Balance Due:

9504367458 7

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH

9 5 0 4 3 6 7 4 5 8 8

[redacted]

Gary Terry
Gorber Travel [redacted]

HYATT REGENCY
HOUSTON
HOUSTON
TX
1420104002

100888

5982060

CARD USED:

CUSTOMER COPY

Nadine Lubliner

ANY CHARGES THAT DID NOT APPEAR ON YOUR BILL AT CHECKOUT TIME WILL BE ADDED IN THE SHADED AREA.
PLEASE RETAIN THIS COPY FOR YOUR RECORDS.

DATE	CLERK
2500	006799
CONV. DATE	CONV. CAT.

35093	

GARBER TRAVEL

1647 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0500

INVOICE

DATE: 10/17/88

PAGE:

TTQ 682361

TO:

DUKAKIS GENERAL ELECTION
C/O JEANNE DEVEBER
105 CHAUNCY STREET
BOSTN, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 04

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 10/6 To: 10/7	C35905	

Air Tickets/MCO/Tour Order

Tick #

Land

ADOLPHUS HOTEL
DALLAS, TX
****

LMB/BAB	$191.16	
ED KNIGHT	$131.11	
STEVE WARD	$131.04	
MIKE SIMS	$127.10	
TOM REDDER	$134.49 (A)	
MIKE MCCURRY	$132.53	
VICKI RADD	$139.51	
ELLEN MOSKOWITZ	$187.03	
JUDY WHITTLESEY	$118.65	
GAY BURTON	$118.65	
RODNEY ELLIS	$205.23	
PAUL KIRK	$143.66	
JOE O'NEILL	$189.63	$1,949.79

Total Travel Purchased $1,949.79

Credit Card # on ATC Doc. #

#

Credit Card Sent or Called to Vendor #

#

Credit Card Deposited by Garber Travel # Receipt #

Receipt

Cash or Check Received Date Receipt #

Date Receipt #

Other

Balance Due:

9504367/45532

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH.
NON-REFUNDABLE TICKETS - THEY HAVE CASH VALUE. IF UNUSED, PLEASE RETURN PROMPTLY FOR REFUND OR CREDIT.

9 5 0 4 3 6 7 4 5 9 0

[redacted]

THE ADOLPHUS
024200 1980
013301619
142010567

100788 5565763

CARD USED:

CUSTOMER COPY

ANY CHARGES THAT DO NOT APPEAR ON YOUR BILL
CHECKOUT TIME WILL BE ADDED IN THE SHADED AREA.
PLEASE RETAIN THIS COPY FOR YOUR RECORDS

94409

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0800

INVOICE

№ 0682029

DATE: 9/29/88

PAGE:

TO:
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
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PSGR NAME:

REFERENCE: 09

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From 9/20 To: 9/21	C35905	

Air Tickets/MCO/Tour Order
Tick #

Pd 10/20 (13203)
check 13248

Land

HOLIDAY INN
LUBBOCK, TX
****

TOM REDDER		
BENTSEN		
MIKE MCCURRY		
VICKI RADD		
MIKE SIMMS		
ED KNIGHT		
JOE O'NEILL		
JUDY WHITTLESEY		
ELLEN MOSKOWITZ		
STEVE WARD		
GAY ERWIN	.00	LBP 09
WARNER	67.80	LBP 09
STAFF BREAKFAST	$188.46	LBP 09
STAFF ROOM	$ 77.87	LBP 09
RAY WALTER	$ 84.50	ADV 09
ADVANCE STAFF	~~$1870.13~~	ADV 09
Total Travel Purchased		$3,129.87

LBP 09

Credit Card # on ATC Doc. #
#

Credit Card Sent or Called to Vendor: #
#

Credit Card Deposited by Garber Travel # Receipt #
Receipt

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due:

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
PAST DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH

9504367459

[redacted]

GARY FERTIG

HOLIDAY INN
065120214
LUBBOCK TX
1420117756
[redacted]

092188

DATE	SERVER
AUTHORIZATION 021562	CLERK
FOLIO/CHECK NO. LIC. NO. STATE 131522	

5319219

DIV.	DESCRIPTION	AMOUNT
	TAX	
SALES SLIP	TIP / MISC.	
	TOTAL	321.57

PURCHASER SIGN HERE

X Signature on file

Cardholder acknowledges receipt of goods and/or services in the amount of the Total shown hereon and agrees to perform the obligations set forth in the Cardholder's agreement with the Issuer.

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CUSTOMER COPY

IMPORTANT: RETAIN THIS COPY FOR YOUR RECORDS.

9 5 0 4 3 6 7 4 5 9 2

ROOM NO.	LAST NAME	FIRST	INITIAL	GUESTS	RATE
	GARBER TRAVEL				
OUT	CITY		STATE		

FOLIO NUMBER
136533

From Folio C-ROOM LIST

To ATTACHED

DUKAKIS BENTSON CAMPAIGN STAFF STATEMENT

DATE	DESCRIPTION	CHARGES	CREDITS	BALANCE	CODE
	ROOM	2,220.00			
	TAX	288.60		2508.60	
	breakfast	197.72			
	phone	423.55			
	portage	87.00		3216.87	

9 5 0 4 3 6 7 4 5 9 3

ROOM _____ RATE _____ TAX _____ NO. PERSON _____ DIRECT BILL SIGNATURE _____

PAID BY
- ☐ CASH
- ☐ CHECK
- ☐ CREDIT CARD
- ☐ DIRECT BILLING
- ☐ TRAVEL VOUCHER

NO. _____

KIND _____

NO. _____

Holiday Inn

LUBBOCK - CIVIC CENTER
HOLIDOME AND CONVENTION CENTER
801 AVENUE Q
LUBBOCK, TEXAS 79401
(806) 763-1200

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0600

INVOICE

DATE: 9/27/88

PAGE:

№ 0681967-168

TO
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
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PSGR NAME:

REFERENCE: 09 - 1751.15
18 - 2172.42
3923.62

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 9/14 To: 9/15	c35905	

Air Tickets/MCO/Tour Order
Tick #

Pd 1017 (17668)
check # 17670

Land

ADOLPHUS HOTEL
DALLAS, TX
****

GAY IRWIN 09 14	$118.65	
THURSTON HAMER 09 12,13,14	$418.90	
JOY HOWELL 09 12,13,14	$287.87	
ED KNIGHT 18 14	$200.19	
MIKE MCCURRY 18 14	$150.37	
ELLEN MOSKOWITZQ 18 14	$170.14	
JOE O'NEILL 18	$230.27	
ANDY PAVEN 09 12,13,14	$627.98	
VICKI RADD 18 14	$173.86	
TOM REDDER 18 14	$133.82	
MIKE SIMMS 18 14	$174.01	
SUSAN TREES 09 14	$118.65	
STEVE WARD 09 14	$179.10	
JUDY WHITLESSEY 18 14	$128.37	
STAFF ROOM 18 14	$811.44	$3,923.62
Total Travel Purchased		$3,923.62

Credit Card # on ATC Doc #
#

Credit Card Sent or Called to Vendor #
#

Credit Card Deposited by Garber Travel # Receipt #
Receipt

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due:

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH
YOU ARE CAUTIONED NOT TO LOSE OR DESTROY AIRLINE TICKETS. THEY MAY BE ASSIGNED, IF UNUSED, ONLY BY RETURN PROMPTLY FOR REFUND OR CREDIT

2502436745594

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0600

INVOICE 674
№ 0681968

DATE: 9/27/88
PAGE:

TO

DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
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PSGR NAME:

REFERENCE:

Agent #	Trip #	Dest.	No People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 9/14 To: 9/15	c35905	

Air Tickets/MCO/Tour Order
Tick #

09

Land

ADOLPHUS HOTEL
DALLAS, TX
****
MR. & MRS. BENTSEN 14 $282.44 Serr.
AMY HUGHES 12,13,14 $513.56 $796.00

Total Travel Purchased $796.00

Credit Card # on ATC Doc. #
#

Credit Card Sent or Called to Vendor #
#

Credit Card Deposited by Garber Travel # Receipt #
Receipt

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due:

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH
YOU ARE CAUTIONED NOT TO USE OR DESTROY AIRLINE TICKETS. THEY HAVE CASH VALUE. IF UNUSED, PLEASE RETURN PROMPTLY FOR REFUND OR CREDIT

9502436745 95

[redacted]

Gary Ferry

THE ADOLPHUS HTL
C242001980 [illegible] 4 9 13 88
L133301619 [illegible]
142U133673 TX

5558307

CARD USED:

CUSTOMER COPY

ANY CHARGES THAT DID NOT APPEAR ON YOUR BILL AT CHECKOUT TIME WILL BE ADDED IN THE CHARGE AREA.
PLEASE RETAIN THIS COPY FOR YOUR RECORDS

9504367459 6

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0500

INVOICE

№ [illegible]

DATE: 10/3/88

PAGE:

TO
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 09 - 5,777.63

Logs = 45 day

Agent #	Trip #	Dest.	No People	Inclusive Dates of Trip	Account No	Amount
		CA		From 9/9 To 9/11	C35905	

Air Tickets/MCO/Tour Order

Tick #

Land

WESTIN CENTURY PLAZA
LOS ANGELES, CA
****

KIM MARTEAU	6,7,8,9,10	$697.76
KIM MARTEAU		$842.44
KIM MARTEAU		$269.76
SEN. & MRS. BENTSEN	9,10	$793.86
JUDY WHITTLESEY	9,10	$221.80
MIKE MCURRY	9,10	$225.14
ELLEN MOSKOWITZ	9,10	$307.46
VICKI RADD	9,10	$236.77
MIKE SIMS	9,10	$244.80
ED KNIGHT	9,10	$232.35
STEVE WARD	9,10	$236.49
JOHN HALL	9,10	$229.55
JOE O'NEILL	9,10	$272.97
DAVID BERMAN	6,7,8,9,10	$619.21
RONALD WEATHERBY	8,9,10	$347.27

Total Travel Purchased $5,777.63

Credit Card # on ATC Doc #

Credit Card Sent or Called to Vendor #

Credit Card Deposited by Garber Travel # Receipt #

Cash or Check Received Date Receipt #

Other

Balance Due

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH

9504367459 7

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0800

INVOICE 1604
№ 0682061

DATE: 10/3/88
PAGE:

TO:
DUKAKIS GENREAL ELECTION
C/ O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
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PSGR NAME

REFERENCE 09 1763.88
Lag - 45 days

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		CA		From: 9/9 To: 9/11	C35905	

Air Tickets/MCO/Tour Order
Tick #

Land
WESTIN CENTURY PLAZA
LOS ANGELES, CA
****
KATHY NEALY 6,7,8,9,10,11 $987.46
ADAM ANTHONY 6,7,8,9,10 $629.67
TOM REDDER 9,10 $262.75
CREDIT FORPARKING CHARGES ($116.00) $1,763.88

Total Travel Purchased $1,763.88

Credit Card # on ATC Doc #
#

Credit Card Sent or Called to Vendor #
#

Credit Card Deposited by Garber Travel # Receipt #
Receipt

Cash or Check Received: Date Receipt #
Date Receipt #

Other

Balance Due:

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE

9504367459 8

9 5 0 4 3 6 7 4 5 9 9

[redacted]

5886253

GARY FERTIG
GARBER TRAVEL SERVICE

WESTIN CENTURY
40274111 PLAZA
5040103413
0204102040

091288

Description		Amount
BONTSEU STAFF	Sale	
	Sales Tax	
Date 1/12 [redacted]	Tip	
Driver's License or Picture I.D. Number / Clerk's Initials	Total	
Any charge that did not appear on your bill at check out time appears at right / Type of Delayed Charge	Amount	7,541.51
The owner of the card identified on this item is authorized to pay the amount shown as TOTAL upon proper presentation. I promise to pay such TOTAL (together with any other charges due thereon) subject to and in accordance with the agreement governing the use of such card	Revised Total	

X Sig. On File
Cardholder's Signature

SALES DRAFT
FINANCIAL TRANSACTION SERVICES

Phone Number

CARDHOLDER COPY

Retain this copy for statement verification

GARBER TRAVEL

1037 COMMONWEALTH AVENUE
BOSTON, MA 02215
617 787 0500

INVOICE

DATE: 10/24/88

PAGE:

682591, 92, 93, & 94

TO
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 09

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No	Amount
		NY		From: 9/6 To: 9/9	C35905	

Air Tickets/MCO/Tour Order

Tick #

Land

GRAND HYATT NEW YORK
NEW YORK, NY
****

Day DUNCAN 8	$200.19	
Flor WILEY 8	$233.14	
Tom WILLIAMS 8	$221.95	
MITROPOLOS 8	$276.97	
OBRIEN 8	$206.62	
Randy KINDER 8	$200.19	
MANTEL 8	$207.44	
STEINER 8	$219.74	
Steff WORK RM/DUKAKIS 8	$399.21	
Sc WARD 8	$208.33	
Larry VIDES 8	$203.59	
WORK RM/BENTSEN 8	$125.95	
LATHROP 8	$400.38	
LATHROP	$ 75.25	
BENTSEN	$ 2.00	
O'NEILL 8	$288.16	$3,269.11
Total Travel Purchased		$3,269.11

Credit Card # on ATC Doc. #

Credit Card Sent or Called to Vendor #

Credit Card Deposited by Garber Travel # Receipt #

Cash or Check Received Date Receipt #

Other

Balance Due:

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
617 787 0300

INVOICE 011; 682592, 93 & 94

DATE: 10/24/88

PAGE

TO
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME

REFERENCE 16 233.74
09 4127.41
09/16

Agent #	Trip #	Dest.	No People	Inclusive Dates of Trip	Account No	Amount
		NY		From: 9/6 To: 9/9	C35905	

Air Tickets/MCO/Tour Order
Tick #

Land

GRAND HYATT NEW YORK
NEW YORK, NY
****

RADD 8	$233.47	
SIMS 8	$244.37	
SCHER 8	$236.30	
Jon HALL 8	$249.11	
Marty CLAPTON 8	$ 31.60	
COSTELLO 8	$~~233.74~~	
MACGURNEY 8	$~~200.19~~	
MACGURNEY	$ 7.29	
SIDLEY 8	$714.98	
SIDLEY	$ 5.24	
NESLIN 8	$6[illegible].31	
ANTHOLIS 8	$ 5.46	
BUSS 8	$440.05	
FLORMAN 8	$402.92	
Jeff MARSHALL 8	$669.43	
Cindy KELLY	$ 1.28	
Total Travel Purchased		$4,361.15
		$4,361.15

Credit Card # on ATC Doc #
#

Credit Card Sent or Called #
to Vendor #

Credit Card Deposited # Receipt #
by Garber Travel # Receipt #

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due:

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE

9504367460 1

GARBER TRAVEL

1017 COMMONWEALTH AVENUE
BOSTON, MA 02215
617 787 0520

INVOICE 91, 92, 682593 & 94

DATE: 10/24/88

PAGE

TO:
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME

REFERENCE 16 438.98
09 3235.97

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		NY		From: 9/6 To: 9/9	C35905	

Air Tickets/MCO/Tour Order
Tick. #

Land

GRAND HYATT NEW YORK
NEW YORK, NY
&**********

SHERSHOW 8	$232.99	
DUKAKIS 8	$325.34	
Harry 6 DICKSON 8	$200.19	
KELLER 8	$205.99	
Cindy KELLY 8	$202.01	
WEEKS 8	$230.44	
WILLIAMS	$361.85	
RIDEOUT	$ 0.85	
BROUNTAS 8	$200.19	
CATALDO 9, 10	$418.40	
BROWN 9, 10	$739.84	
RM SERVICE CHG	$ 38.00	
BENTSEN/DUKAKIS 8	$ 24.52	
BENTSEN 8	$373.54	
RM SVC CHG	$ 15.00	
RM SVC CHG	$105.80	$3,674.95
	Total Travel Purchased	$3,674.95

Credit Card # on ATC Doc. #
#

Credit Card Sent or Called to Vendor #
#

Credit Card Deposited by Garber Travel # Receipt #
Receipt

Cash or Check Received Date Receipt #
Date Receipt #

Other

Balance Due:

9504367462 02

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1½% PER MONTH

GARBER TRAVEL

1947 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787 0500

INVOICE 01,02,9341

682594

DATE: 10/24/88

PAGE

TO

DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:

BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME

REFERENCE 09

Agent #	Trip #	Dest	No. People	Inclusive Dates of Trip	Account No.	Amount
		NY		From: 9/6 To: 9/9	C35905	

Air Tickets/MCO/Tour Order

Tick #

Land

GRAND HYATT NEW YORK
NEW YORK, NY
****

RM SVC CHG	$ 61.92	
RM SVC CHG	$ 23.65	
RM SVC CHG	$ 71.32	
IN RM BKFST	$ 19.87	
RM. SVC. CHG	$ 25.05	
PHONE CALLS	$ 25.54	$227.35

Total Travel Purchased $227.35

Credit Card # on ATC Doc. #

Credit Card Sent or Called to Vendor #

Credit Card Deposited by Garber Travel # Receipt #

Cash or Check Received Date Receipt #

Other

Balance Due:

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE

9504367480

IMPORTANT
TOTAL

9 5 0 4 3 6 7 4 6 0 5

GRAND HYATT NEW YORK

PARK AVENUE AT GRAND CENTRAL

LAST INVOICE DATE	THIS INVOICE DATE	PAGE
09/09/88	09/14/88	1

REMIT TO:
P.O. BOX 4951
CHURCH STREET STATION
NEW YORK, NY 10261-4951

GARBER TVL/0907-09-88
ATTN; AMY ROSS/DUKAKIS
105 CHAUNCY
BOSTON MA 02111

ACCOUNT:
M-15393

AMOUNT ENCLOSED _____

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

DATE	INVOICE NUMBER	FOLIO NUMBER ROOM NUMBER	DESCRIPTION	CHARGES	PAYMENTS	BALANCE
09/09/88	1282		090988-BILLING	410.77		
09/09/88	1282	0	TOTAL	410.77	.00	410.77
09/09/88	1408	15393	RM SVC CHG	15.00		
09/09/88	1408	15393	RM SVC CHG	105.80		
09/09/88	1408	15393	RM SVC CHG	61.92		
09/09/88	1408	15393	RM SVC CHG	23.65		
09/09/88	1408	15393	RM SVC CHG	71.32		
09/09/88	1408	15396	TRAN RM SVC CHG	-32.05		
09/09/88	1408	15396	TRAN RM SVC CHG	-10.00		
09/09/88	1408	15396	TRAN RM SVC CHG	-54.05		
09/09/88	1408	15396	TRAN RM SVC CHG	-29.87		
09/09/88	1408	15396	TRAN RM SVC CHG	-16.48		
09/09/88	1408	15396	TRAN RM SVC CHG	-15.03		
09/09/88	1408	15396	TRAN RM SVC CHG	-493.09		
09/09/88	1408	15396	NEWSPAPER&DLVRY	-150.00		
09/09/88	1408	450821	IN ROOM NEWSPK	493.09		
09/09/88	1408	451080	IN ROOM BKFST	32.03		
09/09/88	1408	451282	IN ROOM BKFST	16.48		
09/09/88	1408	451495	IN ROOM BKFST	15.03		
09/09/88	1408	452204	IN ROOM BKFST	19.87		
09/09/88	1408	572	LOCAL TELEPHONE	.84		

Full payment is due upon receipt of invoice. All accounts are considered past due after 15 days.

9 5 0 4 3 6 7 4 6 0 6

GRAND HYATT NEW YORK

PARK AVENUE AT GRAND CENTRAL

LAST INVOICE DATE	THIS INVOICE DATE	PAGE
09/09/88	09/14/88	1 2

REMIT TO:
P.O. BOX 4951
CHURCH STREET STATION
NEW YORK, NY 10261-4951

ACCOUNT:
M-15393

GARBER TVL/0907-09-88
ATTN: AMY ROSS/DUKAKIS
105 CHAUNCY
BOSTON MA 02111

AMOUNT ENCLOSED

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

DATE	INVOICE NUMBER	FOLIO NUMBER ROOM NUMBER	DESCRIPTION	CHARGES	PAYMENTS	BALANCE
09/09/88	1408	427	LONG DISTANCE	7.08		
09/09/88	1408	499	LONG DISTANCE	4.69		
09/09/88	1408	507	LONG DISTANCE	.85		
09/09/88	1408	515	LONG DISTANCE	.85		
09/09/88	1408	529	LONG DISTANCE	.85		
09/09/88	1408	548	LONG DISTANCE	.85		
09/09/88	1408	558	LONG DISTANCE	.85		
09/09/88	1408	568	LONG DISTANCE	3.99		
09/09/88	1408	697	LONG DISTANCE	4.69		
09/09/88	1408		CITY L PAID OUT	52.64	- Bell + Door Staff	
09/09/88	1408		CITY L PAID OUT	88.36	Bell + Door Staff	
09/09/88	1408	15396	NESLIN TRMPT CK	(-11.00)		
09/09/88	1408	22134 3309	NAGOURNEY	200.19		
09/09/88	1408	22135 3309	NAGOURNEY	7.29		
09/09/88	1408	22455 2009	SIDLEY	714.95		
09/09/88	1408	22456 2009	SIDLEY	5.24		
09/09/88	1408	22464 1968	GRAND HYATT NEW YORK	696.3		
09/09/88	1408	22466 1968	ANTHOLIS	5.46		
09/09/88	1408	22467 2023	BUSS	440.05		
09/09/88	1408	22469 2101	FLORMAN	402.92		
09/09/88	1408	22470 2637	MARSHALL	669.43		
09/09/88	1408	22471 3002	KELLY	1.69		

9 5 0 4 3 6 7 4 6 0 7

GRAND HYATT NEW YORK

PARK AVENUE AT GRAND CENTRAL

LAST INVOICE DATE	THIS INVOICE DATE
03/09/88	03/14/88

REMIT TO:
P.O. BOX 4951
CHURCH STREET STATION
NEW YORK, NY 10261-4951

PAGE 1 3

ACCOUNT: M-15393

GARBER TVL/0907-09-88
ATTN:AMY ROSS/DUKAKIS
105 CHAUNCY
BOSTON MA 02111

AMOUNT ENCLOSED _____

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

DATE	INVOICE NUMBER	FOLIO NUMBER ROOM NUMBER	DESCRIPTION	CHARGES	PAYMENTS	BALANCE
09/09/88	1408	22472 3027	DUNCAN	200.19		
09/09/88	1408	22473 3040	WILEY	233.14		
09/09/88	1408	22475 3055	WILLIAMS	21.95		
09/09/88	1408	22482 3062	MITROPOLOS	276.97		
09/09/88	1408	22483 3063	OBRIEN	206.62		
09/09/88	1408	22485 3306	KINDER	200.19		
09/09/88	1408	22486 3307	MANTEL	207.44		
09/09/88	1408	22487 3308	STEINER	219.74		
09/09/88	1408	22490 3324	WORK RM/DUKAKIS	399.21		
09/09/88	1408	22491 3334	WARD	208.33		
09/09/88	1408	22493 3338	VIDES	203.59		
09/09/88	1408	22495 3339	WORK RM/BENTSEN	125.95		
09/09/88	1408	22497 3340	LATHROP	400.38		
09/09/88	1408	22498 3340	LATHROP	75.25		
09/09/88	1408	22502 3345	BENTSEN/VIP	2.00		
09/09/88	1408	22503 3346	ONEILL	288.14		
09/09/88	1408	22504 3350	GRAND HYATT NEW YORK	233.42		
09/09/88	1408	22506 3351	SIMS	244.37		
09/09/88	1408	22508 3352	SCHER	236.30		
09/09/88	1408	22510 3356	HALL	249.11		
09/09/88	1408	22511 3356	CLAYTON	31.60		
09/09/88	1408	22513 3409	COSTELLO	233.74		

Full payment is due upon receipt of invoice. All accounts are considered past due after 15 days.

9 5 0 4 3 6 7 4 6 0 8

GRAND HYATT NEW YORK

PARK AVENUE AT GRAND CENTRAL

LAST INVOICE DATE	THIS INVOICE DATE	PAGE
09/09/88	09/14/88	1 4

REMIT TO:
P.O. BOX 4951
CHURCH STREET STATION
NEW YORK, NY 10261-4951

GARBER TVL/0907-09-88
ATTN; AMY ROSS/DUKAKIS
105 CHAUNCY
BOSTON MA 02111

ACCOUNT:
M-15393

AMOUNT ENCLOSED _____

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

DATE	INVOICE NUMBER	FOLIO NUMBER ROOM NUMBER	DESCRIPTION	CHARGES	PAYMENTS	BALANCE
09/09/88	1408	22514 3427	SHERSHOW	232.9		
09/09/88	1408	22515 3429	DUKAKIS/VIP	325.3		
09/09/88	1408	22520 3430	DICKSON	200.1		
09/09/88	1408	22521 3441	KELLER	205.9		
09/09/88	1408	22832 3003	KELLY	202.0		
09/09/88	1408	22834 3046	WEEKS	230.44		
09/09/88	1408	22852 3055	WILLIAMS	361.8		
09/09/88	1408	22836 3325	RIDEOUT	.8		
09/09/88	1408	22833 3015	BROUNTAS	200.1		
09/09/88	1408	22900 2564	BICKS	256.81		
09/09/88	1408	22901 2628	COMPTON	256.81		
09/09/88	1408	22906 9509	RAY	256.81		
09/09/88	1408	22911 9509	BENTLEY	264.34		
09/09/88	1408	22912 9509	RUTHERFORD	256.81		
09/11/88	1408	23614 2023	CATALDO	418.40		
09/11/88	1408	23479 1862	BROWN/2NC	739.84		
09/14/88	1408	450898	RM SVC.CHG	38.00		12410.11
09/09/88	1408	22500 3344	Bentsen/Dukakis	24.52		
09/09/88	1408	22501 3345	Bentsen VIP	373.54		
09/09/88	1408	45117	RM SVC.CHG	54.05		
09/09/88	1408	45013	RM SVC.CHG	29.87		
09/09/88	1408	45059	RM SVC.CHG	10.00		
09/09/88	1408		C/L/ PAID OUT	52.64		
09/09/88	1408		C/L/ PAID OUT	201.16		
09/09/88	1408		RM. SVC.CHG	25.05		

CURRENT	OVER 30	OVER 60	OVER 90	OVER 120	TOTAL
410.77	.00	.00	.00	.00	$13,218.94

Full payment is due upon receipt of invoice. All accounts are considered past due after 15 days.

GARBER TRAVEL

1247 COMMONWEALTH AVENUE
BOSTON, MA 02215
617 787 0800

INVOICE

DATE: 9/7/88

PAGE:

TP 681802

TO
DUKAKIS GENERAL ELECTION
C/O JEAN DEVEBER
105 CHAUNCY STREET
BOSTON, MA 02111

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME:

REFERENCE: 24-LB

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip	Account No.	Amount
		TX		From: 8/25 To: 8/26	C35905	

Air Tickets/MCO/Tour Order
Tick. #

Land

FOUR SEASONS HOTEL
AUSTIN, TEXAS
****

STAFF ROOM	$95.86
—TERRI BERMAN 2s,2c	$235.86
JACK DEVORE	$96.70
—MARTY GLEASON 2s,2c	$211.10
LARRY HARRINGTON	$96.05
—MIKE JONES 2s,2c	$202.30
ED KNIGHT	$96.05
MIKE MCCURRY	$98.58
ELLEN MOSKOWITZ	$118.82
JOE O'NEILL	$103.85
VICKI RADD	$104.13
TOM REDDER	$96.05
mike SIMMS	$96.05
STEVE WARD	$96.05
JUDY WHITTLESEY	$96.05

Amount: $1,842.70

Total Travel Purchased: $1,842.70

Credit Card # on ATC Doc.

Credit Card Sent or Called to Vendor:

Credit Card Deposited by Garber Travel — Receipt #

Cash or Check Received — Date — Receipt #

Other

Balance Due:

9504336746009

8334

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH

[redacted]

GARY FERTIG
GARBER TRAVELSERVICE [redacted]

X

DATE 8/27/88	SERVER
AUTHORIZATION 027081	CASHIER
CHECK NO./FOLIO NO.	

0197 124 70
[illegible] 082788
1430131815 AMX
AUSTON, TX.

5674399

	PURCHASES
	TAX
	SERVER
	OTHER
2,377.82	TOTAL

SALES SLIP

THIS FORM TO BE USED WITH

MasterCard VISA

CUSTOMER COPY

PURCHASER SIGN HERE

X Signature on file

Cardholder acknowledges receipt of goods and/or services in the amount of the Total shown hereon and agrees to perform the obligations set forth in the Cardholder's agreement with the issuer

SAFEIPERF U.S. Pat. 4,403,793

IMPORTANT: RETAIN THIS COPY FOR YOUR RECORDS.

9504367461 0

Four Seasons Hotel
AUSTIN

FOLIO

98 SAN JACINTO BOULEVARD
AUSTIN, TEXAS 78701-4039
(512) 478-4500

BENTSEN, SEN L

CH-B BENAL

ROOM	941
RATE	85.00
NO PERS	1
FOLIO	107087
PAGE	01
ARRIV	08/26/88
DEPART	08/28/88
DEPOSIT	

DATE	REFERENCE	DESCRIPTION	AMOUNT
1988			
AUG26	121 00438 13	RIVERSIDE	147.58
AUG26	011 00941 00	ROOM CHG	85.00
AUG26	011 00941 00	ST RM TAX	5.10
AUG26	011 00941 00	CITY RM TX	5.95
		TOTAL-DUE	243.63
Aud 27	301 000031	Room Servc	30.92
		Total-Due	$274.55

1401

I agree to remain personally liable for the payment of this account if the corporation, or other third party billed, fails to pay part or all of these charges.

SIGNATURE

ROOM DATE DEPART CASHIER

AUS 100

9 5 0 4 3 6 7 4 6 1 1

63

Four Seasons Hotel
AUSTIN

98 SAN JACINTO BOULEVARD
AUSTIN, TEXAS 78701-4039
(512) 478-4500

FOLIO

BENTSEN STAFF--RT+PHONE

BM-A BEN

ROOM	
RATE	.00
NO PERS	0
FOLIO	106889
PAGE	01
ARRIV	08/25/88
DEPART	08/28/88
DEPOSIT	.00

DATE	REFERENCE	DESCRIPTION	AMOUNT
1988			
AUG27	001 06887 98	BELL CAPTA	134.00
AUG27	001 06887 98	ROOM RENTA	96.05 - Staff room
AUG27	001 06977 00	BENTSEN II	98.17
AUG27	001 06884 00	BERMAN, MS	235.86
AUG27	001 07076 00	DEVORE, MR	96.70
AUG27	001 06871 00	GLEASON, M	211.10
AUG27	001 07077 00	HARRINGTON	96.05
AUG27	001 06870 00	JONES, MR	202.30
AUG27	001 07078 00	KNIGHT, MR	96.05
AUG27	001 07079 00	MCCURRY, M	98.58
AUG27	001 07080 00	MOSKOWITZ,	118.82
AUG27	001 07085 00	ONEILL, MR	103.85
AUG27	001 07081 00	RADD, MS V	104.13
AUG27	001 07082 00	REDDER, MR	96.05
AUG27	001 07086 00	SIMS, MR M	96.05
AUG27	001 07083 00	WARD, MR S	96.05
AUG27	001 07084 00	WHITTLESEY	96.05
		TOTAL-DUE	2,075.86
	Mr. Bentsen III to pay own room charges	(Adjustment)	<98.17>
		TOTAL-Due	$1,977.69

I agree to remain personally liable for the payment of this account if the corporation, or other third party billed, fails to pay part or all of these charges.

SIGNATURE

ROOM DATE DEPART CASHIER

AUS 100

9 5 0 4 3 6 7 4 6 1 2

Four Seasons Hotel
AUSTIN

98 SAN JACINTO BOULEVARD
AUSTIN, TEXAS 78701-4039
(512) 478-4500

FOLIO

Bentsen Campaign
8/26-8/27

ROOM
RATE
NO PERS
FOLIO
PAGE
ARRIV.
DEPART
DEPOSIT

	Incidental charges as per attached folios.		$125.58
		Total Due	$125.58

I agree to remain personally liable for the payment of this account if the corporation or other third party billed fails to pay part or all of these charges

SIGNATURE

ROOM DATE DEPART CASHIER

9504367461 3

MJR
2715

FEDERAL ELECTION COMMISSION
91 APR 10 PM 2:38

April 8, 1991

#1

91 APR 10 PM 3:40

To:

Federal Election Commission:

In Response to your letter, that I must say upset me very much, I have to say that I cant remember very much about that day, and I will swear to that under oath. I remember that we gathered in our Greek Orthodox church waiting for Michael Dukakis to come, but he never came. I remember I wasnt there very long because I had my 2 young children with me and they were pulling me to go home because they were tired. Before we left there were people that were collecting contributions and everyone opened up their wallets

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I didnt have my checkbook with me and I must have given cash. To this day I dont remember how much I gave. I remember though that I filled out a white card and I cant recall if I took a receipt home with me. I did not know that its against the law to give cash. I just found out through your letter. I am a law abiding citizen and would never, ever do anything to break the law knowingly. I am an innocent housewife, that got very excited because a fellow Greek, had a chance of becoming a president to this great country. I was feeling very proud. I am sorry to say that I have no receipts or any kind of

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documents from that day. I was unsuccessful in finding out who was taking the contributions at the fund raiser, and I will swear to that under oath, that I just cant remember even faces let alone names. I dont belong to any kind of social circle that I would know these people. With this I conclude my letter and hope that I have answered your questions properly.

Sincerely,

Zoe Varakidis

P.S. My last name was spelled incorrectly on your letter. (VARAHIDIS)

Also I wasnt working then on the date in question and am not working now I am a housewife.

Thank you!

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

April 21, 1992

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 2715
Dukakis/Bentsen Committee, Inc. and
Robert A. Farmer, as treasurer

Dear Mr. Gross:

Based on a complaint filed with the Federal Election Commission, the Commission, on November 13, 1989, found that there was reason to believe the Dukakis/Bentsen Committee, Inc. ("Committee") and Robert A. Farmer, as treasurer, your clients, violated U.S.C. §§ 441a(a)(1)(A), 441a(f) and 26 U.S.C. § 9003(b), and 11 C.F.R. §§ 106.1(a), 110.8(d), 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 some violations have 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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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 Lisa E. Klein, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Dukakis/Bentsen Committee, Inc.,	)	MUR 2715
and	)	
Robert A. Farmer, as treasurer	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter arose from two complaints filed by Beau Boulter, 1988 candidate for the U.S. Senate from Texas, and Jann L. Olsten, Executive Director of the National Republican Senatorial Committee. Based on those complaints and responses received to them, the Commission found reason to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer (the "Presidential Committee"); and the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer (the "Senate Committee"), violated several provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), the Presidential Election Campaign Fund Act, 26 U.S.C. § 9001 et. seq., Chapter 95 of Title 26, U.S. Code (the "Fund Act"), and various Commission regulations found in Title 11 of the Code of Federal Regulations. Specifically, the Commission found reason to believe that the Presidential Committee had violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); 26 U.S.C. § 9003(b), 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3). As for the Senate Committee, the Commission found there was reason to believe it had violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3).

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II. ANALYSIS

Title 26 of the U.S. Code provides for public funding of Presidential elections via the Presidential Election Campaign Fund. In order to be eligible to receive public funding the candidates of major parties in a presidential election certify to the Commission that they will not incur qualified campaign expenses in excess of the aggregate payments to which they are entitled and that they will not accept any contributions to defray qualified campaign expenses. See 26 U.S.C. § 9003. Expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a), and such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the Presidential/Vice Presidential candidates. See 11 C.F.R. § 9002.11(b)(3); 26 U.S.C. § 9002(11).

At issue in this matter are various activities undertaken after the July 12, 1988 announcement of Senator Bentsen's selection as the Democratic Vice Presidential nominee for the 1988 campaign, and during his ensuing dual candidacy for the U.S. Senate from Texas and for the office of Vice President. The focus of the investigation centered on whether the Presidential Committee was circumventing the limitations imposed upon candidates receiving funding under the Fund Act, and whether the Presidential Committee misused public funds received under the Fund Act to make expenditures for activities unrelated to the Presidential campaign. In particular, the challenged activities

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involve phone bank services rendered to the Senate Committee, the distribution of campaign material by the Senate Committee, and campaign travel undertaken by Senator Bentsen.

A. Phone Bank

The Commission found reason to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) by making expenditures for a phone bank which allegedly benefited the Presidential Committee in excess of the prescribed $1,000 contribution limit. Consequently, the Commission also found reason to believe that the Presidential Committee knowingly accepted the phone bank as an in-kind contribution in violation of the 2 U.S.C. § 441a(f) prohibition against accepting excessive contributions and accepted private contributions to defray its qualified campaign expenses in violation of 26 U.S.C. § 9003(b)(2).

The Senate Committee maintains that the phone bank was a Senate campaign activity, operated solely to benefit the Senate Committee. The Senate Committee relies on the affidavit of Blaine H. Bull, Campaign Director of the Senate Committee, who explains that Senator Bentsen participated in a voter registration and get-out-the vote effort in connection with his 1982 Senate campaign that utilized similar phone banking. As a result of the success of that earlier effort, on April 15, 1988, the Senate Committee contracted with the commercial vendor, '88 Texas, Inc. ("88 Texas"), to conduct phone bank and other services. Specifically, 88 Texas was retained to do direct mail, prepare project plans and budgets, and to employ, supervise and assign adequate staff and subcontractors to complete these obligations.

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Senate Committee 12/9/88 Response ("Senate Response I") at 3.

The 88 Texas phone bank operation focused on voter identification. See Senate Response I, Patti Everitt affidavit. After 88 Texas had identified voters through the phone banking process, individual candidates and committees could purchase mailing lists, phone lists or walk-around lists for each specific campaign's utilization. At that point, the individual campaigns would make advocacy mailings or conduct their own individual advocacy phone banks. Senate Response I at 3.

The Senate Committee states that it contracted and paid 88 Texas $461,117 for the services it received; and that it did so in the same contractual manner as other 88 Texas clients. Senate Response I to Interrogatories at 3; See also, copy of contract, Senate Response I, Exhibit 1.[1] This Office is able to confirm that 88 Texas did provide phone banking and other services to the Democratic Senatorial Campaign Committee and other federal and state candidates in Texas during the 1988 elections including Congressmen Brooke, Pickle, Andrews and Coleman. December 9, 1988 Response of Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer (" D/B Response I"), at p. 2 and Senate Response I, affidavit of Patti Everitt. Each of these participating candidates or committees was charged proportionately to their expected benefit. Senate Response I at 4.

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1. The Senate Committee apparently requested and the Democratic Senatorial Campaign Committee agreed to pay, $327,000 to 88 Texas as coordinated party expenditures under 2 U.S.C. § 441a(d). Senate Response I to Interrogatories at 4; Blaine Bull Affidavit at 3.

According to the President of 88 Texas, the telephone scripts developed for the phone bank activity utilized Senator Bentsen's name "because he is a highly respected and very popular public figure in the state of Texas." Senate Response I, Patti Everitt affidavit at 3. The Senate Committee emphasizes that the advocacy message of these phone scripts was to encourage support for the entire Democratic ticket. The Senate and Presidential Committees maintain that it is normal for party candidates in Senatorial and Congressional races to evaluate their position relative to the candidates at the top of the ballot through such opinion polls. D/B Response I at 2. Of the 11 phone scripts submitted, the only reference to the Bentsen Vice Presidential contest comes in the form of a single question in one of the scripts. That isolated question inquires whether the call recipient would vote for the Dukakis/Bentsen or the Bush/Quayle slate. Senate Response I at Exhibit 2. Respondents maintain that the phone bank operation was conducted primarily before Senator Bentsen had been designated as the Vice Presidential nominee. The Senate Committee furthermore asserts that by the beginning of August, the Presidential/Vice Presidential preference question had been eliminated from the phone bank scripts, in favor of other scripts produced in response to the Commission's discovery requests. Senate Response I at 4. The Senate Committee and the Presidential Committee maintain that at no time did the Senate Committee transfer or provide any of the phone bank generated information to the Presidential or Vice Presidential campaigns. Senate Response I Interrogatories, p. 6; Senate Response I at the Bull Affidavit p. 3. Furthermore, the

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Presidential Committee states that it did not enter into any joint agreement with any other candidate, political party, or political committee or 88 Texas for services relevant to this investigation. D/B Response I, Interrogatories Answer 2.

The Act and the Commission's regulations exempt from the definition of contribution or expenditure payments by state and local committees of a political party for voter registration and get-out-the-vote activities conducted on behalf of its nominees for President and Vice President. See 2 U.S.C. § 431(8)(B)(xii). However, payments for phone bank activity that does not qualify for this exemption would be considered contributions and expenditures under the Act, to be allocated in accordance with 11 C.F.R. § 106.1. Under this regulation, the costs of the phone bank activity would have to be attributed to each participating or benefiting candidate according to the benefit reasonably expected to be derived.

The phone bank activity in question here clearly does not fall within the statutory exemption since it was not conducted by a state or local committee. In this instance, Senator Bentsen, on whose behalf the phone bank activity was conducted, arguably could have benefited from the efforts as a Vice Presidential candidate and the costs associated therewith should have been allocated. However, the General Counsel notes that the phone bank activity appears to have been conducted primarily in the context of the Senate race with only one question of many from a large series of questions actually referencing the Vice Presidential contest. It further appears that this isolated question ran for a short,

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albeit undetermined time.[2] In light of these factors, the Office of the General Counsel recommends that the Commission find probable cause to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, violated 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee financing of phone banks but take no further action.[3]

B. Communications Distributed by the Senate Committee

The Senate Committee produced and distributed two items challenged by complainants in this matter: a July 12, 1988 mailgram and a newsletter dated September 23, 1988. With regard to the mailgram, the Commission approved discovery requests designed to elicit information pertaining to the list used by the committee. With regard to the September newsletter, the Commission found that the Senate Committee had violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee and that the Presidential Committee violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting a contribution in the form of the Senate Committee paid newsletter.

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2. The assertion that the Presidential/Vice Presidential preference question had been eliminated by the beginning of August cannot be correct. The vice presidential preference question specifically references Dan Quayle, and he was not even announced as George Bush's running mate until August 16, 1988. Therefore, this question could have been asked only after both parties had nominated their respective candidates, and the responses obtained would have been all the more relevant to the presidential contest.

3. The Commission found reason to believe that the Presidential Committee and its treasurer had violated both 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b). Upon further consideration, this Office believes it is more appropriate to proceed solely with the violation of 26 U.S.C. § 9003(b).

Under the Act the definitions of "contribution" and "expenditure" encompass any purchases, payments, distributions, gifts, subscriptions, loans, advances, or deposits of money or anything of value made by any person "for the purpose of influencing any election for Federal office." See 2 U.S.C. §§ 431(8)(A) and (9)(A). The Commission has construed these terms broadly; anything of value expended for the purpose of influencing a particular election will be considered an expenditure or contribution, unless otherwise exempt under the Act.

One exception delineated by the Act and Commission regulations is the so-called "coattail exception." Under this exception, payments by a candidate (or by the candidate's authorized committee) for campaign materials that include information on or reference to any other candidate for Federal office, and which are used in connection with volunteer activities (including handbills and brochures), are not a contribution to the candidate so referred to, so long as the communication is not disseminated by direct mail or similar types of general public communication or political advertising. 2 U.S.C. § 431(8)(B)(XI) and 11 C.F.R. §§ 100.7(b)(16) and 100.8(b)(17). In this context, the regulations define "direct mail" as "any mailing(s) by commercial vendors or mailings made from lists which were not developed by the candidate." 11 C.F.R. § 100.7(b)(16).

In the present case, the Senate Committee's July 12, 1988 mailgram states in its entirety:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee

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> and I have accepted. I will also continue my race for re-election to the Senate. Were I to resign from that race the law would not permit a replacement on the ballot, so there will be two races as happened one other time in Texas history. I am deeply grateful for the confidence you have shown in me and for the tremendous bipartisan support I have received. I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support. Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified and the voters should be given a clear choice in a special election at a later date. I hope I can count on your continued leadership during this critical period.

This mailgram was dated the very day of Governor Dukakis' announcement that Senator Bentsen would be his running mate. It was sent to 2,076 individuals: all 254 Senate Committee county coordinators; selected contributors, who had given more than $1,000; and members of two Republican and Independent committees who had endorsed Senator Bentsen's Senate re-election bid. Senate Response I to Interrogatories at 7-8. All of these entities were gleaned from various in-house lists developed by the Senate Committee. Senate Response I (Bull Affidavit at 4). The Senate Committee paid Western Union Electronic Mail, Inc., $9,964.80 to produce and distribute the mailgram, and the production and distribution of this mailgram was handled without any participation by Presidential or Vice Presidential campaign staff. Senate Response I to Interrogatories at 7-8 and D/B Response I at 3-4.

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Even though the Senate Committee apparently used a mailing list that it had compiled itself, the fact that the Senate Committee used a commercial vendor to produce and disseminate the mailgram requires that the communication be considered "direct mail," and precludes it from qualifying for the coattail exception. Moreover, the very text of the mailgram more than merely references the Vice Presidential nomination; in it Senator Bentsen states that he "believe[s] that the Democratic ticket will prevail in November and that [his] nomination is of great importance to Texas and its future."

The second communication at issue, a September 23, 1990 campaign newsletter, was sent to approximately 8,300 recipients from a mailing list developed and maintained by the Senate Committee.[4] The Presidential Committee asserts that it had no involvement in the creation or distribution of the Senate Committee newsletter, and in fact was unaware of its existence until well after its distribution. See January 16, 1990 Response of Dukakis/Bentsen Committee, Inc. and Robert A.

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4. The communication in question is printed on Senator Bentsen's election committee stationery and is entitled "CAMPAIGN NEWSLETTER." It is addressed to "Interested Texans," and below this is the subheading "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" The newsletter, which states that it is "[p]aid for by the Senator Bentsen Election Committee," consists of nine short paragraphs; the first of which quotes Beau Boulter as saying that Senator Bentsen "is teamed with an enemy of the state's oil and gas industry." The newsletter then identifies Michael Dukakis as Senator Bentsen's running mate in the presidential race and denies that Dukakis is an enemy of Texas. The newsletter instead identifies then Senator Quayle, "the Republican nominee for Vice-President," as the purported enemy and references his positions which are characterized as adverse to Texas' interests.

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Farmer, as treasurer ("D/B Response II") at 3. The Senate Committee states that it spent approximately $3,355 for the production and distribution of the September 23, 1988 newsletter. Senate Response II, Interrogatory A(5). The Senate Committee produced a bill for $1,755.42 from the Xerox Corporation in Santa Ana, California, a commercial vendor, for "duplicating, stitching and hand folding" the newsletter. See Senate Response II, Exhibit III. Once printed, the newsletter was labeled and mailed by volunteers at the Senate Committee headquarters. Senate Response II at 4. Although the involvement of the commercial vendor raises the issue of the sufficiency of the volunteer activity, in light of recent Commission determinations, e.g. MUR 2270, this would appear to be sufficient volunteer activity to qualify for the exemption.[5]

For the reasons discussed above, the Office of the General Counsel recommends that the Commission find no probable cause to believe that the Dukakis/Bentsen Committee, Inc. and Robert A.

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5. The Senate Committee previously asserted that the newsletter was a response to a Texans for Beau Boulter mailing, as well as Dan Quayle's scheduled appearances with Beau Boulter, both of which allegedly brought Vice Presidential candidate Dan Quayle into the realm of relevant issues. The Senate Committee's assertions that the Boulter mailing claims Senator Bentsen "is teamed with an enemy of the state's oil and gas industry," and that the "Quayle issue" arose from the prior mailing are not confirmed by the actual Boulter communication produced by the Senate Committee. The Boulter mailing is entitled "A Guide to Texas' Future: The Dukakis-Bentsen Plan for Texas." Senate Response II, Exhibit I. Contrary to the Senate Committee's contention, the Boulter mailing does not mention Senator Quayle and thus undercuts the Senate Committee's assertion that it was responding to Senator Boulter's introduction of the "Quayle issue" via the previous Boulter newsletter.

Farmer, as treasurer, violated 2 U.S.C. § 441a(f) or 26 U.S.C. § 9003(b) as the result of the newsletter's publication.

C. Allocation of Expenses for Campaign Travel

The Commission found that there was reason to believe that the Senate and Presidential Committees and their treasurers violated 11 C.F.R. §§ 106.1(a), and 110.8(d)(2) and (3) by sharing services and personnel and by failing to allocate air travel, food and lodging during campaign tours undertaken by Senator Bentsen that involved both Senatorial and Vice-Presidential campaigning. As a result, the Commission also found reason to believe that the Presidential Committee and its treasurer violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee; and that the Senate Committee and its treasurer violated 2 U.S.C. § 441a(f) by accepting in-kind contributions in excess of the $1,000 limit under 2 U.S.C. § 441a(a)(1)(A).

The Act expressly contemplates dual candidacies. See 2 U.S.C. § 441a(a)(5)(C). Section 110.8(d)(1) of the regulations provides that "if an individual is a candidate for more than one Federal office . . . [that candidate] must designate separate principal campaign committees and establish completely separate campaign organizations." The subject of allocation is broached in Section 110.8(d)(3), where the regulations state that "[e]xcept for Presidential candidates . . . campaigns may share personnel and facilities, as long as expenditures are allocated between the campaigns, and

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the payment made from each campaign account reflects the allocation."

Commission regulation 11 C.F.R. § 110.8(d) could be read to forbid any campaign activity in the case of a publicly financed dual candidacy that involves having personnel from both campaigns simultaneously at the same place because such activity could constitute the sharing of personnel and facilities by the separate campaigns of a dual candidate. However, such a reading effectively would preclude dual campaigns where one of the campaigns receives public financing. As a practical matter, situations will inevitably arise within the context of such dual candidacies where personnel from both campaigns are present and/or use common modes of travel such as chartered airplanes. In such instances, allocating the common costs for items that benefit both campaigns would allow for dual candidacies while effectuating the regulatory goal of ensuring that each campaign be held financially accountable for its share of expenses.[6]

With regard to allocation, Commission regulations specify that, as a general rule, expenditures made on behalf of two or more Federal candidates, shall be "attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived." See 11 C.F.R. § 106.1(a); AO 1980-38; AO 1986-30. In the context of publicly financed

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6. On the other hand, the common use of certain facilities such as office space, meeting or conference rooms, or use of common staff could quite easily be prohibited under 11 C.F.R. § 110.8(d)(3) without unduly burdening, either physically or financially, the ability of individuals to maintain dual candidacies.

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campaigns, expenditures for travel relating to a Presidential or Vice-Presidential campaign are considered to be qualified campaign expenses and are reported as such subject to the provisions of 11 C.F.R. § 9004.7(b). See 11 C.F.R. § 9004.7(a). Section 9004.7(b)(2) provides that where trips include campaign-related and non-campaign related stops, the portion of the cost of the trip allocable to campaign activity shall be a qualified campaign expense. The section further provides that "[i]f any campaign activity, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related."

The Senate Committee maintains that "[n]o campaign office or facility was shared between the Senate campaign and the Presidential or Vice Presidential campaign, nor did any office or facility of either the Senate campaign or the Presidential or Vice Presidential campaign distribute campaign materials for both campaigns." Senate Response I to Interrogatories at 6-7 and Bull Affidavit at 4. The Presidential Committee also denies that any violation of Section 110.8(d) occurred because it maintains that no common facilities were utilized by the campaigns. See D/B Response II (Affidavit of Peter L. Scher at 2). Thomas C. Cosgrove, Texas Campaign Director of the Dukakis/Bentsen Campaign, avers that "The Dukakis/Bentsen Committee, Inc. did not share any office space or facilities with the Bentsen Senate campaign." Cosgrove Affidavit at 2.

The discovery in this matter revealed that during the 15 week dual candidacy period, Senator Bentsen held

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approximately ten meetings/fundraisers with Senate campaign supporters while on Presidential campaign trips. It appears that the Senate Committee paid the costs of all facilities utilized for meetings and fundraisers on its behalf, even when such events occurred during Vice Presidential travel swings. However, it also appears that Presidential Committee staff traveled with Bentsen and his Senate Committee staffers to certain Senate campaign stops during such trips. According to one Presidential Committee Response, the Presidential Committee paid some $56,124.21 for room and board for Presidential Committee staffers to accompany Senator Bentsen on Senate campaign stops. See Supplemental Response (April 25, 1990) at 2 ("D/B Response III"). Although Senator Bentsen's schedule for Senate activities was arranged by Melissa Warren, a paid employee of the Senate Committee, Presidential Committee staff were involved in coordinating travel with the Presidential Committee's activities. Senate Response II to Interrogatories at p. 6. However, the Presidential Committee contends that:

> When Senator Bentsen made a Senate campaign stop on a Vice-Presidential trip, the Dukakis/Bentsen campaign did not pay for any of the advance work, facilities, ground transportation, or provide any staff to the Senate campaign portion of the trip.

D/B Response III, Citing Affidavit of Peter L. Scher, attached to Response of January 16, 1990, ¶ 2.

As discussed above, most of the Presidential Committee expenditures for its staff to accompany Senator Bentsen are in line with holding each committee responsible for its own staff and related expenditures. Given the organization of these

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campaign swings, which included appearances related to both campaigns, it appears economically and politically sensible for staff from both committees to have accompanied the Senator.

The Presidential Committee contends that the airfare for these trips was paid for by the Democratic National Committee (the "DNC") pursuant to 2 U.S.C. § 441a(d). D/B Response II at 5.[7] The Presidential Committee therefore argues that it could not have made any impermissible expenditures on behalf of the Senate Committee, because all travel costs were paid for by the DNC. The Senate and Presidential Committees also assert that all of the Senate related appearances by Senator Bentsen during Vice-Presidential travel were "incidental" to his primary purpose and resulted from efforts to "squeeze" Senate events into Bentsen's busy Vice Presidential campaign schedule.

The facts, however, do not substantiate Respondents' arguments. Although Respondents contend that all charter flights of Senator Bentsen and his traveling party to the Senate events during the Vice Presidential trips were paid by the DNC, 2 U.S.C. § 441a(d)(2), no documentation was produced to support this claim.[8] Based upon an examination of documents and

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7. According to respondents, the DNC payments amounted to an overall cost of $347,149.86, and no allocation was made to, and no costs were paid by, the Senate Committee. D/B Response II at 5 and D/B Response II to Interrogatories at 4. When the DNC payments for airfare are aggregated with other DNC payments on behalf of the Senate or Presidential Committees, it does not appear that the DNC exceeded the limits imposed under 2 U.S.C. § 441a(d).

8. In fact, the Senate Committee could not even produce itineraries for these campaign swings, but instead relied on the Presidential Committee's response regarding itinerary.

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materials produced in connection with the Commission's audit of the Presidential Committee, it appears that the DNC did not make payments for two of the Senate-related campaign legs at issue in this matter. Rather, the Presidential Committee paid for these legs directly. See Chart of Trips, Attached hereto.[9]

The first trip leg which does not reflect a DNC reimbursement was from Hot Springs, Arkansas to Austin, Texas on August 26, 1988, for attendance at a county coordinators' meeting related to the Senate campaign scheduled for August 27, 1988. The Commission's audit materials indicate that the Presidential Committee paid $6,933.79 for 12 staff members to travel on this leg of the trip which was undertaken for a Senate campaign function. The second trip leg which does not reflect a DNC payment was from Midland to Lubbock, Texas on September 20, 1988, for attendance at a Senate campaign fundraiser.[10] In this instance the Commission's audit materials indicate that the Presidential Committee paid for 11 staff members to travel on this leg at a total cost of $2,056.34.

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9. Those trips for which the DNC made no corresponding payment for air transportation are denoted in bold print in the attached chart. In the other instances shown on the attached chart, the DNC made unitemized payments to the travel agency which handled all of Bentsen's travel arrangements. While those payments generally relate to the given trips, there is no indication that they specifically cover air transportation. In instances where both the DNC and the Presidential Committee made payments to the travel agency for expenses related to the given trips which exceeded actual costs, the travel agency reimbursed the Presidential Committee.

10. After spending the evening in Lubbock, the next day the Bentsens visited a hospital and a high school, and then gave three television interviews before leaving for Sacramento at 11:05 a.m. on Presidential Committee campaign activities.

Moreover, Respondents' argument that any senatorial business conducted while on Vice Presidential trips was of such short duration as to be merely "incidental," and thus not campaign related, is premised upon a misunderstanding of 11 C.F.R. § 106.3. Contrary to respondents' suggestion, the actual amount of time an event lasts does not determine whether it constitutes an "incidental contact" as that term is used in the regulations. The Explanation and Justification of Section 106.3 explains the concept of an "incidental campaign stop," stating that where a candidate makes one campaign-related appearance in a city, the trip to that city is campaign-related. However, if a candidate makes a non-political speech to a civic association luncheon and, upon leaving, chats with a few attendees about his upcoming campaign, that conversation would not make the appearance campaign-related. Thus, the regulations only prevent an otherwise non-campaign related activity from becoming a campaign related activity due to an incidental contact.[11] The example provided in the Explanation and Justification is far afield from what transpired here, in that the designated Senate campaign appearances/meetings required planning, advanced scheduling and travel exclusively for Senate

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11. Similarly, in Advisory Opinion 1986-6, the Commission determined that under certain circumstances a political committee organized by the Vice President may pay expenses for various appearances to promote the Republican Party without such expenditures being attributed to the Vice President. The Commission noted that references to the Vice President's candidacy would be acceptable only where it resulted from "incidental contacts and incidental remarks, such as those in response to questions." See AO 1986-6

related business. These were not "off-the-cuff" remarks or spontaneous meetings. Such planned Senate campaign appearances cannot fairly be described as incidental in nature, and thus travel to the various destinations for those stops is related to the Senate campaign, which is responsible for the transportation costs associated with them.

Even if the regulations excluded "short meetings" of secondary importance and/or of de minimus benefit from the realm of campaign related activity, it appears that the events here would not qualify. According to the itinerary documents produced, only two of them lasted less than one hour in duration, and one meeting lasted the entire day. Furthermore, attendance at Senate related events required planning and often involved significant travel unrelated to the Presidential campaign. The August 27, 1988 Senate campaign event in Austin, for example, required travel from Hot Springs, Arkansas to Austin, Texas. Similarly, a West Palm Beach, Florida Senate Fundraiser required travel from North Carolina to Florida solely for attendance at the fundraiser.

As a result of the investigation into this matter it appears that the two committees associated with Senator Bentsen usually paid for the expenses associated with their respective campaigns, except in the two instances outlined above. The Office of the General Counsel thus recommends that the Commission find probable cause to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as

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treasurer, violated 11 C.F.R. §§ 106.1[12] and 110.8(d)(2) by improperly sharing transportation without allocating the costs appropriately.

The Office of the General Counsel further recommends that the Commission find probable cause to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee. In this regard the Office of the General Counsel also recommends that the Commission find probable cause to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer, violated 26 U.S.C. § 9004(c) by making nonqualified campaign expenditures. The Commission previously found reason to believe that the Presidential Committee and the Senate Committee also violated 11 C.F.R. § 118.8(d)(3), but the investigation reveals that no personnel or facilities were shared between the two committees. Therefore, this Office recommends that the Commission find no probable cause to believe that the Dukakis/Bentsen Committee, Inc., and Robert A. Farmer, as treasurer violated 11 C.F.R. § 110.8(d)(3).

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12. In allocating the travel costs in the present situation 11 C.F.R. § 106.1(a) would require a split according to the reasonable benefit derived by each respondent. Section 9004.7(b)(2) would determine allocable cost from the point of origin to return. It seems that the Senate Committee should have paid for transportation from Hot Springs, Arkansas to Austin, Texas and then back to Washington, D.C. Similarly, the Senate Committee should have been responsible for the air transportation from Midland, Texas to Lubbock, Texas, for attendance at the Senate fundraiser held in Lubbock. These costs total $8,990.13.

IV. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A); 11 C.F.R. § 106.1(a); 11 C.F.R. § 110.8(d)(2); 26 U.S.C. § 9004(c).

2. Find probable cause to believe that Dukakis/Bentsen, Inc. and Robert A. Farmer, as treasurer, violated 26 U.S.C. § 9003(b) in connection with the Senate financing of phone banks but take no further action.

3. Find no probable cause to believe that Dukakis/Bentsen, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 441a(f) or 26 U.S.C. § 9003(b) as a result of the Senate Committee newsletter publication.

4. Find no probable cause to believe that Dukakis/Bentsen, Inc. and Robert A. Farmer, as treasurer violated 11 C.F.R. § 110.8(d)(3)

4/21/92
Date

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1992

Robert F. Bauer & Judith L. Corley
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

MUR 2715
The Senator Lloyd Bentsen Election
Committee and
H. Grant Taylor, as treasurer

Dear Mr. Bauer and Ms. Corley:

Based on a complaint filed with the Federal Election Commission, the Commission, on November 13, 1989, found that there was reason to believe the Dukakis/Bentsen Committee, Inc. ("Committee") and Robert A. Farmer, as treasurer, your clients, violated U.S.C. §§ 441a(a)(1)(A), 441a(f), and 11 C.F.R. §§ 106.1(a) and 110.8(d), 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 some violations have 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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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 Lisa E. Klein, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Senator Lloyd Bentsen Election Committee and	)	MUR 2715
	)	
H. Grant Taylor, as treasurer	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter arose from two complaints filed by Beau Boulter, 1988 candidate for the U.S. Senate from Texas, and Jann L. Olsten, Executive Director of the National Republican Senatorial Committee. Based on those complaints and responses received to them, the Commission found reason to believe that Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer (the "Senate Committee"), violated several provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), the Presidential Election Campaign Fund Act, 26 U.S.C. § 9001 et. seq., Chapter 95 of Title 26, U.S. Code (the "Fund Act"), and various Commission regulations found in Title 11 of the Code of Federal Regulations. Specifically, the Commission found reason to believe that the Presidential Committee had violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); 26 U.S.C. § 9003(b), 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3). As for the Senate Committee, the Commission found there was reason to believe it had violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3).

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II. ANALYSIS

Title 26 of the U.S. Code provides for public funding of Presidential elections via the Presidential Election Campaign Fund. In order to be eligible to receive public funding the candidates of major parties in a presidential election certify to the Commission that they will not incur qualified campaign expenses in excess of the aggregate payments to which they are entitled and that they will not accept any contributions to defray qualified campaign expenses. See 26 U.S.C. § 9003. Expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a), and such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the Presidential/Vice Presidential candidates. See 11 C.F.R. § 9002.11(b)(3); 26 U.S.C. § 9002(11).

At issue in this matter are various activities undertaken after the July 12, 1988 announcement of Senator Bentsen's selection as the Democratic Vice Presidential nominee for the 1988 campaign, and during his ensuing dual candidacy for the U.S. Senate from Texas and for the office of Vice President. The focus of the investigation centered on whether the Presidential Committee was circumventing the limitations imposed upon candidates receiving funding under the Fund Act, and whether the Presidential Committee misused public funds received under the Fund Act to make expenditures for activities unrelated to the Presidential campaign. In particular, the challenged activities

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involve phone bank services rendered to the Senate Committee, the distribution of campaign material by the Senate Committee, and campaign travel undertaken by Senator Bentsen.

A. Phone Bank

The Commission found reason to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) by making expenditures for a phone bank which allegedly benefited the Presidential Committee in excess of the prescribed $1,000 contribution limit. Consequently, the Commission also found reason to believe that the Presidential Committee knowingly accepted the phone bank as an in-kind contribution in violation of the 2 U.S.C. § 441a(f) prohibition against accepting excessive contributions and accepted private contributions to defray its qualified campaign expenses in violation of 26 U.S.C. § 9003(b)(2).

The Senate Committee maintains that the phone bank was a Senate campaign activity, operated solely to benefit the Senate Committee. The Senate Committee relies on the affidavit of Blaine H. Bull, Campaign Director of the Senate Committee, who explains that Senator Bentsen participated in a voter registration and get-out-the vote effort in connection with his 1982 Senate campaign that utilized similar phone banking. As a result of the success of that earlier effort, on April 15, 1988, the Senate Committee contracted with the commercial vendor, '88 Texas, Inc. ("88 Texas"), to conduct phone bank and other services. Specifically, 88 Texas was retained to do direct mail, prepare project plans and budgets, and to employ, supervise and assign adequate staff and subcontractors to complete these obligations.

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Senate Committee 12/9/88 Response ("Senate Response I") at 3.

The 88 Texas phone bank operation focused on voter identification. See Senate Response I, Patti Everitt affidavit. After 88 Texas had identified voters through the phone banking process, individual candidates and committees could purchase mailing lists, phone lists or walk-around lists for each specific campaign's utilization. At that point, the individual campaigns would make advocacy mailings or conduct their own individual advocacy phone banks. Senate Response I at 3.

The Senate Committee states that it contracted and paid 88 Texas $461,117 for the services it received; and that it did so in the same contractual manner as other 88 Texas clients. Senate Response I to Interrogatories at 3; See also, copy of contract, Senate Response I, Exhibit 1.[1] This Office is able to confirm that 88 Texas did provide phone banking and other services to the Democratic Senatorial Campaign Committee and other federal and state candidates in Texas during the 1988 elections including Congressmen Brooke, Pickle, Andrews and Coleman. December 9, 1988 Response of Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer (" D/B Response I"), at p. 2 and Senate Response I, affidavit of Patti Everitt. Each of these participating candidates or committees was charged proportionately to their expected benefit. Senate Response I at 4.

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1. The Senate Committee apparently requested and the Democratic Senatorial Campaign Committee agreed to pay, $327,000 to 88 Texas as coordinated party expenditures under 2 U.S.C. § 441a(d). Senate Response I to Interrogatories at 4; Blaine Bull Affidavit at 3.

According to the President of 88 Texas, the telephone scripts developed for the phone bank activity utilized Senator Bentsen's name "because he is a highly respected and very popular public figure in the state of Texas." Senate Response I, Patti Everitt affidavit at 3. The Senate Committee emphasizes that the advocacy message of these phone scripts was to encourage support for the entire Democratic ticket. The Senate and Presidential Committees maintain that it is normal for party candidates in Senatorial and Congressional races to evaluate their position relative to the candidates at the top of the ballot through such opinion polls. D/B Response I at 2. Of the 11 phone scripts submitted, the only reference to the Bentsen Vice Presidential contest comes in the form of a single question in one of the scripts. That isolated question inquires whether the call recipient would vote for the Dukakis/Bentsen or the Bush/Quayle slate. Senate Response I at Exhibit 2. Respondents maintain that the phone bank operation was conducted primarily before Senator Bentsen had been designated as the Vice Presidential nominee. The Senate Committee furthermore asserts that by the beginning of August, the Presidential/Vice Presidential preference question had been eliminated from the phone bank scripts, in favor of other scripts produced in response to the Commission's discovery requests. Senate Response I at 4. The Senate Committee and the Presidential Committee maintain that at no time did the Senate Committee transfer or provide any of the phone bank generated information to the Presidential or Vice Presidential campaigns. Senate Response I Interrogatories, p. 6; Senate Response I at the Bull Affidavit p. 3. Furthermore, the

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Presidential Committee states that it did not enter into any joint agreement with any other candidate, political party, or political committee or 88 Texas for services relevant to this investigation. D/B Response I, Interrogatories Answer 2.

The Act and the Commission's regulations exempt from the definition of contribution or expenditure payments by state and local committees of a political party for voter registration and get-out-the-vote activities conducted on behalf of its nominees for President and Vice President. See 2 U.S.C. § 431(8)(B)(xii). However, payments for phone bank activity that does not qualify for this exemption would be considered contributions and expenditures under the Act, to be allocated in accordance with 11 C.F.R. § 106.1. Under this regulation, the costs of the phone bank activity would have to be attributed to each participating or benefiting candidate according to the benefit reasonably expected to be derived.

The phone bank activity in question here clearly does not fall within the statutory exemption since it was not conducted by a state or local committee. In this instance, Senator Bentsen, on whose behalf the phone bank activity was conducted, arguably could have benefited from the efforts as a Vice Presidential candidate and the costs associated therewith should have been allocated. However, the General Counsel notes that the phone bank activity appears to have been conducted primarily in the context of the Senate race with only one question of many from a large series of questions actually referencing the Vice Presidential contest. It further appears that this isolated question ran for a short,

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albeit undetermined time.[2] In light of these factors, the Office of the General Counsel recommends that the Commission find probable cause to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) but take no further action in connection with the Senate Committee financing of phone banks.

B. Communications Distributed by the Senate Committee

The Senate Committee produced and distributed two items challenged by complainants in this matter: a July 12, 1988 mailgram and a newsletter dated September 23, 1988. With regard to the mailgram, the Commission approved discovery requests designed to elicit information pertaining to the list used by the committee. With regard to the September newsletter, the Commission found that the Senate Committee had violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee and that the Presidential Committee violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting a contribution in the form of the Senate Committee paid newsletter.

Under the Act the definitions of "contribution" and "expenditure" encompass any purchases, payments, distributions, gifts, subscriptions, loans, advances, or deposits of money or

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2. The assertion that the Presidential/Vice Presidential preference question had been eliminated by the beginning of August cannot be correct. The vice presidential preference question specifically references Dan Quayle, and he was not even announced as George Bush's running mate until August 16, 1988. Therefore, this question could have been asked only after both parties had nominated their respective candidates, and the responses obtained would have been all the more relevant to the presidential contest.

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anything of value made by any person "for the purpose of influencing any election for Federal office." See 2 U.S.C. §§ 431(8)(A) and (9)(A). The Commission has construed these terms broadly; anything of value expended for the purpose of influencing a particular election will be considered an expenditure or contribution, unless otherwise exempt under the Act.

One exception delineated by the Act and Commission regulations is the so-called "coattail exception." Under this exception, payments by a candidate (or by the candidate's authorized committee) for campaign materials that include information on or reference to any other candidate for Federal office, and which are used in connection with volunteer activities (including handbills and brochures), are not a contribution to the candidate so referred to, so long as the communication is not disseminated by direct mail or similar types of general public communication or political advertising. 2 U.S.C. § 431(8)(B)(XI) and 11 C.F.R. §§ 100.7(b)(16) and 100.8(b)(17). In this context, the regulations define "direct mail" as "any mailing(s) by commercial vendors or mailings made from lists which were not developed by the candidate." 11 C.F.R. § 100.7(b)(16).

In the present case, the Senate Committee's July 12, 1988 mailgram states in its entirety:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee and I have accepted. I will also continue my race for re-election to the Senate. Were I to resign from that race the law would not permit a replacement on the ballot, so there will be two races as happened one other time in Texas history. I am deeply grateful for the confidence you have

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> shown in me and for the tremendous bipartisan support I have received. I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support. Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified and the voters should be given a clear choice in a special election at a later date. I hope I can count on your continued leadership during this critical period.

This mailgram was dated the very day of Governor Dukakis' announcement that Senator Bentsen would be his running mate. It was sent to 2,076 individuals: all 254 Senate Committee county coordinators; selected contributors, who had given more than $1,000; and members of two Republican and Independent committees who had endorsed Senator Bentsen's Senate re-election bid. Senate Response I to Interrogatories at 7-8. All of these entities were gleaned from various in-house lists developed by the Senate Committee. Senate Response I (Bull Affidavit at 4). The Senate Committee paid Western Union Electronic Mail, Inc., $9,964.80 to produce and distribute the mailgram, and the production and distribution of this mailgram was handled without any participation by Presidential or Vice Presidential campaign staff. Senate Response I to Interrogatories at 7-8 and D/B Response I at 3-4.

Even though the Senate Committee apparently used a mailing list that it had compiled itself, the fact that the Senate Committee used a commercial vendor to produce and disseminate the

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mailgram requires that the communication be considered "direct mail," and precludes it from qualifying for the coattail exception. Moreover, the very text of the mailgram more than merely references the Vice Presidential nomination; in it Senator Bentsen states that he "believe[s] that the Democratic ticket will prevail in November and that [his] nomination is of great importance to Texas and its future."

The second communication at issue, a September 23, 1990 campaign newsletter, was sent to approximately 8,300 recipients from a mailing list developed and maintained by the Senate Committee.[3] The Presidential Committee asserts that it had no involvement in the creation or distribution of the Senate Committee newsletter, and in fact was unaware of its existence until well after its distribution. See January 16, 1990 Response of Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer ("D/B Response II") at 3. The Senate Committee states that it spent approximately $3,355 for the production and distribution of the September 23, 1988 newsletter. Senate

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3. The communication in question is printed on Senator Bentsen's election committee stationery and is entitled "CAMPAIGN NEWSLETTER." It is addressed to "Interested Texans," and below this is the subheading "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" The newsletter, which states that it is "[p]aid for by the Senator Bentsen Election Committee," consists of nine short paragraphs; the first of which quotes Beau Boulter as saying that Senator Bentsen "is teamed with an enemy of the state's oil and gas industry." The newsletter then identifies Michael Dukakis as Senator Bentsen's running mate in the presidential race and denies that Dukakis is an enemy of Texas. The newsletter instead identifies then Senator Quayle, "the Republican nominee for Vice-President," as the purported enemy and references his positions which are characterized as adverse to Texas' interests.

Response II, Interrogatory A(5). The Senate Committee produced a bill for $1,755.42 from the Xerox Corporation in Santa Ana, California, a commercial vendor, for "duplicating, stitching and hand folding" the newsletter. See Senate Response II, Exhibit III. Once printed, the newsletter was labeled and mailed by volunteers at the Senate Committee headquarters. Senate Response II at 4. Although the involvement of the commercial vendor raises the issue of the sufficiency of the volunteer activity, in light of recent Commission determinations, e.g. MUR 2270, this would appear to be sufficient volunteer activity to qualify for the exemption.[4]

For the reasons discussed above, the Office of the General Counsel recommends that the Commission find no probable cause to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee as a result of the production and distribution of the

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4. The Senate Committee previously asserted that the newsletter was a response to a Texans for Beau Boulter mailing, as well as Dan Quayle's scheduled appearances with Beau Boulter, both of which allegedly brought Vice Presidential candidate Dan Quayle into the realm of relevant issues. The Senate Committee's assertions that the Boulter mailing claims Senator Bentsen "is teamed with an enemy of the state's oil and gas industry," and that the "Quayle issue" arose from the prior mailing are not confirmed by the actual Boulter communication produced by the Senate Committee. The Boulter mailing is entitled "A Guide to Texas' Future: The Dukakis-Bentsen Plan for Texas." Senate Response II, Exhibit I. Contrary to the Senate Committee's contention, the Boulter mailing does not mention Senator Quayle and thus undercuts the Senate Committee's assertion that it was responding to Senator Boulter's introduction of the "Quayle issue" via the previous Boulter newsletter.

newsletter discussed herein.

C. Allocation of Expenses for Campaign Travel

The Commission found that there was reason to believe that the Senate and Presidential Committees and their treasurers violated 11 C.F.R. §§ 106.1(a), and 110.8(d)(2) and (3) by sharing services and personnel and by failing to allocate air travel, food and lodging during campaign tours undertaken by Senator Bentsen that involved both Senatorial and Vice-Presidential campaigning. As a result, the Commission also found reason to believe that the Presidential Committee and its treasurer violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee; and that the Senate Committee and its treasurer violated 2 U.S.C. § 441a(f) by accepting in-kind contributions in excess of the $1,000 limit under 2 U.S.C. § 441a(a)(1)(A).

The Act expressly contemplates dual candidacies. See 2 U.S.C. § 441a(a)(5)(C). Section 110.8(d)(1) of the regulations provides that "if an individual is a candidate for more than one Federal office . . . [that candidate] must designate separate principal campaign committees and establish completely separate campaign organizations." The subject of allocation is broached in Section 110.8(d)(3), where the regulations state that "[e]xcept for Presidential candidates . . . campaigns may share personnel and facilities, as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation."

Commission regulation 11 C.F.R. § 110.8(d) could be read to

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forbid any campaign activity in the case of a publicly financed dual candidacy that involves having personnel from both campaigns simultaneously at the same place because such activity could constitute the sharing of personnel and facilities by the separate campaigns of a dual candidate. However, such a reading effectively would preclude dual campaigns where one of the campaigns receives public financing. As a practical matter, situations will inevitably arise within the context of such dual candidacies where personnel from both campaigns are present and/or use common modes of travel such as chartered airplanes. In such instances, allocating the common costs for items that benefit both campaigns would allow for dual candidacies while effectuating the regulatory goal of ensuring that each campaign be held financially accountable for its share of expenses.[5]

With regard to allocation, Commission regulations specify that, as a general rule, expenditures made on behalf of two or more Federal candidates, shall be "attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived." See 11 C.F.R. § 106.1(a); AO 1980-38; AO 1986-30. In the context of publicly financed campaigns, expenditures for travel relating to a Presidential or Vice-Presidential campaign are considered to be qualified campaign expenses and are reported as such subject to the provisions of

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5. On the other hand, the common use of certain facilities such as office space, meeting or conference rooms, or use of common staff could quite easily be prohibited under 11 C.F.R. § 110.8(d)(3) without unduly burdening, either physically or financially, the ability of individuals to maintain dual candidacies.

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11 C.F.R. § 9004.7(b). See 11 C.F.R. § 9004.7(a). Section 9004.7(b)(2) provides that where trips include campaign-related and non-campaign related stops, the portion of the cost of the trip allocable to campaign activity shall be a qualified campaign expense. The section further provides that "[i]f any campaign activity, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related."

The Senate Committee maintains that "[n]o campaign office or facility was shared between the Senate campaign and the Presidential or Vice Presidential campaign, nor did any office or facility of either the Senate campaign or the Presidential or Vice Presidential campaign distribute campaign materials for both campaigns." Senate Response I to Interrogatories at 6-7 and Bull Affidavit at 4. The Presidential Committee also denies that any violation of Section 110.8(d) occurred because it maintains that no common facilities were utilized by the campaigns. See D/B Response II (Affidavit of Peter Scher at 2). Thomas C. Cosgrove, Texas Campaign Director of the Dukakis/Bentsen Campaign, avers that "The Dukakis/Bentsen Committee, Inc. did not share any office space or facilities with the Bentsen Senate campaign." Cosgrove Affidavit at 2.

The discovery in this matter revealed that during the 15 week dual candidacy period, Senator Bentsen held approximately ten meetings/fundraisers with Senate campaign supporters while on Presidential campaign trips. It appears that the Senate Committee paid the costs of all facilities utilized for meetings and fundraisers on its behalf, even when such events occurred during

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Vice Presidential travel swings. However, it also appears that Presidential Committee staff traveled with Bentsen and his Senate Committee staffers to certain Senate campaign stops during such trips. According to one Presidential Committee Response, the Presidential Committee paid some $56,124.21 for room and board for Presidential Committee staffers to accompany Senator Bentsen on Senate campaign stops. See Supplemental Response (April 25, 1990) at 2 ("D/B Response III"). Although Senator Bentsen's schedule for Senate activities was arranged by Melissa Warren, a paid employee of the Senate Committee, Presidential Committee staff were involved in coordinating travel with the Presidential Committee's activities. Senate Response II to Interrogatories at p. 6. However, the Presidential Committee contends that:

> When Senator Bentsen made a Senate campaign stop on a Vice-Presidential trip, the Dukakis/Bentsen campaign did not pay for any of the advance work, facilities, ground transportation, or provide any staff to the Senate campaign portion of the trip.

D/B Response III, Citing Affidavit of Peter L. Scher, attached to Response of January 16, 1990, ¶ 2.

As discussed above, most of the Presidential Committee expenditures for its staff to accompany Senator Bentsen are in line with holding each committee responsible for its own staff and related expenditures. Given the organization of these campaign swings, which included appearances related to both campaigns, it appears economically and politically sensible for staff from both committees to have accompanied the Senator.

The Presidential Committee contends that the airfare for these trips was paid for by the Democratic National Committee

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(the "DNC") pursuant to 2 U.S.C. § 441a(d). D/B Response II at 5.[6] The Presidential Committee therefore argues that it could not have made any impermissible expenditures on behalf of the Senate Committee, because all travel costs were paid for by the DNC. The Senate and Presidential Committees also assert that all of the Senate related appearances by Senator Bentsen during Vice-Presidential travel were "incidental" to his primary purpose and resulted from efforts to "squeeze" Senate events into Bentsen's busy Vice Presidential campaign schedule.

The facts, however, do not substantiate Respondents' arguments. Although Respondents contend that all charter flights of Senator Bentsen and his traveling party to the Senate events during the Vice Presidential trips were paid by the DNC, 2 U.S.C. § 441a(d)(2), no documentation was produced to support this claim.[7] Based upon an examination of documents and materials produced in connection with the Commission's audit of the Presidential Committee, it appears that the DNC did not make payments for two of the Senate-related campaign legs at issue in this matter. Rather, the Presidential Committee paid for these

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6. According to respondents, the DNC payments amounted to an overall cost of $347,149.86, and no allocation was made to, and no costs were paid by, the Senate Committee. D/B Response II at 5 and D/B Response II to Interrogatories at 4. When the DNC payments for airfare are aggregated with other DNC payments on behalf of the Senate or Presidential Committees, it does not appear that the DNC exceeded the limits imposed under 2 U.S.C. § 441a(d).

7. In fact, the Senate Committee could not even produce itineraries for these campaign swings, but instead relied on the Presidential Committee's response regarding itinerary.

legs directly. See Chart of Trips, Attached hereto.[8]

The first trip leg which does not reflect a DNC reimbursement was from Hot Springs, Arkansas to Austin, Texas on August 26, 1988, for attendance at a county coordinators' meeting related to the Senate campaign scheduled for August 27, 1988. The Commission's audit materials indicate that the Presidential Committee paid $6,933.79 for 12 staff members to travel on this leg of the trip which was undertaken for a Senate campaign function. The second trip leg which does not reflect a DNC payment was from Midland to Lubbock, Texas on September 20, 1988, for attendance at a Senate campaign fundraiser.[9] In this instance the Commission's audit materials indicate that the Presidential Committee paid for 11 staff members to travel on this leg at a total cost of $2,056.34.

Moreover, Respondents' argument that any senatorial business conducted while on Vice Presidential trips was of such short duration as to be merely "incidental," and thus not campaign related, is premised upon a misunderstanding of

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8. Those trips for which the DNC made no corresponding payment for air transportation are denoted in bold print in the attached chart. In the other instances shown on the attached chart, the DNC made unitemized payments to the travel agency which handled all of Bentsen's travel arrangements. While those payments generally relate to the given trips, there is no indication that they specifically cover air transportation. In instances where both the DNC and the Presidential Committee made payments to the travel agency for expenses related to the given trips which exceeded actual costs, the travel agency reimbursed the Presidential Committee.

9. After spending the evening in Lubbock, the next day the Bentsens visited a hospital and a high school, and then gave three television interviews before leaving for Sacramento at 11:05 a.m. on Presidential Committee campaign activities.

11 C.F.R. § 106.3. Contrary to respondents' suggestion, the actual amount of time an event lasts does not determine whether it constitutes an "incidental contact" as that term is used in the regulations. The Explanation and Justification of Section 106.3 explains the concept of an "incidental campaign stop," stating that where a candidate makes one campaign-related appearance in a city, the trip to that city is campaign-related. However, if a candidate makes a non-political speech to a civic association luncheon and, upon leaving, chats with a few attendees about his upcoming campaign, that conversation would not make the appearance campaign-related. Thus, the regulations only prevent an otherwise non-campaign related activity from becoming a campaign related activity due to an incidental contact.[10] The example provided in the Explanation and Justification is far afield from what transpired here, in that the designated Senate campaign appearances/meetings required planning, advanced scheduling and travel exclusively for Senate related business. These were not "off-the-cuff" remarks or spontaneous meetings. Such planned Senate campaign appearances cannot fairly be described as incidental in nature, and thus travel to the various destinations for those stops is related to

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10. Similarly, in Advisory Opinion 1986-6, the Commission determined that under certain circumstances a political committee organized by the Vice President may pay expenses for various appearances to promote the Republican Party without such expenditures being attributed to the Vice President. The Commission noted that references to the Vice President's candidacy would be acceptable only where it resulted from "incidental contacts and incidental remarks, such as those in response to questions." See AO 1986-6

the Senate campaign, which is responsible for the transportation costs associated with them.

Even if the regulations excluded "short meetings" of secondary importance and/or of de minimus benefit from the realm of campaign related activity, it appears that the events here would not qualify. According to the itinerary documents produced, only two of them lasted less than one hour in duration, and one meeting lasted the entire day. Furthermore, attendance at Senate related events required planning and often involved significant travel unrelated to the Presidential campaign. The August 27, 1988 Senate campaign event in Austin, for example, required travel from Hot Springs, Arkansas to Austin, Texas. Similarly, a West Palm Beach, Florida Senate Fundraiser required travel from North Carolina to Florida solely for attendance at the fundraiser.

As a result of the investigation into this matter it appears that the two committees associated with Senator Bentsen usually paid for the expenses associated with their respective campaigns, except in the two instances outlined above. The Office of the General Counsel thus recommends that the Commission find probable cause to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as

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treasurer, violated 11 C.F.R. §§ 106.1[11] and 110.8(d)(2) by improperly sharing transportation without allocating the costs appropriately. The Office of the General Counsel further recommends that the Commission find probable cause to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(f) by accepting in-kind contributions by way of airfare fees paid on behalf of the Senate Committee by the Presidential Committee rather than appropriately allocating such expenditures. The Commission previously found reason to believe that the Presidential Committee and the Senate Committee also violated 11 C.F.R. § 110.8(d)(3), but the investigation reveals that no personnel or facilities were shared between the two committees. Therefore, this Office recommends that the Commission find no probable cause to believe that the Senate Committee violated 11 C.F.R. § 110.8(d)(3).

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IV. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(f); 11 C.F.R. § 106.1(a); 11 C.F.R. §§ 110.8(d)(2).

2. Find no probable cause to believe that the Senate Lloyd Bentsen Election Committee and H. Grant Taylor, as

---

11. In allocating the travel costs in the present situation 11 C.F.R. § 106.1(a) would require a split according to the reasonable benefit derived by each respondent. Section 9004.7(b)(2) would determine allocable cost from the point of origin to return. It seems that the Senate Committee should have paid for transportation from Hot Springs, Arkansas to Austin, Texas and then back to Washington, D.C. Similarly, the Senate Committee should have been responsible for the air transportation from Midland, Texas to Lubbock, Texas, for attendance at the Senate fundraiser held in Lubbock. These costs total $8,990.13.

treasurer, violated 2 U.S.C. § 441a(a)(1)(A) as a result of the Senate Committee newsletter publication.

3. Find probable cause to believe that the Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee's financing of phone banks but take no further action.

4. Find no probable cause to believe that the Senate Committee and its treasurer violated 11 C.F.R. § 110.8(d)(3).

4/21/92
Date

Lawrence M. Noble
General Counsel

9 5 0 4 3 6 7 4 6 6 2

OGC4628

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

May 8, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
92 MAY -8 AM 9:20

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

Re: MUR 2715 - The Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

Dear Ms. Klein:

This letter is to request an extension of time to file a brief in connection with the General Counsel's recommendation that the Commission find probable cause in this matter.

Respondents received the Commission's letter on May 5, 1992, and a response would normally be due on May 20. Because of the need to coordinate the response with Bentsen Committee staffers in Texas and others who are no longer with the Committee, and because of the complex nature of the issues involved, we ask that the filing date be extended by 20 days. A response would be due no later than June 9, 1992.

If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel for Respondents

[04057-0001/DA921290.001]

9504367463

TELEX 44-0277 PCSO UI • FACSIMILE (202) 434-1690
ANCHORAGE • BELLEVUE • LOS ANGELES • PORTLAND • SEATTLE • SPOKANE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 8, 1992

Robert F. Bauer, Esq.
Judith L. Corley, Esq.
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 2715
The Senator Lloyd Bentsen Election Committee and
H. Grant Taylor, as treasurer

Dear Mr. Bauer and Ms. Corley:

This is in response to your letter dated May 8, 1992, requesting an extension of 20 days to respond to the General Counsel's Brief in the above-captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on June 9, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Lisa E. Klein
Assistant General Counsel

9504367464

OGC 4642

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107
(202) 371-7000

FAX (202) 393-5760
DIRECT DIAL
(202) 371-

BOSTON
BRUSSELS
CHICAGO
FRANKFURT
HONG KONG
LONDON
LOS ANGELES
NEW YORK
PARIS
SAN FRANCISCO
SYDNEY
TOKYO
TORONTO
WILMINGTON

May 11, 1992

92 MAY 11 AM 11:40
RECEIVED
FEDERAL ELECTION COMMISSION

BY HAND

Lisa E. Klein, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, Northwest
Sixth Floor
Washington, D.C. 20463

Re: MUR 2715
Dukakis/Bentsen Committee, Inc.
and Robert A. Farmer, as Treasurer

Dear Ms. Klein:

It was our hope that we could submit a response to the General Counsel's brief without asking for an extension. However, the two trips questioned in the brief require a review of documents that have taken longer to track down than I anticipated. Thus, I request an extension of ten days from the date of this letter. Also, I realize that this request should have been submitted earlier, but under the circumstances, I hope that you will grant leave to consider this modest request for an extension of time.

Thank you for your consideration of this request.

Sincerely,

Kenneth A. Gross

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 12, 1992

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher
and Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 2715
Dukakis/Bentsen Committee, Inc.
and Robert A. Farmer, as treasurer

Dear Mr. Gross:

This is in response to your letter dated May 11, 1992, requesting an extension of 10 days to respond to the General Counsel's Brief in the above-captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 21, 1992.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Lisa E. Klein
Assistant General Counsel

95043674666

OGC 4830

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

June 11, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
92 JUN 11 PM 4:51

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

Re: MUR 2715 - The Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

Dear Ms. Klein:

This is in response to the Commission's letter dated April 21, 1992, in which you noted the General Counsel's intention to recommend a finding of probable cause against the above-named Respondents in connection with two matters addressed in MUR 2715. We believe that the recommendations are in error and that there is no cause for a finding of probable cause against the Respondents.

Phone Bank Finding

The General Counsel recommends a finding of probable cause in connection the phone bank activity conducted by Senator Bentsen's reelection campaign, the Senator Lloyd Bentsen Election Committee ("the Committee"), because the questionnaire used included one question about the Presidential/Vice Presidential race in which Senator Bentsen was a candidate for the Vice Presidency. The Commission concedes that the phone bank was conducted "primarily in the context of the Senate race," that there was "only one question of many from a large series of questions" that referred to the Vice Presidential race, and that this one question "ran for a short albeit undetermined time."

The analysis overlooks the context in which the question was asked and the substance of the question. The phone bank in question was a voter ID effort on the part of several Texas candidates. The questionnaire was designed simply to identify Democratic voters, or likely Democratic voters, and was not intended to influence the vote of the individual in one way or another. Because many voters are most familiar with the Presidential race, and are more likely to vote in a

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[04057-0001/DA921630.029]

Presidential race, voter ID surveys frequently question individuals on their preference for this race. The question used did not involve any advocacy of one party or candidate over another. The question asked, simply, whether the individual preferred the Democratic or Republican ticket.

It is hard, given these facts, to understand exactly what benefit the Vice Presidential campaign could be found to have derived from this question. As was stated in the Committee's earlier submissions, none of the information from the phone bank was given to the Presidential/Vice Presidential campaign. The information was used by the Senate campaign only. The question on the Presidential/Vice Presidential race was of significance to the Senatorial campaign only to the extent that it would confirm Democratic voters to be targeting in future GOTV efforts.

Respondents ask that the Commission not find probable cause in this matter. The facts simply do no warrant such a finding. If this is not possible and the Commission determines that it must find probable cause, then Respondents ask that the Commission approve the General Counsel's recommendation that no further action be taken.

Travel Finding

The General Counsel also recommends a finding of probable cause in connection with the payment for two legs of travel in connection with the Senate campaign.[1] The General Counsel concludes that the travel was paid by the Presidential campaign, and, as a result, an excessive in-kind contribution was made and accepted.

It is our understanding that the Dukakis/Bentsen Committee has submitted to the Commission documentation that shows that the Democratic National Committee did, in fact, pay for the travel in question on these two legs. The travel did not, therefore, result in the making or acceptance of a

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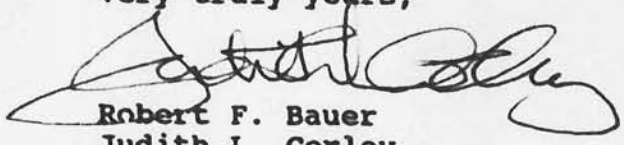
[1]Although the Chart of trips referenced in the General Counsel's report was not attached to the report, the text of the report made clear which trips were in question.

9 5 0 4 3 6 7 4 6 6 8

contribution in-kind and the Commission should not find probable cause in this matter.[2]

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel to Respondents

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[2]The Committee notes for the record that it does not agree with the Commission's analysis of the "incidental" contact rule which governs dual purpose travel, especially in connection with the unique demands of a dual candidacy. Because the matter is resolved on other grounds, the Committee has not pursued this argument in this case.

OGC#4701

92 MAY 21 PM 6:10

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2715
	)	
Dukakis/Bentsen Committee, Inc.	)	
	)	
and	)	
	)	
Robert A. Farmer, as Treasurer	)	

RESPONSE OF DUKAKIS/BENTSEN COMMITTEE, INC. TO THE GENERAL COUNSEL'S BRIEF ON PROBABLE CAUSE

This brief is in response to the General Counsel's recommendation that the Federal Election Commission ("FEC" or "Commission") find probable cause that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as Treasurer ("Dukakis/Bentsen Committee"), violated 2 U.S.C. § 441a(a)(1)(A), 11 C.F.R. §§ 106.1(a) and 110.8(d)(2), and 26 U.S.C. § 9004(c) because it allegedly paid $8,990.13 in airfare that should have been allocated to and paid for by the Senator Lloyd Bentsen Election Committee ("Bentsen Senate Committee").

The General Counsel bases his probable cause recommendation on the Commission's audit materials which allegedly indicate that the Dukakis/Bentsen Committee paid 1) $6,933.79 in airfare for 12 staff members to travel on August 26, 1988, from Hot Springs, Arkansas to

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Austin, Texas ("Trip I"), and 2) $2,056.34 in airfare for 11 staff members to travel on September 20, 1988, from Midland to Lubbock, Texas ("Trip II").*

The Dukakis/Bentsen Committee previously responded to the FEC that the Democratic National Committee ("DNC") paid for airfare expenses when Senator Bentsen conducted Senate campaign activity on a Vice Presidential campaign trip. The attached documents show that the DNC paid the airfare for both Trips I and II (Exhibits I and II). Exhibit I is a copy of an invoice showing a DNC payment to Garber Travel in the amount of $42,326.82 covering the airfare for the Bentsen charter for the period of August 23 through 26, 1988. That invoice covers the airfare for Trip I and the other legs of that trip. Exhibit II shows the DNC payment in the amount of $67,025.85 for the Bentsen charter for the period of September 14 through September 23, 1988. The documentation for Trip II contains printouts detailing the various legs of trip. We were unable to find similar backup for

---

* Other travel related expenses, such as payments for advance work, facilities, and ground transportation are not in issue because Dukakis/Bentsen demonstrated in an earlier response that the Dukakis/Bentsen campaign did not pay for those expenses if they were in connection with a Senate campaign stop.

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Trip I, but the evidence we do have demonstrates that DNC, under its section 441a(d) spending authority, paid for the airfare for the time periods covering both Trips I and II, including the portion of trips that involved Senator Bentsen's Senate campaign activity. Thus, the Dukakis/Bentsen Committee could not have violated the alleged provisions because it did not pay for the airfare.

The Dukakis/Bentsen Committee, which spent more than $55,000,000, meticulously accounted for and separated its activity from the Bentsen Senate Committee, as required by law. Indeed, even without the additional evidence submitted in this response, it is difficult to understand why the General Counsel would recommend pursuit of an alleged $8,990.13 violation involving an unprecedented situation of dual candidacy.

Based on the additional evidence submitted with this response, the General Counsel should change its recommendation of probable cause regarding the payment of

9504367472

airfare and recommend no probable cause to believe a violation occurred and the Commission should dismiss the entire case.

Respectfully submitted,

Kenneth A. Gross
Skadden, Arps, Slate,
Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Counsel for Dukakis/Bentsen
Committee, Inc.

Daniel A. Taylor by KAG
Daniel A. Taylor
Hill and Barlow
One International Place
Boston, Massachusetts 02100

General Counsel
Dukakis/Bentsen Committee, Inc.

May 21, 1992

95043367467 3

D.H.C. SERVICES CORPORATION
[illegible]
400 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. [illegible]

[illegible]

22614

Oct 2 19 88

PAY Forty Two Thousand Three Hundred Twenty Six 82/100 DOLLARS $ 42,326.82

TO THE ORDER OF

Garber Travel
1047 Commonwealth Avenue
Boston, MA 02215

NOT NEGOTIABLE

⑈023614⑈ ⑆054001204⑆ ⑈2[illegible]

D.H.C. SERVICES CORPORATION

[illegible]

441 ad Bentsen Charter Travel 42,326.82

88.10.008 231401

0 5 0 4 7 8 2 4 7 6 4

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0600

INVOICE
№ 0681494

DATE 09/28/88

PAGE 1

TO:
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME

REFERENCE

Agent #	Trip #	Dest.	No. People	Inclusive Dates of Trip From	To	Account No.	Amount
						949084	

Air Tickets/MCO/Tour Order

Tick #

Land

DUKAKIS-BENTSEN COMMITTEE
TRIP NUMBER: 949084 AUGUST 23 - 26, 1988

TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.

AIR TRANSPORTATION 42,326.82 42,326.82

Total Travel Purchased 42,326.82

Credit Card # on ATC Doc. #

Credit Card Sent or Called to Vendor #

Credit Card Deposited by Garber Travel # Receipt #

Cash or Check Received Date Receipt #

Other

Balance Due 42,326.82

Exhibit I

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH

9504367465

D.R.C. SERVICES CORPORATION
GENERAL FUND
420 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. [illegible]

SOVRAN BANK
[illegible]

24714

November 16, [illegible] 88

PAY Sixty Seven Thousand Twenty Five and 85/100 DOLLARS $ 67,025.85

TO THE ORDER OF
Gatbor Travel
1047 Commonwealth Avenue
Boston, MA 02215

NOT NEGOTIABLE

⑈024714⑈ ⑆054000120⑆ ⑈262880 5⑈

D.R.C. SERVICES CORPORATION

DRAWER - FORM [illegible]

Bantam Charter

6000/6200

#231401

Exhibit II

GARBER TRAVEL

1047 COMMONWEALTH AVENUE
BOSTON, MA 02215
(617) 787-0800

INVOICE № 0682452

DATE 11/04/88

PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No People	Inclusive Dates of Trip From	To	Account No 949096	Amount
Air Tickets/MCO/Tour Order							
Tick #							
Land							
DUKAKIS-BENTSEN COMMITTEE							
TRIP NUMBER: 949096						SEPTEMBER 19, 1988	
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.							
AIR TRANSPORTATION						67,025.85	67,025.85
						Total Travel Purchased	67,025.85
Credit Card # on ATC Doc.							
Credit Card Sent or Called to Vendor							
Credit Card Deposited by Garber Travel						Receipt #	
Cash or Check Received				Date		Receipt #	
Other							
						Balance Due	67,025.85

ORIGINAL

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH

9504367461 7

GARBER TRAVEL

1037 COMMONWEALTH AVENUE
BOSTON, MA 02215
617 787 0033

INVOICE 682452 | DATE 11/04/88 | PAGE 1

TO
DEMOCRATIC NATIONAL COMMITTEE
ATTN: URSULA CULVER
430 SOUTH CAPITOL STREET, S.E.
WASHINGTON, D.C. 20003

IMPORTANT REMINDER:
BECAUSE TARIFF REGULATIONS REQUIRE THAT WE PROVIDE SOME TICKETS WELL IN ADVANCE OF YOUR DEPARTURE DATE, WE URGE YOU TO TELEPHONE THE CARRIERS TO VERIFY FLIGHT TIMES. SCHEDULE CHANGES DO OCCUR AND THIS INFORMATION COULD BE VITAL TO ASSURE YOU A SMOOTH TRIP.

PSGR NAME _____ REFERENCE _____

Agent #	Trip #	Dest	No. People	Inclusive Dates of Trip From	To	Account No. 949096	Amount
Air Tickets/MCO/Tour Order							
Tick #							
Land							
DUKAKIS-BENTSEN COMMITTEE							
TRIP NUMBER: 949096						SEPTEMBER 19, 1988	
TRAVEL FOR SEN. LLOYD BENTSEN AND STAFF.							
AIR TRANSPORTATION						67,025.85	67,025.85
						Total Travel Purchased	67,025.85
Credit Card # on ATC Doc. #							
Credit Card Sent or Called to Vendor #							
Credit Card Deposited by Garber Travel #						Receipt #	
Cash or Check Received Date				Receipt #			
Other							
						Balance Due	67,025.85

2

PAYMENT REQUIRED WITHIN 7 DAYS OF TICKET ISSUE
CHARGES REMAINING UNPAID AFTER DUE DATE ARE SUBJECT TO INTEREST CHARGES OF 1% PER MONTH

9504367467 8

BENTSEN CHARTER
ORIGINAL DATE: 19-Sep-88 TRIP #: 949096
LAST REVISED: 08-Nov-88
REVISION #: FINAL

DATE OF OPERATION: 19-Sep-88 20-Sep-88 21-Sep-88 22-Sep-88 23-Sep-88

DATE	LOCAL TIME	CITY	SCHEDULED TIME	ACTUAL BLK HRS	ACTUAL PAX
19-Sep		LV WASHINGTON/NATIONAL			
		AR HOUSTON/HOBBY	3.00	0.00	45
20-Sep		LV HOUSTON/HOBBY			
		AR LONGVIEW	0.75	0.00	50
		LV LONGVIEW			
		AR OKLAHOMA CITY	1.00	0.00	50
		LV OKLAHOMA CITY			
		AR MIDLAND	1.00	0.00	52
		LV MIDLAND			
		AR LUBBOCK	0.42	0.00	51
21-Sep		LV LUBBOCK			
		AR SACRAMENTO	3.00	0.00	48
		LV SACRAMENTO			
		AR FRESNO	0.58	0.00	55
		LV FRESNO			
		AR SAN JOSE	0.50	0.00	53
22-Sep		LV SAN JOSE			
		AR SEATTLE/BOEING	1.75	0.00	50
15 MIN FRY		LV EVERETT			
		AR SPRINGFIELD, IL	3.42	0.00	49
23-Sep		LV DECATUR			
START XV DECATUR		AR PARKERSBURG	1.00	0.00	47
		LV PARKERSBURG			
		AR HARRISBURG	0.75	0.00	47
		LV HARRISBURG			
		AR WASHINGTON/DULLES	0.50	0.00	46
			17.67	0.00	643

95043674679

BENTSEN CHARTER
ORIGINAL DATE: 19-Sep-88 TRIP #: 949096
LAST REVISED: 08-Nov-88
REVISION #: FINAL

DATE OF OPERATION: 19-Sep-88 20-Sep-88 21-Sep-88 22-Sep-88 23-Sep-88

A/C: 737-100

SEATS: 81

TAIL #: N708AW

PILOTS:

FLIGHT ATTENDANTS:

AIRCRAFT BROKER: CHARTER SERVICES 505-761-9000

AIRCRAFT OPERATOR: AMERICA WEST

CHARGES

AIR TRANSPORTATION	208371.00
DIRECT COST	23754.29
ACTUAL COST	232125.29

COST PER LEG
LEG 1

% OF TOTAL	16.98%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	27500.32	16.98%OF ACTUAL COST
GRND. TRANS.	2103.00	
TELEPHONES	0.00	
FACILITIES	1743.00	
TOTAL COST	31346.32	
MARK UP 10 %	3134.63	10 % OF TOTAL COST PER LEG
ACTUAL COST	34480.95	
ACTUAL PAX	45	
INV. PER PAX	766.24	TOTAL COST/ACTUAL PAX
CAMP. COST	649.85	COST PER LEG/ACTUAL PAX

95043674680

BENTSEN CHARTER
ORIGINAL DATE: 19-Sep-88 TRIP #: 949096
LAST REVISED: 08-Nov-88
REVISION #: FINAL

DATE OF OPERATION: 19-Sep-88 20-Sep-88 21-Sep-88 22-Sep-88 23-Sep-88

LEG 2

% OF TOTAL	4.25%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	13582.70	4.25%OF ACTUAL COST
GRND. TRANS.	730.75	
TELEPHONES	812.00	
FACILITIES	1373.00	
TOTAL COST	16498.45	
MARK UP 10 %	1649.84	10 % OF TOTAL COST PER LEG
ACTUAL COST	18148.29	
ACTUAL PAX	50	
INV. PER PAX	362.97	TOTAL COST/ACTUAL PAX
CAMP. COST	299.11	COST PER LEG/ACTUAL PAX

LEG 3

% OF TOTAL	5.66%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	16867.49	5.66%OF ACTUAL COST
GRND. TRANS.	0.00	
TELEPHONES	1410.00	
FACILITIES	295.00	
TOTAL COST	18572.49	
MARK UP 10 %	1857.25	10 % OF TOTAL COST PER LEG
ACTUAL COST	20429.74	
ACTUAL PAX	50	
INV. PER PAX	408.59	TOTAL COST/ACTUAL PAX
CAMP. COST	343.25	COST PER LEG/ACTUAL PAX

LEG 4

% OF TOTAL	5.66%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	16867.49	5.66%OF ACTUAL COST
GRND. TRANS.	697.25	
TELEPHONES	1502.42	
FACILITIES	1033.00	
TOTAL COST	20100.16	
MARK UP 10 %	2010.02	10 % OF TOTAL COST PER LEG
ACTUAL COST	22110.17	
ACTUAL PAX	52	
INV. PER PAX	425.20	TOTAL COST/ACTUAL PAX
CAMP. COST	344.24	COST PER LEG/ACTUAL PAX

9 5 0 4 3 6 7 4 6 8 1

BENTSEN CHARTER
ORIGINAL DATE: 19-Sep-88 TRIP #: 949096
LAST REVISED: 08-Nov-88
REVISION #: FINAL

DATE OF OPERATION: 19-Sep-88 20-Sep-88 21-Sep-88 22-Sep-88 23-Sep-88

LEG 5

% OF TOTAL	2.36%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	9202.97	2.36%OF ACTUAL COST
GRND. TRANS.	1424.50	
TELEPHONES	1492.25	
FACILITIES	331.00	
TOTAL COST	12450.72	
MARK UP 10 %	1245.07	10 % OF TOTAL COST PER LEG
ACTUAL COST	13695.80	
ACTUAL PAX	51	
INV. PER PAX	268.55	TOTAL COST/ACTUAL PAX
CAMP. COST	186.94	COST PER LEG/ACTUAL PAX

LEG 6

% OF TOTAL	16.98%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	28011.32	16.98%OF ACTUAL COST
GRND. TRANS.	727.25	
TELEPHONES	4102.60	
FACILITIES	581.00	
TOTAL COST	33422.17	
MARK UP 10 %	3342.22	10 % OF TOTAL COST PER LEG
ACTUAL COST	36764.39	
ACTUAL PAX	48	
INV. PER PAX	765.92	TOTAL COST/ACTUAL PAX
CAMP. COST	595.67	COST PER LEG/ACTUAL PAX

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LEG 7

% OF TOTAL	3.30%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	11392.83	3.30%OF ACTUAL COST
GRND. TRANS.	739.25	
TELEPHONES	2690.00	
FACILITIES	1765.00	
TOTAL COST	16587.08	
MARK UP 10 %	1658.71	10 % OF TOTAL COST PER LEG
ACTUAL COST	18245.79	
ACTUAL PAX	55	
INV. PER PAX	331.74	TOTAL COST/ACTUAL PAX
CAMP. COST	239.23	COST PER LEG/ACTUAL PAX

LEG 8

% OF TOTAL	2.83%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	10297.90	2.83%OF ACTUAL COST
GRND. TRANS.	1429.50	
TELEPHONES	2690.00	
FACILITIES	1325.00	
TOTAL COST	15742.40	
MARK UP 10 %	1574.24	10 % OF TOTAL COST PER LEG
ACTUAL COST	17316.64	
ACTUAL PAX	53	
INV. PER PAX	326.73	TOTAL COST/ACTUAL PAX
CAMP. COST	219.30	COST PER LEG/ACTUAL PAX

LEG 9

% OF TOTAL	9.91%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	26721.86	9.91%OF ACTUAL COST
GRND. TRANS.	1350.50	
TELEPHONES	0.00	
FACILITIES	1135.00	
TOTAL COST	29207.36	
MARK UP 10 %	2920.74	10 % OF TOTAL COST PER LEG
ACTUAL COST	32128.10	
ACTUAL PAX	50	
INV. PER PAX	642.56	TOTAL COST/ACTUAL PAX
CAMP. COST	557.14	COST PER LEG/ACTUAL PAX

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LEG 10

% OF TOTAL	19.34%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	30932.32	19.34%OF ACTUAL COST
GRND. TRANS.	954.50	
TELEPHONES	0.00	
FACILITIES	1461.00	
TOTAL COST	33347.82	
MARK UP 10 %	3334.78	10 % OF TOTAL COST PER LEG
ACTUAL COST	36682.60	
ACTUAL PAX	49	
INV. PER PAX	748.62	TOTAL COST/ACTUAL PAX
CAMP. COST	661.09	COST PER LEG/ACTUAL PAX

LEG 11

% OF TOTAL	5.66%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	16867.49	5.66%OF ACTUAL COST
GRND. TRANS.	3555.49	
TELEPHONES	0.00	
FACILITIES	290.00	
TOTAL COST	20712.98	
MARK UP 10 %	2071.30	10 % OF TOTAL COST PER LEG
ACTUAL COST	22784.28	
ACTUAL PAX	47	
INV. PER PAX	484.77	TOTAL COST/ACTUAL PAX
CAMP. COST	365.05	COST PER LEG/ACTUAL PAX

LEG 12

% OF TOTAL	4.25%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	13582.70	4.25%OF ACTUAL COST
GRND. TRANS.	722.25	
TELEPHONES	0.00	
FACILITIES	3078.24	
TOTAL COST	17383.19	
MARK UP 10 %	1738.32	10 % OF TOTAL COST PER LEG
ACTUAL COST	19121.50	
ACTUAL PAX	47	
INV. PER PAX	406.84	TOTAL COST/ACTUAL PAX
CAMP. COST	354.49	COST PER LEG/ACTUAL PAX

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LEG 13

% OF TOTAL	2.83%	LEG AIR TIME/TOTAL AIR TIME
COST PER LEG	10297.90	2.83%OF ACTUAL COST
GRND. TRANS.	0.00	
TELEPHONES	0.00	
FACILITIES	0.00	
TOTAL COST	10297.90	
MARK UP 10 %	1029.79	10 % OF TOTAL COST PER LEG
ACTUAL COST	11327.69	
ACTUAL PAX	46	
INV. PER PAX	246.25	TOTAL COST/ACTUAL PAX
CAMP. COST	223.87	COST PER LEG/ACTUAL PAX

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INVOICE AS FOLLOWS

NAME	LEG 1	LEG 2	LEG 3	LEG 4	TOTAL LEG 1-4
LMB	649.85	299.11	343.25	344.24	1636.46
BAB	649.85	299.11	343.25	344.24	1636.46
ANGELITIS, PHIL	0.00	0.00	0.00	0.00	0.00
BOREN, DAVID, SEN.	649.85	299.11	343.25	0.00	1292.22
BURTON, GAY	649.85	299.11	343.25	344.24	1636.46
DALY, BILL	0.00	0.00	0.00	0.00	0.00
FRANCIS, LES	0.00	0.00	0.00	0.00	0.00
GRAVES, CODY	649.85	0.00	0.00	0.00	649.85
HALL, JOHN	0.00	0.00	0.00	0.00	0.00
KNIGHT, ED	649.85	299.11	343.25	344.24	1636.46
MCCURRY, MIKE	649.85	299.11	343.25	344.24	1636.46
MOSKOWITZ, ELLEN	649.85	299.11	343.25	344.24	1636.46
MYERS, DEE DEE	0.00	0.00	0.00	0.00	0.00
O'NEILL, JOE	649.85	299.11	343.25	344.24	1636.46
PODESTA, TONY	0.00	0.00	0.00	0.00	0.00
RADD, VICKI	649.85	299.11	343.25	344.24	1636.46
REDDER, TOM	0.00	299.11	343.25	344.24	986.60
SIMS, MIKE	649.85	299.11	343.25	344.24	1636.46
WARD, STEVE	649.85	299.11	343.25	344.24	1636.46
WEISS, MARINA	0.00	0.00	0.00	344.24	344.24
WHITTLESEY, JUDY	649.85	299.11	343.25	344.24	1636.46
USSS	7798.22	3290.25	3775.75	3786.64	18650.86
ABC EQUIPMENT	766.24	362.97	408.59	425.20	1963.00
ATTLESEY, SAM	0.00	362.97	408.59	425.20	1196.76
BALER, GREG	766.24	362.97	408.59	425.20	1963.00
BICKS, MICHAEL	0.00	362.97	408.59	425.20	1196.76
BRACK, BILL	0.00	0.00	0.00	0.00	0.00
BREMNER, CHARLES	0.00	0.00	0.00	0.00	0.00
BYRNE, THOMAS	766.24	362.97	408.59	425.20	1963.00
CBS EQUIPMENT	766.24	362.97	408.59	425.20	1963.00
COMPTON, ANNE	0.00	362.97	408.59	425.20	1196.76
CURRY, GEORGE	766.24	362.97	408.59	425.20	1963.00
DANCY, JOHN	766.24	362.97	408.59	0.00	1537.80
D'ARDENE, DAVID	766.24	362.97	408.59	425.20	1963.00
EVANS, ALAN	766.24	362.97	408.59	425.20	1963.00
FREHN, AXEL	0.00	0.00	0.00	0.00	0.00
GRAVOIS, JOHN	0.00	362.97	408.59	425.20	1196.76
GUNNISON, ROB	0.00	0.00	0.00	0.00	0.00
HALEY, MIKE	0.00	0.00	0.00	0.00	0.00
JEHL, DOUG	766.24	362.97	408.59	425.20	1963.00
JOHNSON, CYNTHIA	0.00	0.00	0.00	425.20	425.20
KOMAROW, STEVE	766.24	362.97	408.59	425.20	1963.00
KONGSHAUG, NILS	0.00	0.00	0.00	425.20	425.20
KOSLOW. MARC	766.24	362.97	408.59	425.20	1963.00

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LANDI, JOHN	766.24	362.97	408.59	425.20	1963.00
MELTON, ROBERT	766.24	362.97	408.59	425.20	1963.00
NBC EQUIPMENT	766.24	362.97	408.59	425.20	1963.00
NEWLAND, JIM	0.00	0.00	0.00	0.00	0.00
PENNIMAN, JUDY	766.24	362.97	408.59	425.20	1963.00
POTTER, DEBORAH	0.00	0.00	0.00	425.20	425.20
ROGERS, DAVID	0.00	0.00	0.00	0.00	0.00
ROSENBAUM, THEA	0.00	0.00	0.00	0.00	0.00
SKARDA, TOM	766.24	362.97	408.59	425.20	1963.00
SPEVACEK, JENNIFER	766.24	362.97	408.59	425.20	1963.00
STENGEL, RICK	766.24	362.97	408.59	425.20	1963.00
TAYLOR, CLEM	0.00	362.97	408.59	425.20	1196.76
TUTT, ROBERT	0.00	362.97	408.59	425.20	1196.76
WAGNER, WOLFGANG	0.00	0.00	0.00	0.00	0.00
WALTERS, NOLAN	766.24	362.97	408.59	425.20	1963.00
WEAVER, WARREN	766.24	362.97	408.59	425.20	1963.00

NAME	LEG 5	LEG 6	LEG 7	LEG 8	TOTAL LEG 5-8
LMB	186.94	595.67	239.23	219.30	1241.15
BAB	186.94	595.67	239.23	219.30	1241.15
ANGELITIS, PHIL	0.00	0.00	239.23	0.00	239.23
BOREN, DAVID, SEN.	0.00	0.00	0.00	0.00	0.00
BURTON, GAY	0.00	0.00	0.00	0.00	0.00
DALY, BILL	0.00	0.00	0.00	0.00	0.00
FRANCIS, LES	0.00	0.00	239.23	219.30	458.53
GRAVES, CODY	0.00	0.00	0.00	0.00	0.00
HALL, JOHN	0.00	595.67	239.23	219.30	1054.21
KNIGHT, ED	186.94	595.67	239.23	219.30	1241.15
MCCURRY, MIKE	186.94	595.67	239.23	219.30	1241.15
MOSKOWITZ, ELLEN	186.94	595.67	239.23	219.30	1241.15
MYERS, DEE DEE	0.00	0.00	239.23	219.30	458.53
O'NEILL, JOE	186.94	595.67	239.23	219.30	1241.15
PODESTA, TONY	0.00	0.00	239.23	219.30	458.53
RADD, VICKI	186.94	595.67	239.23	219.30	1241.15
REDDER, TOM	186.94	595.67	239.23	219.30	1241.15
SIMS, MIKE	186.94	595.67	239.23	219.30	1241.15
WARD, STEVE	186.94	595.67	239.23	219.30	1241.15
WEISS, MARINA	0.00	595.67	239.23	219.30	1054.21
WHITTLESEY, JUDY	186.94	595.67	239.23	219.30	1241.15
USSS	2056.35	7148.08	3110.03	2631.60	14946.06
ABC EQUIPMENT	268.55	765.92	331.74	326.73	1692.94
ATTLESEY, SAM	268.55	0.00	0.00	0.00	268.55
BALER, GREG	268.55	765.92	331.74	326.73	1692.94
BICKS, MICHAEL	268.55	765.92	331.74	326.73	1692.94
BRACK, BILL	0.00	0.00	0.00	326.73	326.73
BREMNER, CHARLES	0.00	765.92	331.74	326.73	1424.40

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BYRNE, THOMAS	268.55	765.92	331.74	326.73	1692.94
CBS EQUIPMENT	268.55	765.92	331.74	326.73	1692.94
COMPTON, ANNE	268.55	765.92	331.74	326.73	1692.94
CURRY, GEORGE	268.55	765.92	331.74	326.73	1692.94
DANCY, JOHN	268.55	0.00	0.00	0.00	268.55
D'ARDENE, DAVID	268.55	765.92	331.74	326.73	1692.94
EVANS, ALAN	268.55	765.92	331.74	326.73	1692.94
FREHN, AXEL	268.55	0.00	0.00	0.00	268.55
GRAVOIS, JOHN	268.55	0.00	0.00	0.00	268.55
GUNNISON, ROB	0.00	0.00	331.74	0.00	331.74
HALEY, MIKE	0.00	0.00	331.74	326.73	658.47
JEHL, DOUG	268.55	765.92	331.74	326.73	1692.94
JOHNSON, CYNTHIA	268.55	0.00	0.00	0.00	268.55
KOMAROW, STEVE	268.55	765.92	331.74	326.73	1692.94
KONGSHAUG, NILS	268.55	0.00	0.00	0.00	268.55
KOSLOW, MARC	268.55	765.92	331.74	326.73	1692.94
LANDI, JOHN	268.55	765.92	331.74	326.73	1692.94
MELTON, ROBERT	268.55	765.92	331.74	326.73	1692.94
NBC EQUIPMENT	268.55	765.92	331.74	326.73	1692.94
NEWLAND, JIM	0.00	0.00	0.00	0.00	0.00
PENNIMAN, JUDY	268.55	765.92	331.74	326.73	1692.94
POTTER, DEBORAH	0.00	765.92	331.74	326.73	1424.40
ROGERS, DAVID	0.00	0.00	0.00	0.00	0.00
ROSENBAUM, THEA	268.55	0.00	0.00	0.00	268.55
SKARDA, TOM	268.55	765.92	331.74	326.73	1692.94
SPEVACEK, JENNIFER	0.00	0.00	0.00	0.00	0.00
STENGEL, RICK	268.55	0.00	0.00	0.00	268.55
TAYLOR, CLEM	0.00	765.92	331.74	326.73	1424.40
TUTT, ROBERT	268.55	765.92	331.74	326.73	1692.94
WAGNER, WOLFGANG	268.55	0.00	0.00	0.00	268.55
WALTERS, NOLAN	268.55	765.92	331.74	326.73	1692.94
WEAVER, WARREN	268.55	765.92	331.74	326.73	1692.94

NAME	LEG 9	LEG 10	LEG 11	LEG 12	TOTAL LEG 9-12
LMB	557.14	661.09	365.05	354.49	1937.77
BAB	557.14	661.09	365.05	354.49	1937.77
ANGELITIS, PHIL	0.00	0.00	0.00	0.00	0.00
BOREN, DAVID, SEN.	0.00	0.00	0.00	0.00	0.00
BURTON, GAY	0.00	0.00	0.00	0.00	0.00
DALY, BILL	0.00	0.00	365.05	354.49	719.54
FRANCIS, LES	557.14	661.09	0.00	0.00	1218.23
GRAVES, CODY	0.00	0.00	0.00	0.00	0.00
HALL, JOHN	557.14	661.09	365.05	354.49	1937.77
KNIGHT, ED	557.14	661.09	365.05	354.49	1937.77
MCCURRY, MIKE	557.14	661.09	365.05	354.49	1937.77
MOSKOWITZ, ELLEN	557.14	661.09	365.05	354.49	1937.77
MYERS, DEE DEE	0.00	0.00	0.00	0.00	0.00
O'NEILL. JOE	557.14	661.09	365.05	354.49	1937.77

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PODESTA, TONY	0.00	0.00	0.00	0.00	0.00
RADD, VICKI	557.14	661.09	365.05	354.49	1937.77
REDDER, TOM	557.14	661.09	365.05	354.49	1937.77
SIMS, MIKE	557.14	661.09	0.00	0.00	1218.23
WARD, STEVE	557.14	661.09	365.05	354.49	1937.77
WEISS, MARINA	557.14	661.09	0.00	0.00	1218.23
WHITTLESEY, JUDY	557.14	661.09	365.05	354.49	1937.77
USSS	6685.65	7933.06	4015.58	3899.37	22533.66
ABC EQUIPMENT	642.56	748.62	484.77	406.84	2282.80
ATTLESEY, SAM	0.00	0.00	0.00	0.00	0.00
BALER, GREG	642.56	748.62	484.77	406.84	2282.80
BICKS, MICHAEL	642.56	748.62	484.77	406.84	2282.80
BRACK, BILL	642.56	0.00	0.00	0.00	642.56
BREMNER, CHARLES	0.00	0.00	0.00	0.00	0.00
BYRNE, THOMAS	642.56	748.62	484.77	406.84	2282.80
CBS EQUIPMENT	642.56	748.62	484.77	406.84	2282.80
COMPTON, ANNE	642.56	748.62	0.00	0.00	1391.19
CURRY, GEORGE	642.56	748.62	484.77	406.84	2282.80
DANCY, JOHN	0.00	0.00	0.00	0.00	0.00
D'ARDENE, DAVID	642.56	748.62	484.77	406.84	2282.80
EVANS, ALAN	642.56	748.62	484.77	406.84	2282.80
FREHN, AXEL	0.00	0.00	0.00	0.00	0.00
GRAVOIS, JOHN	0.00	0.00	0.00	0.00	0.00
GUNNISON, ROB	0.00	0.00	0.00	0.00	0.00
HALEY, MIKE	642.56	748.62	484.77	406.84	2282.80
JEHL, DOUG	642.56	748.62	484.77	406.84	2282.80
JOHNSON, CYNTHIA	0.00	0.00	0.00	0.00	0.00
KOMAROW, STEVE	642.56	748.62	484.77	406.84	2282.80
KONGSHAUG, NILS	0.00	0.00	0.00	0.00	0.00
KOSLOW, MARC	642.56	748.62	484.77	406.84	2282.80
LANDI, JOHN	642.56	748.62	484.77	406.84	2282.80
MELTON, ROBERT	642.56	748.62	484.77	406.84	2282.80
NBC EQUIPMENT	642.56	748.62	484.77	406.84	2282.80
NEWLAND, JIM	0.00	0.00	484.77	406.84	891.61
PENNIMAN, JUDY	642.56	748.62	484.77	406.84	2282.80
POTTER, DEBORAH	642.56	748.62	484.77	406.84	2282.80
ROGERS, DAVID	0.00	0.00	484.77	406.84	891.61
ROSENBAUM, THEA	0.00	0.00	0.00	0.00	0.00
SKARDA, TOM	642.56	748.62	484.77	406.84	2282.80
SPEVACEK, JENNIFER	0.00	0.00	0.00	0.00	0.00
STENGEL, RICK	0.00	0.00	0.00	406.84	406.84
TAYLOR, CLEM	642.56	748.62	484.77	406.84	2282.80
TUTT, ROBERT	642.56	748.62	484.77	406.84	2282.80
WAGNER, WOLFGANG	0.00	0.00	0.00	0.00	0.00
WALTERS, NOLAN	642.56	748.62	484.77	406.84	2282.80
WEAVER, WARREN	642.56	748.62	484.77	406.84	2282.80

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NAME	LEG 13	GRAND TOTAL	
LMB	223.87	5039.24	
BAB	223.87	5039.24	
ANGELITIS, PHIL	0.00	239.23	
BOREN, DAVID, SEN.	0.00	1292.22	
BURTON, GAY	0.00	1636.46	
DALY, BILL	223.87	943.41	
FRANCIS, LES	0.00	1676.76	
GRAVES, CODY	0.00	649.85	
HALL, JOHN	223.87	3215.84	(1,607.92)
KNIGHT, ED	223.87	5039.24	
MCCURRY, MIKE	223.87	5039.24	
MOSKOWITZ, ELLEN	223.87	5039.24	
MYERS, DEE DEE	0.00	458.53	
O'NEILL, JOE	223.87	5039.24	
PODESTA, TONY	0.00	458.53	
RADD, VICKI	223.87	5039.24	
REDDER, TOM	223.87	4389.39	
SIMS, MIKE	0.00	4095.83	
WARD, STEVE	223.87	5039.24	
WEISS, MARINA	0.00	2616.67	
WHITTLESEY, JUDY	223.87	5039.24	
USSS	2462.54	58593.12	
ABC EQUIPMENT	246.25	6184.99	
ATTLESEY, SAM	0.00	1465.30	
BALER, GREG	246.25	6184.99	
BICKS, MICHAEL	0.00	5172.50	
BRACK, BILL	0.00	969.29	
BREMNER, CHARLES	0.00	1424.40	
BYRNE, THOMAS	246.25	6184.99	
CBS EQUIPMENT	246.25	6184.99	
COMPTON, ANNE	0.00	4280.88	
CURRY, GEORGE	246.25	6184.99	
DANCY, JOHN	0.00	1806.35	
D'ARDENE, DAVID	246.25	6184.99	
EVANS, ALAN	246.25	6184.99	
FREHN, AXEL	0.00	268.55	
GRAVOIS, JOHN	0.00	1465.30	
GUNNISON, ROB	0.00	331.74	
HALEY, MIKE	246.25	3187.52	
JEHL, DOUG	246.25	6184.99	
JOHNSON, CYNTHIA	0.00	693.74	
KOMAROW, STEVE	246.25	6184.99	
KONGSHAUG, NILS	0.00	693.74	
KOSLOW, MARC	246.25	6184.99	
LANDI. JOHN	246.25	6184.99	

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BENTSEN CHARTER
ORIGINAL DATE: 19-Sep-88 TRIP #: 949096
LAST REVISED: 08-Nov-88
REVISION #: FINAL

DATE OF OPERATION:	19-Sep-88	20-Sep-88	21-Sep-88	22-Sep-88	23-Sep-88
MELTON, ROBERT	246.25		6184.99		
NBC EQUIPMENT	246.25		6184.99		
NEWLAND, JIM	246.25		1137.87		
PENNIMAN, JUDY	246.25		6184.99		
POTTER, DEBORAH	246.25		4378.64		
ROGERS, DAVID	246.25		1137.87		
ROSENBAUM, THEA	0.00		268.55		
SKARDA, TOM	246.25		6184.99		
SPEVACEK, JENNIFER	0.00		1963.00		
STENGEL, RICK	0.00		2638.39		
TAYLOR, CLEM	246.25		5150.20		
TUTT, ROBERT	246.25		5418.75		
WAGNER, WOLFGANG	0.00		268.55		
WALTERS, NOLAN	246.25		6184.99		
WEAVER, WARREN	246.25		6184.99		
			274884.96		

PREPAYMENT DUE GARBER FROM CAMPAIGN	
AIR TRANSPORTATION	208371.00
DIRECT COST	23754.29
ADMINISTRATIVE COST	25838.00
TOTAL DUE GARBER TRAVEL	257963.30
CREDITS TO CAMPAIGN	
COLLECTED REVENUE	274884.96
LESS: CAMPAIGN SEATS	67025.85
	207859.12

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

JUNE 3, 1993

VIA FACSIMILE

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 2715

Dear Mr. Gross:

This is in regard to our telephone conversation on May 26, 1993, concerning the above-referenced matter. As you are aware, this Office previously notified you that the General Counsel was prepared to recommend that the Commission find probable cause to believe that the Dukakis/Bentsen Committee, Inc. (the "Committee"), and Robert A. Farmer, as treasurer, violated certain provisions of the Act.

It has come to our attention, however, that Mr. Farmer was succeeded as the Committee's treasurer by Edward Pliner. Ordinarily, we would notify Mr. Pliner, as the current treasurer of the Committee, of the General Counsel's proposed recommendations prior to any Commission action. As we discussed, and in an effort to handle this matter expeditiously, Mr. Pliner may waive the opportunity to receive such notice and instead rely on the Committee's earlier response to the General Counsel's Brief. If this course of action is acceptable, Mr. Pliner should sign the enclosed Waiver of Notice Statement. In addition, you should also have Mr. Pliner complete and sign the enclosed Designation of Counsel Statement. As we discussed, both statements should be completed and returned to this Office by the close of business on Friday, June 11, 1993.

Should you have any questions, please do not hesitate to contact me at (202) 219-3690.

Sincerely,

Craig D. Reffner

Enclosures
Waiver of Notice Statement
Designation of Counsel Statement

9504367469 2

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

June 4, 1993

VIA FACSIMILE

Robert F. Bauer, Esq.
Judith L. Corley, Esq.
Perkins Coie
607 14th Street, N.W.
Washington, D.C. 20005

RE: MUR 2715

Dear Mr. Bauer and Ms. Corley:

This is in regard to my June 2, 1993 telephone conversation with Ms. Corley concerning the above-referenced matter. As you are aware, this Office previously notified you that the General Counsel was prepared to recommend that the Commission find probable cause to believe that the Senator Lloyd Bentsen Election Committee (the "Committee"), and H. Grant Taylor, as treasurer, violated certain provisions of the Act.

It has come to our attention, however, that Mr. Taylor was succeeded as the Committee's treasurer by Marc Irvin. Ordinarily, we would notify Mr. Irvin, as the current treasurer of the Committee, of the General Counsel's proposed recommendations prior to any Commission action. As Ms. Corley and I discussed, and in an effort to handle this matter expeditiously, Mr. Irvin may waive the opportunity to receive such notice and may rely on the Committee's earlier response to the General Counsel's Brief. If this course of action is acceptable, Mr. Irvin should sign the enclosed Waiver of Notice Statement. In addition, and as I explained, regardless of whether Mr. Irvin elects such a waiver, if you intend to represent him as the treasurer of the Committee in this matter, you should have him complete the enclosed Designation of Counsel Statement. Both statements should be completed and returned to this Office within ten days.

Should you have any questions, please do not hesitate to contact me at (202) 219-3690.

Sincerely,

Craig D. Reffner

Enclosures
Waiver of Notice Statement
Designation of Counsel Statement

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93 JUN 18 PM 4:40

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

June 18, 1993

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

Re: MUR 2715

Dear Mr. Reffner:

Enclosed as you requested are Waiver of Notice and Designation of Counsel executed by the treasurer of the Senator Lloyd Bentsen Election Committee.

Very truly yours,

Judith L. Corley
Counsel for Respondents

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[04057-0001/DA931690.048]

TELEX 44-0277 PCSO UI • FACSIMILE (202) 434-1690
ANCHORAGE • BELLEVUE • LOS ANGELES • PORTLAND • SEATTLE • SPOKANE

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2715

NAME OF COUNSEL: Robert F. Bauer/Judith L. Corley, Perkins Coie

ADDRESS: 607 14th Street, NW, Suite 800
Washington, DC 20005

TELEPHONE: (202) 628-6600

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.

Date 6/17/93

Signature

RESPONDENT'S NAME: Marc Irvin, Treasurer, Senator Lloyd Bentsen Election Committee

ADDRESS: P.O. Box 61202
Houston, TX 77208

HOME PHONE:

BUSINESS PHONE: (713) 227-1509

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FEDERAL ELECTION COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

In the matter of	)	
	)	MUR 2715
Senator Lloyd Bentsen Election Committee	)	
and Marc Irvin, as treasurer	)	

WAIVER OF NOTICE STATEMENT

I, Marc Irvin, the treasurer of the Senator Lloyd Bentsen Election Committee hereby acknowledge that I have received notice of the General Counsel's intent to recommend that the Federal Election Commission find probable cause to believe that the Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated certain provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced matter. In addition, I hereby waive the opportunity to respond to the General Counsel's Brief in this matter and instead rely on the earlier response to that Brief, which was submitted on behalf of the Senator Lloyd Bentsen Election Committee its former treasurer, H. Grant Taylor.

Marc Irvin, Treasurer
Senator Lloyd Bentsen Election Committee

Date 6/17/93

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93 JUL -2 PM 2:01

BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

In the matter of

Dukakis/Bentsen Committee, Inc.
and Edward Pliner, as treasurer

MUR 2715

WAIVER OF NOTICE STATEMENT

I, Edward Pliner, the treasurer of the Dukakis/Bentsen Committee, Inc., hereby acknowledges that I have received notice of the General Counsel's intent to recommend that the Federal Election Commission find probable cause to believe that the Dukakis/Bentsen Committee, Inc., and Edward Pliner, as treasurer, violated certain provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the above-referenced matter. In addition, I hereby waive the opportunity to respond to the General Counsel's Brief in this matter and instead rely on the earlier response to that Brief, which was submitted on behalf of the Dukakis/Bentsen Committee, Inc., and its former treasurer, Robert A. Farmer. At the time of the alleged violation, Mr. Pliner was not the treasurer of the Dukakis/Bentsen Committee, Inc. Thus, this waiver is conditioned on the understanding that the Federal Election Commission is only asserting jurisdiction over Mr. Pliner in a representative capacity and not in any way in a personal capacity. Mr. Pliner is in no way undertaking any personal liability in this matter.

7/2/93
DATE

Edward Pliner, Treasurer
Dukakis/Bentsen Committee, Inc.

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FEDERAL ELECTION COMMISSION
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[redacted]

MUR 2715

NAME OF COUNSEL: Kenneth A. Gross

ADDRESS: SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 New York Avenue, N.W.
Washington, D.C. 20005

TELEPHONE: (202) 371-7007

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.

7/2/93
Date

X
Signature

Dukakis/Bentsen Committee, Inc.
and Edward Pliner, as Treasurer

RESPONDENT'S NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

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RECEIVED
F.E.C.
SECRETARIAT

93 SEP -7 PM 12: 30

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 7, 1993 **SENSITIVE**

Robert F. Bauer, Esq.
Judith L. Corley, Esq.
Perkins Coie
607 14th Street, N.W.
Washington, D.C. 20005

RE: MUR 2715

Dear Mr. Bauer and Ms. Corley:

As you are aware, this Office previously notified you that the General Counsel was prepared to recommend that the Commission find probable cause to believe that your clients, The Senator Lloyd Bentsen Election Committee and its treasurer, violated various provisions of the Federal Election Campaign Act of 1971, as amended, and various Commission regulations. Upon further review, however, it appears that the General Counsel's brief did not include a recommendation concerning some of the activity that is at issue in this matter. Enclosed is a revised General Counsel's brief which accurately reflects the various probable-cause-to-believe recommendations that the General Counsel is prepared to make to the Commission. This revised General Counsel's brief also reflects the fact that Marc Irvin is the current treasurer of The Senator Lloyd Bentsen Election Committee.

The Commission may or may not approve the General Counsel's recommendations. 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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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 Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Senator Lloyd Bentsen Election Committee and	)	MUR 2715
Marc Irvin, as treasurer	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter arose from two complaints filed by Beau Boulter, 1988 candidate for the U.S. Senate from Texas, and Jann L. Olsten, Executive Director of the National Republican Senatorial Committee. Based on those complaints and responses received to them, the Federal Election Commission (the "Commission") found reason to believe that The Senator Lloyd Bentsen Election Committee and its treasurer (collectively referred to as the "Senate Committee"), violated several provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), and various Commission regulations found in Title 11 of the Code of Federal Regulations. Specifically, the Commission found reason to believe that the Senate Committee violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f) and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3).

II. ANALYSIS

At issue in this matter are various activities undertaken after the July 12, 1988 announcement of Senator Bentsen's selection as the Democratic Vice Presidential nominee for the 1988 campaign, and during his ensuing dual candidacy for the U.S. Senate from Texas and for the office of Vice President. In particular, the challenged activities involve phone bank services

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rendered to the Senate Committee, the distribution of campaign material by the Senate Committee, and campaign travel undertaken by Senator Bentsen.

A. Phone Bank

The Commission found reason to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) by making expenditures for a phone bank which allegedly benefited Senator Bentsen's Presidential Committee, The Dukakis/Bentsen Committee, Inc. (the "Presidential Committee"), in excess of the Act's $1,000 contribution limit. The Senate Committee maintains that the phone bank was a Senate campaign activity, operated solely to benefit the Senate Committee. The Senate Committee relies on the affidavit of Blaine H. Bull, Campaign Director of the Senate Committee, who explains that Senator Bentsen participated in a voter registration and get-out-the vote effort in connection with his earlier 1982 Senate campaign that utilized similar phone banking. As a result of the success of that earlier effort, on April 15, 1988, the Senate Committee contracted with the commercial vendor, '88 Texas, Inc. ("'88 Texas"), to conduct the phone bank and other services. Specifically, '88 Texas was retained to do direct mail, prepare project plans and budgets, and to employ, supervise and assign adequate staff and subcontractors to complete these obligations. See Senate Committee Response, dated December 9, 1988 ("Senate Response I"), at 2-4.

The '88 Texas phone bank operation focused on voter identification. Senate Response I, affidavit of Patti Everitt at 2-3. After '88 Texas had identified voters through the phone

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banking process, individual candidates and committees could purchase mailing lists, phone lists or walk-around lists for each specific campaign's utilization. At that point, the individual campaigns would make advocacy mailings or conduct their own individual advocacy phone banks. Senate Response I at 3.

The Senate Committee states that it contracted and paid '88 Texas $461,117 for the services it received; and that it did so in the same contractual manner as other '88 Texas clients. Senate Response I, answer to interrogatory A-6 and Exhibit I (copy of '88 Texas contract).[1] This Office is able to confirm that '88 Texas did provide phone banking and other services to the Democratic Senatorial Campaign Committee and other Federal and state candidates in Texas during the 1988 elections including "Congressmen Brooke [sic], Pickle, Andrews and Coleman." Senate Response I, affidavit of Patti Everitt at 2. Each of these participating candidates or committees was charged proportionately to their expected benefit. Id.

According to the President of '88 Texas, the telephone scripts developed for the phone bank activity utilized Senator Bentsen's name "because he is a highly respected and very popular public figure in the state of Texas." Senate Response I, affidavit of Patti Everitt at 3. The Senate Committee emphasizes that the advocacy message of these phone scripts was to encourage support for the entire Democratic ticket. The Senate and

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1. The Senate Committee apparently requested and the Democratic Senatorial Campaign Committee agreed to pay, $327,000 to '88 Texas as coordinated party expenditures under 2 U.S.C. § 441a(d). Senate Response I, affidavit of Blaine Bull at 3.

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Presidential Committees maintain that it is normal for party candidates in Senatorial and Congressional races to evaluate their position relative to the candidates at the top of the ballot through such opinion polls. Response of Dukakis/Bentsen Committee, Inc., dated December 9, 1988 ("D/B Response I"), at 2. Of the 11 phone scripts submitted, the only reference to the Bentsen Vice Presidential contest comes in the form of a single question in one of the scripts. That isolated question inquires whether the call recipient would vote for the Dukakis/Bentsen or the Bush/Quayle slate. Senate Response I, Exhibit II. Respondents maintain that the phone bank operation was conducted primarily before Senator Bentsen had been designated as the Vice Presidential nominee. The Senate Committee furthermore asserts that by the beginning of August, the Presidential/Vice presidential preference question had been eliminated from the phone bank scripts, in favor of other scripts produced in response to the Commission's discovery requests. Senate Response I at 4. The Senate Committee and the Presidential Committee maintain that at no time did the Senate Committee transfer or provide any of the phone bank generated information to the Presidential or Vice Presidential campaigns. Senate Response I, answer to interrogatory A-8 and affidavit of Blaine Bull at 3. Furthermore, the Presidential Committee states that it did not enter into any joint agreement with any other candidate, political party, or political committee or '88 Texas for services relevant to this investigation. D/B Response I, answers to interrogatories A-1, A-2 and A-3.

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The Act and the Commission's regulations exempt from the definition of contribution or expenditure payments by state and local committees of a political party for voter registration and get-out-the-vote activities conducted on behalf of its nominees for President and Vice President. 2 U.S.C. § 431(8)(B)(xii). However, payments for phone bank activity that do not qualify for this exemption would be considered contributions and expenditures under the Act, to be allocated in accordance with 11 C.F.R. § 106.1. Under this regulation, the costs of the phone bank activity would have to be attributed to each participating or benefiting candidate according to the benefit reasonably expected to be derived.

The phone bank activity in question here clearly does not fall within the statutory exemption since it was not conducted by a state or local committee. In this instance, Senator Bentsen, on whose behalf the phone bank activity was conducted, arguably could have benefited from the efforts as a Vice Presidential candidate and the costs associated therewith should have been allocated. However, the General Counsel notes that the phone bank activity appears to have been conducted primarily in the context of the Senate race with only one question of many from a large series of questions actually referencing the Vice Presidential contest. It further appears that this isolated question ran for a short,

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albeit undetermined time.[2] In light of these factors, the Office of the General Counsel recommends that the Commission find probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A), but take no further action in connection with the Senate Committee financing of phone banks.

B. Communications Distributed by the Senate Committee

The Senate Committee produced and distributed two items challenged by complainants in this matter: a July 12, 1988 mailgram and a newsletter dated September 23, 1988. With regard to the mailgram, the Commission approved discovery requests designed to elicit information pertaining to the list used by the Committee. With regard to the September newsletter, the Commission found that the Senate Committee had violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee.

Under the Act, the definitions of "contribution" and "expenditure" encompass any purchases, payments, distributions, gifts, subscriptions, loans, advances, or deposits of money or anything of value made by any person "for the purpose of influencing any election for Federal office." See 2 U.S.C. §§ 431(8)(A) and (9)(A). The Commission has construed

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2. The assertion that the Presidential/Vice Presidential preference question had been eliminated by the beginning of August cannot be correct. The Vice Presidential preference question specifically references Dan Quayle, and he was not even announced as George Bush's running mate until August 16, 1988. Therefore, this question could have been asked only after both parties had nominated their respective candidates, and the responses obtained would have been all the more relevant to the presidential contest.

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these terms broadly; anything of value expended for the purpose of influencing a particular election will be considered an expenditure or contribution, unless otherwise exempt under the Act.

One exception delineated by the Act and Commission regulations is the so-called "coattail exception." Under this exception, payments by a candidate (or by the candidate's authorized committee) for campaign materials that include information on or reference to any other candidate for Federal office, and which are used in connection with volunteer activities (including handbills and brochures), are not a contribution to be candidate so referred to, so long as the communication is not disseminated by direct mail or similar types of general public communication or political advertising. 2 U.S.C. § 431(8)(B)(XI). See 11 C.F.R. §§ 100.7(b)(16) and 100.8(b)(17). In this context, the regulations define "direct mail" as "any mailing(s) by commercial vendors or mailings made from lists which were not developed by the candidate." 11 C.F.R. §§ 100.7(b)(16).

In the present case, the Senate Committee's July 12, 1988 mailgram states in its entirety:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee and I have accepted. I will also continue my race for re-election to the Senate. Were I to resign from that race the law would not permit a replacement on the ballot, so there will be two races as happened one other time in Texas history. I am deeply grateful for the confidence you have shown in me and for the tremendous bipartisan support I have received. I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the Democratic ticket will prevail in November and that my nomination is of great importance to

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> Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support. Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified and the voters should be given a clear choice in a special election at a later date. I hope I can count on your continued leadership during this critical period.

This mailgram was dated the very day of Governor Dukakis' announcement that Senator Bentsen would be his Vice-Presidential running mate. It was sent to 2,076 individuals: all 254 Senate Committee county coordinators; selected contributors, who had given more than $1,000; and members of two Republican and Independent committees who had endorsed Senator Bentsen's Senate re-election bid. Senate Response I, answer to interrogatory C-3. All of these entities were gleaned from various in-house lists developed by the Senate Committee. Id. See Senate Response I, affidavit of Blaine Bull at 4. The Senate Committee paid Western Union Electronic Mail, Inc., $9,964.80 to produce and distribute the mailgram, and the production and distribution of this mailgram was handled without any participation by Presidential or Vice Presidential campaign staff. Senate Response I, answers to interrogatory C-1. D/B Response I at 3-4.

Even though the Senate Committee apparently used a mailing list that it had compiled itself, that fact that the Senate Committee used a commercial vendor to produce and disseminate the mailgram requires that the communication be considered "direct mail," and precludes it from qualifying for the coattail exception. Moreover, the very text of the mailgram more than

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merely references the Vice Presidential nomination; in it Senator Bentsen states that he "believe[s] that the Democratic ticket will prevail in November and that [his] nomination is of great importance to Texas and its future."

Accordingly, the Office of the General Counsel recommends that the Commission find probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee as a result of the production and distribution of the mailgram discussed herein.

The second communication at issue, a September 23, 1990 campaign newsletter, was sent to approximately 8,300 recipients from a mailing list developed and maintained by the Senate Committee.[3] The Presidential Committee asserts that it had no involvement in the creation or distribution of the Senate Committee newsletter, and in fact was unaware of its existence until well after its distribution. Response of Dukakis/Bentsen Committee, Inc., dated January 16, 1990 ("D/B Response II"),

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3. The communication in question is printed on Senator Bentsen's election committee stationery and is entitled "CAMPAIGN NEWSLETTER." It is addressed to "Interested Texans," and below this is the subheading "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" The newsletter, which states that it is "[p]aid for by the Senator Bentsen Election Committee," consists of nine short paragraphs; the first of which quotes Beau Boulter as saying that Senator Bentsen "is teamed with an enemy of the state's oil and gas industry." The newsletter then identifies Michael Dukakis as Senator Bentsen's running mate in the presidential race and denies that Dukakis is an enemy of Texas. The newsletter instead identifies then Senator Quayle, "the Republican nominee for Vice-President," as the purported enemy and references his positions which are characterized as adverse to Texas' interests.

at 3-4. The Senate Committee states that it spent approximately $3,355 for the production and distribution of the September 23, 1988 newsletter. Response of Senate Committee, dated January 16, 1990 ("Senate Response II"), answer to interrogatory A-5. The Senate Committee produced a bill for $1,755.42 from the Xerox Corporation in Santa Ana, California, a commercial vendor, for "duplicating, stitching and hand folding" the newsletter. Senate Response II, Exhibit III. Once printed, the newsletter was labeled and mailed by volunteers at the Senate Committee headquarters. Senate Response II at 4. Although the involvement of the commercial vendor raises the issue of the sufficiency of the volunteer activity, in light of recent Commission determinations, e.g., MUR 2270, this would appear to be sufficient volunteer activity to qualify for the exemption.[4]

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4. The Senate Committee previously asserted that the newsletter was a response to a Texans for Beau Boulter mailing, as well as Dan Quayle's scheduled appearances with Beau Boulter, both of which allegedly brought Vice-Presidential candidate Dan Quayle into the realm of relevant issues. The Senate Committee's assertions that the Boulter mailing claims Senator Bentsen "is teamed with an enemy of the state's oil and gas industry," and that the "Quayle issue" arose from the prior mailing are not confirmed by the actual Boulter communication produced by the Senate Committee. The Boulter mailing is entitled "A Guide to Texas' Future: The Dukakis-Bentsen Plan for Texas." Senate Response II, (Exhibit I.) Contrary to the Senate Committee's contention, the Boulter mailing does not mention Senator Quayle and thus undercuts the Senate Committee's assertion that it was responding to Senator Boulter's introduction of the "Quayle issue" via the previous Boulter newsletter.

For the reason discussed above, the Office of the General Counsel recommends that the Commission find no probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee as a result of the production and distribution of the newsletter discussed herein.

C. Allocation of Expenses for Campaign Travel

The Commission found that there was reason to believe that the Senate Committee violated 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) by sharing services and personnel with the Presidential Committee and by failing to allocate air travel, food and lodging during campaign tours undertaken by Senator Bentsen that involved both Senatorial and Vice-Presidential campaigning. As a result, the Commission also found reason to believe that the Senate Committee violated 2 U.S.C. § 441a(f) by accepting an in-kind contribution from the Presidential Committee in excess of the $1,000 contribution limit set forth at 2 U.S.C. § 441a(a)(1)(A).

The Act expressly contemplates dual candidacies. See 2 U.S.C. § 441a(a)(5)(C). Section 110.8(d)(1) of the regulations provides that "if an individual is a candidate for more than one General office . . . [that candidate] must designate separate principal campaign committees and establish completely separate campaign organizations." The subject of allocation is broached in Section 110.8(d)(3), where the regulations state that "[e]xcept for Presidential candidates . . . campaigns may share personnel

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and facilities, as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation."

Commission regulation 11 C.F.R. § 110.8(d) could be read to forbid any campaign activity in the case of a publicly financed dual candidacy that involves having personnel from both campaigns simultaneously at the same place because such activity could constitute the sharing of personnel and facilities by the separate campaigns of a dual candidate. However, such a reading effectively would preclude dual campaigns where one of the campaigns receives public financing. As a practical matter, situations will inevitably arise within the context of such dual candidacies where personnel from both campaigns are present and/or use common modes of travel such as chartered airplanes. In such instances, allocating the common costs for items that benefit both campaigns would allow for dual candidacies while effectuating the regulatory goal of ensuring that each campaign be held financially accountable for its share of expenses.[5]

With regard to allocation, Commission regulations specify that, as a general rule, expenditures made on behalf of two or more Federal candidates, shall be "attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived." 11 C.F.R. § 106.1(a). See

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5. On the other hand, the common use of certain facilities such as office space, meeting or conference rooms, or use of common staff could quite easily be prohibited under 11 C.F.R. § 110.8(d)(3) without unduly burdening, either physically or financially, the ability of individuals to maintain dual candidacies.

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AOs 80-38 and 86-30. In the context of publicly financed campaigns, expenditures for travel relating to a Presidential or Vice-Presidential campaign are considered to be qualified campaign expenses and are reported as such subject to the provisions of 11 C.F.R. 9004.7(b). That regulatory provision provides that where trips include campaign-related and non-campaign related stops, the portion of the cost of the trip allocable to campaign activity shall be a qualified campaign expense. 11 C.F.R. § 9004.7(a). It further provides that "[i]f any campaign activity, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related." Id.

The Senate Committee maintains that "[n]o campaign office or facility was shared between the Senate campaign and the Presidential or Vice Presidential campaign, nor did any office or facility of either the Senate campaign or the Presidential or Vice Presidential campaign distribute campaign materials for both campaigns." Senate Response I, answer to interrogatory B-1 and affidavit of Blaine Bull at 4. The Presidential Committee also denies that any violation of Section 110.8(d) occurred because it maintains that no common facilities were utilized by the campaigns. D/B Response II, affidavit of Peter Scher at 2. Thomas C. Cosgrove, Texas Campaign Director of the Dukakis/Bentsen Campaign, avers that "The Dukakis/Bentsen Committee, Inc. did not share any office space or facilities with the Bentsen Senate campaign." D/B Response I, affidavit of Thomas Cosgrove at 2.

The discovery in this matter revealed that during the 15 week dual candidacy period, Senator Bentsen held approximately ten

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meetings/fundraisers with Senate campaign supporters while on Presidential campaign trips. It appears that the Senate Committee paid the cost of all facilities utilized for meetings and fundraisers on its behalf, even when such events occurred during Vice Presidential travel swings. However, it also appears that Presidential Committee staff traveled with Bentsen and his Senate Committee staffers to certain Senate campaign stops during such trips. According to one Presidential Committee Response, the Presidential Committee paid some $56,124.21 for room and board for Presidential Committee staffers to accompany Senator Bentsen on Senate campaign stops. Supplemental Response of Dukakis/Bentsen Committee, dated April 25, 1990 ("D/B Response III"), at 2. Although Senator Bentsen's schedule for Senate activities was arranged by Melissa Warren, a paid employee of the Senate Committee, Presidential Committee staff were also involved in coordinating Senator Bentsen's travel. Senate Response II, answer to interrogatory B-5. However, the Presidential Committee contends that:

> When Senator Bentsen made a Senate campaign stop on a Vice-Presidential trip, the Dukakis/Bentsen campaign did not pay for any of the advance work, facilities, ground transportation, or provide any staff to the Senate campaign portion of the trip.

D/B Response III, citing affidavit of Peter L. Scher, attached to D/B Response II, at ¶ 2.

As discussed above, most of the Presidential Committee expenditures for its staff to accompany Senator Bentsen are in line with holding each committee responsible for its own staff and related expenditures. Given the organization of these campaign

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swings, which included appearances related to both campaigns, it appears economically and politically sensible for staff from both committees to have accompanied the Senator.

The Presidential Committee contends that the airfare for these trips was paid for by the Democratic National Committee (the "DNC") pursuant to 2 U.S.C. § 441a(d). D/B Response II at 5.[6] The Presidential Committee therefore argues that it could not have made any impermissible expenditures on behalf of the Senate Committee, because all travel costs were paid for by the DNC. The Senate and Presidential Committees also assert that all of the Senate related appearances by Senator Bentsen during Vice-Presidential travel were "incidental" to his primary purpose and resulted from efforts to "squeeze" Senate events into Bentsen's busy Vice Presidential campaign schedule.

The facts, however, do not substantiate Respondents' arguments. Although Respondents contend that all charter flights of Senator Bentsen and his traveling party to the Senate events during the Vice Presidential trips were paid by the DNC, 2 U.S.C. § 441a(d)(2), no documentation was produced to support this claim.[7] Based upon an examination of documents and materials

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6. According to respondents, the DNC payments amounted to an overall cost of $347,149.86, and no allocation was made to, and no costs were paid by, the Senate Committee. D/B Response II at 5 and answer to interrogatory 3. When the DNC payments for airfare are aggregated with other DNC payments on behalf of the Senate or Presidential Committees, it does not appear that the DNC exceeded the limits imposed under 2 U.S.C. § 441a(d).

7. In fact, the Senate Committee could not even produce itineraries for these campaign swings, but instead relied on the Presidential Committee's response regarding itinerary.

produced in connection with the Commission's audit of the Presidential Committee, it appears that the DNC did not make payments for two of the Senate-related campaign legs at issue in this matter. Rather, the Presidential Committee paid for these legs directly. See Attached Chart of Trips.[8]

The first trip leg which does not reflect a DNC reimbursement was from Hot Springs, Arkansas to Austin, Texas on August 26, 1988, for attendance at a county coordinators' meeting related to the Senate campaign scheduled for August 27, 1988. The Commission's audit materials indicate that the Presidential Committee paid $2,954.51 for 13 staff members to travel on this leg of the trip which was undertaken for a Senate campaign function. The second trip leg which does not reflect a DNC payment was from Midland to Lubbock, Texas on September 20, 1988, for attendance at a Senate campaign fundraiser.[9] In this instance the Commission's audit materials indicate that the Presidential Committee paid for 11 staff members to travel on this leg at a total cost of $2,056.34.

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8. Those trips for which the DNC made no corresponding payment for air transportation are denoted in bold print on the attached chart. In the other instances shown on the attached chart, the DNC made unitemized payments to the travel agency which handled all of Bentsen's travel arrangements. While those payments generally relate to the given trips, there is no indication that they specifically cover air transportation. In instances where both the DNC and the Presidential Committee made payments to the travel agency of expenses related to the given trips which exceeded actual costs, the travel agency reimbursed the Presidential Committee.

9. After spending the evening in Lubbock, the next day the Bentsens visited a hospital and a high school, and then gave three television interviews before leaving for Sacramento at 11:05 A.M. on Presidential Committee campaign activities.

Moreover, Respondents' argument that any Senatorial business conducted while on Vice Presidential trips was of such short duration as to be merely "incidental," and thus not campaign related, is premised upon a misunderstanding of 11 C.F.R. § 106.3. Contrary to Respondents' suggestion, the actual amount of time an event lasts does not determine whether it constitutes an "incidental contact" as that term is used in the regulations. The Explanation and Justification of Section 106.3 explains the concept of an "incidental campaign stop," stating that where a candidate makes one campaign-related appearance in a city, the trip to that city is campaign-related. However, if a candidate makes a non-political speech to a civic association luncheon and, upon leaving, chats with a few attendees about his upcoming campaign, that conversation would not make the appearance campaign-related. Thus, the regulations only prevent an otherwise non-campaign related activity from becoming a campaign related activity due to an incidental contact.[10] The example provided in the Explanation and Justification is far afield from what transpired here, in that the designated Senate campaign appearances/meetings required planning, advanced scheduling and travel exclusively for Senate related business. These were not

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10. Similarly, in Advisory Opinion 1986-6, the Commission determined that under certain circumstances a political committee organized by the Vice President may pay expenses for various appearances to promote the Republican Party without such expenditures being attributed to the Vice President. The Commission noted that references to the Vice President's candidacy would be acceptable only where it resulted from "incidental contacts and incidental remarks, such as those in response to questions." See AO 1986-6.

"off-the-cuff" remarks or spontaneous meetings. Such planned Senate campaign appearances cannot fairly be described as incidental in nature, and thus travel to the various destinations for those stops is related to the Senate campaign, which is responsible for the transportation costs associated with them.

Even if the regulations excluded "short meetings" of secondary importance and/or of de minimus benefit from the realm of campaign related activity, it appears that the events here would not qualify. According to the itinerary documents produced, only two of them lasted less than one hour in duration, and one meeting lasted the entire day. Furthermore, attendance at Senate related events required planning and often involved significant travel unrelated to the Presidential campaign. The August 27, 1988 Senate campaign event in Austin, for example, required travel from Hot Springs, Arkansas to Austin, Texas. Similarly, a West Palm Beach, Florida Senate Fundraiser required travel from North Carolina to Florida solely for attendance at the fundraiser.

As a result of the investigation into this matter it appears that the two committees associated with Senator Bentsen usually paid for the expenses associated with their respective campaigns, except in the two instances outlined above. The Office of the General Counsel thus recommends that the Commission find probable cause to believe that The Senator Lloyd Bentsen Election Committee

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and Marc Irvin, as treasurer, violated 11 C.F.R. §§ 106.1[11] and 110.8(d)(2) by improperly sharing transportation without allocating the costs appropriately. The Office of the General Counsel further recommends that the Commission find probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(f) by accepting in-kind contributions by way of airfare fees paid on behalf of the Senate Committee by the Presidential Committee rather than appropriately allocating such expenditures.

The Commission previously found reason to believe that the Senate Committee also violated 11 C.F.R. § 110.8(d)(3), but the investigation reveals that no personnel or facilities were shared between the two committees. Therefore, the Office of the General Counsel recommends that the Commission find no probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 11 C.F.R. § 110.8(d)(3).

IV. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441a(a)(1)(A) and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2).

2. Find no probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer,

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11. In allocating the travel costs in the present situation 11 C.F.R. § 106.1(a) would require a split according to the reasonable benefit derived by each respondent. Section 9004.7(b)(2) would determine allocable cost from the point of origin to return. It seems that the Senate Committee should have paid for transportation from Hot Springs, Arkansas to Austin, Texas and then back to Washington, D.C. Similarly, the Senate Committee should have been responsible for the air transportation from Midland, Texas to Lubbock, Texas, for attendance at the Senate fundraiser held in Lubbock. These costs total $8,990.13.

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violated 2 U.S.C. § 441a(a)(1)(A) as a result of the Senate Committee newsletter publication.

3. Find probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee's financing of phone banks, but take no further action.

4. Find no probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 11 C.F.R. § 110.8(d)(3).

Date 9/7/93

Lawrence M. Noble
General Counsel

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COMMISSION

September 15, 1993

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

Re: MUR 2715

Dear Mr. Reffner:

This is a request for an extension of time of 20 days to reply to the Commission's letter dated September 7, 1993, in the above-referenced matter under review.

Because of vacations schedules and the need to coordinate with current and former committee staff in Texas, the extra time is necessary. With the extension, the response would be due on October 15, 1993.

If you have any questions or need any additional information, please contact one of the undersigned.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel for Respondents

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[12584-0001/DA932580.038]

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

SEPTEMBER 17. 1993

Robert F. Bauer, Esq.
Judith L. Corley, Esq.
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20463

RE: MUR 2715

Dear Mr. Bauer and Ms. Corley:

This is in response to your letter dated September, 15, 1993, which we received on September 16, 1993, requesting an extension of 20 days, or until October 15, 1993, to respond to the Second General Counsel's Brief in the above-referenced matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on October 15, 1993.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Craig Douglas Reffner
Attorney

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
93 OCT 21 AM 1:47

October 20, 1993

Craig D. Reffner
Office of the General Counsel
Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, D.C. 20463

Re: MUR 2715 - Senator Lloyd Bentsen Election Committee and Marc Irvin, as Treasurer

Dear Mr. Reffner:

This letter is the response, through counsel, of the above-referenced Respondents to the revised probable cause brief submitted by the Office of General Counsel by letter dated September 7, 1993. Before addressing the substance of the issues raised in the General Counsel's brief, we wish to address a troubling procedural issue.

CHRONOLOGY OF THE CASE

At the beginning of June 1993, our office received a call from you asking for a new designation of counsel and a waiver of the new treasurer regarding the Respondents' previous filings. At that time you told us that you have been assigned to the case and were reviewing the files. Since our last response had been filed with the Commission over a year before our conversation (see Chronology attached as Exhibit A), we were hopeful that at last a case pending since the original complaint was filed five years ago, in October of **1988**, would finally be resolved.

Three months after our conversation, instead of a proposal for resolution, the General Counsel issued a revised Probable Cause brief. As you noted in your cover letter, "it appears that the General Counsel's brief did not include a recommendation concerning some of the activity that is at issue in this matter." Much of the brief looked similar to the prior Probable Cause brief, and in order to ensure that we had discovered all of the changes made by the General Counsel in this version, we had it red-lined. A copy of the red-lined version is attached as Exhibit B.

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As you can see from the red-lined version, apart from the deletion of any reference to the Presidential campaign laws and committee, the only substantive change appears to have been made with the addition of a single paragraph on page 11. The remaining changes were apparently made to improve the style of presentation. This raises the question of why a complete rebriefing of the case was required, or would have demanded a year of the Commission's time (or even the three months since you contacted us for regarding the change of treasurer).

As the Chronology shows, Respondents have requested several extensions of time in connection with this matter. In a matter as complex as this one is, the Commission's normal response time of 15 days is not a workable deadline and the Commission has, reasonably, granted the requested extensions. Even if, however, you add all of the extensions of time together for the entire case to date (a period totaling approximately five months), it does not add up to the length of time it took the General Counsel's office to issue a Reason to Believe finding in the case (11 months) or the first Probable Cause brief (two years and three months) or even the second Probable Cause brief (one year and three months).

We raise these issues not solely because of our frustration with the amount of time this matter has been pending before the Commission. We are also concerned that the General Counsel's office no longer has the proper perspective on the issues in this case.

This is a case involving issues of first impression. At the time Secretary Bentsen ran for the Senate and the Vice Presidency in 1988, the Commission's regulations had not been tested by a dual candidacy for these offices, nor have they since. The dual candidacy raised unique issues that required special consideration in weighing the rights of the dual candidate against the statutory objectives. There was very little in the way of guidance for the Presidential/Vice Presidential and Senate campaigns to use in order to comply with the regulations that existed, regulations that in some cases appeared to directly contradict one another. Compare, e.g., 11 C.F.R. § 110.8(d)(3) (prohibiting shared staff and facilities) with 26 U.S.C. § 9002(11) (requiring allocation of such shared staff and facilities).

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To resolve these difficult issues, the Bentsen Senate campaign took the most conservative route. To the extent physically possible (since Secretary Bentsen is, after all, only one person), the campaigns were separately financed and joint efforts of any kind were kept to a minimum. Complete separation was not possible, however, not only because a single candidate pursuing two campaigns at once cannot divide in half, but also because of press inquiries about both races, supporters' awareness and response to both candidacies, and opponents' efforts to link the two candidacies together. This required, in certain limited circumstances, that the candidate address both candidacies, even if the context of the address was the Senate campaign.

The success of the campaign in achieving its goals is made clear by the General Counsel's own Probable Cause brief. Out of the multi-millions of dollars spent on both the Presidential/Vice Presidential race and the Senate race, the General Counsel has found only three instances that he contends violated the law. (And in one of those he is recommending that the Commission take no further action.)

Nonetheless, in the endless effort to resolve this matter, Respondents submit the following comments on the specific findings in the General Counsel's brief.

SPECIFIC FINDINGS OF THE GENERAL COUNSEL

The General Counsel makes three findings of Probable Cause in the brief. Respondents had earlier submitted a response to two of the three findings and the response will not be repeated here. A copy of the response is, however, attached as Exhibit C.

The third finding involves a mailgram distributed by the Senate Committee.[1] The mailgram discusses both Secretary

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1 The full text of the mailgram is as follows:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee and I have accepted. I will also continue my race for re-election to the Senate. Were I to resign from that race the law would not permit a replacement on the ballot, so there will be two races as happened one other

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Bentsen's Senate and Vice Presidential elections and the impact these elections will have an Texas citizens. It was mailed the day of Governor Dukakis' announcement that Secretary Bentsen would be his Vice Presidential running mate.

The mailgram addressed what was a paramount concern for Democratic voters in Texas: what would happen to the Texas Senate seat in this election?

- If Secretary Bentsen lost both races, the Senate seat would be in Republican hands.
- If Secretary Bentsen won the Vice Presidential race, but lost the Senate race, the seat would be in Republican hands.
- If Secretary Bentsen lost the Vice Presidential race but won the Senate race (as actually happened), the seat would remain in Democratic hands.
- If Secretary Bentsen won the Vice Presidency <u>and</u> the Senate election, he could resign from the Senate seat before Inauguration day and a Democratic governor would appoint his successor until a special

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time in Texas history. I am deeply grateful for the confidence you have shown in me and for the tremendous bipartisan support I have received. I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support. Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified and the voters should be given a clear choice in a special election at a later date. I hope I can count on your continued leadership during this critical period.

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> election was held, and the seat would remain in Democratic hands.

Thus, in order for the Democratic party in Texas to continue to control the Senate seat, Secretary Bentsen had to win the Senate election, no matter what the outcome of the Vice Presidential race. It was in this context that the mailgram was sent. It was essential that Secretary Bentsen continue to be viewed as the only candidate to vote for in the Senate race, without drawing votes away from his Vice Presidential candidacy. There was no practical way to convey this message without discussing both candidacies.

The focus of the mailgram, though, was clearly on the Senate race. It was sent to Senate Committee county coordinators, to selected Senate contributors, and to members of two Republican and Independent committees who had endorsed then-Senator Bentsen's reelection campaign. The mailgram states the Secretary's belief that the Democratic ticket would win the Presidential race, but goes on to state:

> Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. (Emphasis added.)

The mailgram was designed to do exactly what it says: promote Secretary Bentsen's Senate candidacy whether or not the voter intended to support him as the Vice Presidential nominee.

The General Counsel's brief discusses at length the coattail provisions of the statute and concludes that the provisions do not apply because a commercial vendor was involved in the distribution. As a result, it recommends a finding of probable cause.

The Senate Committee is not, however, relying on the coattails exemption. The coattails exemption was not intended to address a dual candidacy. How can a candidate ride on his own coattails? The statute describes the coattails provision as a "payment by a candidate . . . of the costs of campaign materials which include information on or reference to any other candidate. . . ." 2 U.S.C. § 431(8)(b)(xi) (emphasis added). All of Senate candidate Bentsen's campaign materials by definition include information on or reference to Vice Presidential candidate Bentsen. Under this view, all

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materials prepared by the Senate campaign apparently would have been subject to the volunteer distribution requirement.

Further, the Legislative History of the Amendments that added this provision to the law make clear that it was intended to "create[] a solution for [the Carter/Koch problem] and will go a long way to encourage candidates to run as a 'team'." Floor Statement of Cong. Frenzel, Cong. Rec. (9/10/79), reprinted in Leg. History of Federal Election Campaign Act Amendments of 1979 (FEC) at 445. The Amendment was designed to allow candidates to promote their own candidacies through the benefit of the use of another candidate on the same ticket. With the mailgram, Secretary Bentsen was, if anything, doing just the opposite. The application of this provision to a dual candidate in general and to the mailgram in question makes no sense as a matter of statutory construction since it forces the Commission to contort the language of the statute to fit facts the language plainly was not intended to address.

Rather, the Commission should analyze the content of the mailgram in the context of the unique nature of a dual candidacy and it should conclude that the mailgram was related to the Senate campaign and was not in violation of the campaign laws.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel To Respondents

Attachments

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EXHIBIT A

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MUR 2715
CHRONOLOGY

Date	Action
October 17, 1988	Notice of Complaint
November 4, 1988	Extension of Time Request
November 9, 1988	Extension Granted
November 21, 1988	Additional Extension of Time Requested
December 2, 1988	Extension Granted
December 9, 1988	Response Filed
November 20, 1989	Reason To Believe Finding
November 28, 1989	Extension of Time Requested
December 14, 1989	Extension of Time Granted
January 16, 1990	Response to Reason To Believe Filed
April 21, 1992	Probable Cause Brief
May 8, 1992	Extension of Time Requested
May 8, 1992	Extension of Time Granted
June 4, 1992	Letter Regarding Change of Treasurer and Designation of Counsel
June 11, 1992	Response Filed
June 18, 1993	Response to June 4 Letter
September 7, 1993	Revised Probable Cause Brief
September 15, 1993	Extension of Time Requested
September 17, 1993	Extension of Time Granted

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EXHIBIT B

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Senator Lloyd Bentsen Election	)	MUR 2715
Committee and	)	
~~H. Grant Taylor~~Marc Irvin,	)	
as treasurer	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter arose from two complaints filed by Beau Boulter, 1988 candidate for the U.S. Senate from Texas, and Jann L. Olsten, Executive Director of the National Republican Senatorial Committee. Based on those complaints and responses received to them, the Federal Election Commission found reason to believe that The Senator Lloyd Bentsen Election Committee and ~~H. Grant Taylor, as~~its treasurer (collectively referred to as the "Senate Committee"), violated several provisions of the Federal Election Campaign Fund Act of 1971, as amended (the "Act"), ~~the Presidential Election Campaign Act, 26 U.S.C. § 9001 et. seq., Chapter 95 of Title 26, U.S. Code (the "Fund Act)"~~ and various Commission regulations found in Title 11 of the Code of Federal Regulations. Specifically, the Commission found reason to believe that ~~the Presidential Committee had violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); 26 U.S.C. § 9003(b), 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3). As for~~ the Senate Committee~~, the Commission found there was~~

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~~reason to believe it had~~ violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f)~~;~~ and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and (3).

II. ANALYSIS

~~Title 26 of the U.S. Code provides for public funding of Presidential elections via the Presidential Election Campaign Fund. In order to be eligible to receive public funding the candidates of major parties in a presidential election certify to the Commission that they will not incur qualified campaign expenses in excess of the aggregate payments to which they are entitled and that they will not accept any contributions to defray qualified campaign expenses. See 26 U.S.C. § 9003. Expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a), and such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the Presidential/Vice Presidential candidates. See 11 C.F.R. § 9002.11(b)(3); 26 U.S.C. § 9002(11).~~

At issue in this matter are various activities undertaken after the July 12, 1988 announcement of Senator Bentsen's selection as the Democratic Vice Presidential nominee for the 1988 campaign, and during his ensuing dual candidacy for the U.S. Senate from Texas and for the office of Vice President. ~~The focus of the investigation centered on whether the Presidential Committee was circumventing the limitations~~

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~~imposed upon candidates receiving funding under the Fund Act, and whether the Presidential Committee misused public funds received under the Fund Act to make expenditures for activities unrelated to the Presidential campaign.~~ In particular, the challenged activities involve phone bank services rendered to the Senate Committee, the distribution of campaign material by the Senate Committee, and campaign travel undertaken by Senator Bentsen.

A. Phone Bank

The Commission found reason to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) by making expenditures for a phone bank which allegedly benefited Senator Bentsen's ~~the~~ Presidential Committee, The Dukakis/Bentsen Committee, Inc. (the "Presidential Committee"), in excess of the prescribed $1,000 contribution limit. ~~Consequently, the Commission also found reason to believe that the Presidential Committee knowingly accepted the phone bank as an in-kind contribution in violation of the 2 U.S.C. § 441a(f) prohibition against accepting excessive contributions and accepted private contributions to defray its qualified campaign expenses in violation of 26 U.S.C. § 9003(b)(2).~~

The Senate Committee maintains that the phone bank was a Senate campaign activity, operated solely to benefit the Senate Committee. The Senate Committee relies on the affidavit of Blaine H. Bull, Campaign Director of the Senate

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Committee, who explains that Senator Bentsen participated in a voter registration and get-out-the vote effort in connection with his 1982 Senate campaign that utilized similar phone banking. As a result of the success of that earlier effort, on April 15, 1988, the Senate Committee contracted with the commercial vendor, '88 Texas, Inc. ("'88 Texas"), to conduct the phone bank and other services. Specifically, 88 Texas was retained to do direct mail, prepare project plans and budgets, and to employ, supervise and assign adequate staff and subcontractors to complete these obligations. See Senate Committee ~~12/9/88~~ Response, dated December 9, 1988 ("Senate Response I") ~~at 3~~, at 2-4.

The ~~88~~'88 Texas phone bank operation focused on voter identification. See Senate Response I, affidavit of Patti Everitt ~~affidavit~~ at 2-3. After ~~88~~ '88 Texas had identified voters through the phone banking process, individual candidates and committees could purchase mailing lists, phone lists or walk-around lists for each specific campaign's utilization. At that point, the individual campaigns would make advocacy mailings or conduct their own individual advocacy phone banks. Senate Response I at 3.

The Senate Committee states that it contracted and paid '88 ~~88~~ Texas $461,117 for the services it received; and that it did so in the same contractual manner as other '88 ~~88~~ Texas clients. Senate Response I, answer to ~~I~~interrogatories A-6 ~~at 3; See also, copy of contract, Senate Response I,~~ and

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Exhibit 1 (copy of '88 Texas contract).[1] This Office is able to confirm that '88 ~~88~~ Texas did provide phone banking and other services to the Democratic Senatorial Campaign Committee and other ~~f~~Federal and state candidates in Texas during the 1988 elections including "Congressmen Brooke [sic], Pickle, Andrews and Coleman." Senate Response I, ~~December 9, 1988 Response of Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer ("D/B Response I"), at p. 2 and Senate Response I,~~ affidavit of Patti Everitt at 2. Each of these participating candidates or committees was charged proportionately to their expected benefit. ~~Senate Response I at 4.~~ Id.

According to the President of '88 ~~88~~ Texas, the telephone scripts developed for the phone bank activity utilized Senator Bentsen's name "because he is a highly respected and very popular public figure in the state of Texas." Senate Response I, affidavit of Patti Everitt ~~affidavit~~ at 3. The Senate Committee emphasizes that the advocacy message of these phone scripts was to encourage support for the entire Democratic ticket. The Senate and Presidential Committees maintain that it is normal for party candidates in Senatorial and Congressional races to evaluate their position relative to the candidates at the top of the ballot through such opinion

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[1]The Senate Committee apparently requested and the Democratic Senatorial Campaign Committee agreed to pay, $327,000 to 88 Texas as coordinated party expenditures under 2 U.S.C. § 441a(d). Senate Response I, ~~to Interrogatories at 4,~~ affidavit of Blaine Bull ~~Affidavit~~ at 3.

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polls. Response of Dukakis/Bentsen Committee, Inc., dated December 9, 1988 ("D/B Response I"), at 2. Of the 11 phone scripts submitted, the only reference to the Bentsen Vice Presidential contest comes in the form of a single question in one of the scripts. That isolated question inquires whether the call recipient would vote for the Dukakis/Bentsen or the Bush/Quayle slate. Senate Response I, ~~at~~ Exhibit ~~2~~II. Respondents maintain that the phone bank operation was conducted primarily before Senator Bentsen had been designated as the Vice Presidential nominee. The Senate Committee furthermore asserts that by the beginning of August, the Presidential/Vice ~~P~~presidential preference question had been eliminated from the phone bank scripts, in favor of other scripts produced in response to the Commission's discovery requests. Senate Response I at 4. The Senate Committee and the Presidential Committee maintain that at no time did the Senate Committee transfer or provide any of the phone bank generated information to the Presidential or Vice Presidential campaigns. Senate Response I, answer to ~~I~~interrogatories A-8 and~~, p. 6; Senate Response I at the Bull~~ ~~A~~affidavit of Blaine Bull at~~p.~~ 3. Furthermore, the Presidential Committee states that it did not enter into any joint agreement with any other candidate, political party, or political committee or ~~88~~ '88 Texas for services relevant to this investigation. D/B Response I, answers to ~~I~~interrogatories ~~Answer 2~~A-1, A-2 and A-3.

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The Act and the Commission's regulations exempt from the definition of contribution or expenditure payments by state and local committees of a political party for voter registration and get-out-the-vote activities conducted on behalf of its nominees for President and Vice President. See 2 U.S.C. § 431(8)(B)(xii). However, payments for phone bank activity that does not qualify for this exemption would be considered contributions and expenditures under the Act, to be allocated in accordance with 11 C.F.R. § 106.1. Under this regulation, the costs of the phone bank activity would have to be attributed to each participating or benefiting candidate according to the benefit reasonably expected to be derived.

The phone bank activity in question here clearly does not fall within the statutory exemption since it was not conducted by a state or local committee. In this instance, Senator Bentsen, on whose behalf the phone bank activity was conducted, arguably could have benefited from the efforts as a Vice Presidential candidate and the costs associated therewith should have been allocated. However, the General Counsel notes that the phone bank activity appears to have been conducted primarily in the context of the Senate race with only one question of many from a large series of questions actually referencing the Vice Presidential contest. It further appears that this isolated question ran for a short,

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albeit undetermined time.[2] In light of these factors, the Office of the General Counsel recommends that the Commission find probable cause to believe that ~~t~~The Senator Lloyd Bentsen Election Committee and ~~H. Grant Taylor~~Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) but take no further action in connection with the Senate Committee financing of phone banks.

B. Communications Distributed by the Senate Committee

The Senate Committee produced and distributed two items challenged by complainants in this matter: a July 12, 1988 mailgram and a newsletter dated September 23, 1988. With regard to the mailgram, the Commission approved discovery requests designed to elicit information pertaining to the list used by the ~~c~~Committee. With regard to the September newsletter, the Commission found that the Senate Committee had violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee~~ and that the Presidential Committee violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting a contribution in the form of the Senate Committee paid newsletter.~~

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[2]The assertion that the Presidential/Vice Presidential preference question had been eliminated by the beginning of August cannot be correct. The ~~v~~Vice ~~p~~Presidential preference question specifically references Dan Quayle, and he was not even announced as George Bush's running mate until August 16, 1988. Therefore, this question could have been asked only after both parties had nominated their respective candidates, and the responses obtained would have been all the more relevant to the presidential contest.

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Under the Act the definitions of "contribution" and "expenditure" encompass any purchases, payments, distributions, gifts, subscriptions, loans, advances, or deposits of money or anything of value made by any person "for the purpose of influencing any election for Federal office." See 2 U.S.C. §§ 431(8)(A) and (9)(A). The Commission has construed these terms broadly; anything of value expended for the purpose of influencing a particular election will be considered an expenditure or contribution, unless otherwise exempt under the Act.

One exception delineated by the Act and Commission regulations is the so-called "coattail exception." Under this exception, payments by a candidate (or by the candidate's authorized committee) for campaign materials that include information on or reference to any other candidate for Federal office, and which are used in connection with volunteer activities (including handbills and brochures), are not a contribution to the candidate so referred to, so long as the communication is not disseminated by direct mail or similar types of general public communication or political advertising. 2 U.S.C. § 431(8)(B)(XI) ~~and~~. See 11 C.F.R. §§ 100.7(b)(16) and 100.8(b)(17). In this context, the regulations define "direct mail" as "any mailing(s) by commercial vendors or mailings made from lists which were not developed by the candidate." 11 C.F.R. § 100.7(b)(16).

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In the present case, the Senate Committee's July 12, 1988 mailgram states in its entirety:

> You are aware by now that Governor Dukakis has asked me to run as his vice-presidential nominee and I have accepted. I will also continue my race for re-election to the Senate. Were I to resign from that race the law would not permit a replacement on the ballot, so there will be two races as happened one other time in Texas history. I am deeply grateful for the confidence you have shown in me and for the tremendous bipartisan support I have received. I understand that some of my friends will feel that this latest development creates a predicament for them. However, I believe that the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future. I hope you will view the situation in this light and will continue to give me your advice and support. Regardless of your commitments in the presidential race, the campaign for the Senate is vital to Texas and must be vigorously conducted. My opponent in this race is simply not qualified and the voters should be given a clear choice in a special election at a later date. I hope I can count on your continued leadership during this critical period.

This mailgram was dated the very day of Governor Dukakis' announcement that Senator Bentsen would be his Vice-Presidential running mate. It was sent to 2,076 individuals: all 254 Senate Committee county coordinators; selected contributors, who had given more than $1,000; and members of two Republican and Independent committees who had endorsed Senator Bentsen's Senate re-election bid. Senate Response I, answer to ~~I~~interrogatories ~~at 7-8~~ C-3. All of these entities were gleaned from various in-house lists developed by the Senate Committee. Id. See Senate Response I, affidavit of Blaine Bull at 4 ~~(Bull Affidavit at 4).~~ The

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Senate Committee paid Western Union Electronic Mail, Inc., $9,964.80 to produce and distribute the mailgram, and the production and distribution of this mailgram was handled without any participation by Presidential or Vice Presidential campaign staff. Senate Response I, answers to ~~I~~interrogatori~~es~~y C-1. ~~at 7-8 and~~ D/B Response I at 3-4.

Even though the Senate Committee apparently used a mailing list that it had compiled itself, the fact that the Senate Committee used a commercial vendor to produce and disseminate the mailgram requires that the communication be considered "direct mail," and precludes it from qualifying for the coattail exception. Moreover, the very text of the mailgram more than merely references the Vice Presidential nomination; in it Senator Bentsen states that he "believe[s] that the Democratic ticket will prevail in November and that [his] nomination is of great importance to Texas and its future."

Accordingly, the Office of the General Counsel recommends that the Commission find probable cause to believe that The Senator Lloyd Bentsen Election Committee and Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee as a result of the production and distribution of the mailgram discussed herein.

The second communication at issue, a September 23, 1990 campaign newsletter, was sent to approximately 8,300

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recipients from a mailing list developed and maintained by the Senate Committee.[3] The Presidential Committee asserts that it had no involvement in the creation or distribution of the Senate Committee newsletter, and in fact was unaware of its existence until well after its distribution. ~~See January 16, 1990~~ Response of Dukakis/Bentsen Committee, Inc., dated January 16, 1990 ~~and Robert A. Farmer, as treasurer~~ ("D/B Response II"), at 3-4. The Senate Committee states that it spent approximately $3,355 for the production and distribution of the September 23, 1988 newsletter. Response of Senate Committee, dated January 16, 1990 ("Senate Response II"), answer to ~~I~~interrogatory ~~A(5)~~A-5. The Senate Committee produced a bill for $1,755.42 from the Xerox Corporation in Santa Ana, California, a commercial vendor, for "duplicating, stitching and hand folding" the newsletter. ~~See~~ Senate Response II, Exhibit III. Once printed, the newsletter was labeled and mailed by volunteers at the Senate Committee headquarters. Senate Response II at 4. Although the

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[3]The communication in question is printed on Senator Bentsen's election committee stationery and is entitled "CAMPAIGN NEWSLETTER." It is addressed to "Interested Texans," and below this is the subheading "PRACTICE WHAT YOU PREACH, BEAU BOULTER!" The newsletter, which states that it is "[p]aid for by the Senator Bentsen Election Committee," consists of nine short paragraphs; the first of which quotes Beau Boulter as saying that Senator Bentsen "is teamed with an enemy of the state's oil and gas industry." The newsletter then identifies Michael Dukakis as Senator Bentsen's running mate in the presidential race and denies that Dukakis is an enemy of Texas. The newsletter instead identifies then Senator Quayle, "the Republican nominee for Vice-President," as the purported enemy and references his positions which are characterized as adverse to Texas' interests.

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involvement of the commercial vendor raises the issue of the sufficiency of the volunteer activity, in light of recent Commission determinations, e.g. MUR 2270, this would appear to be sufficient volunteer activity to qualify for the exemption.[4]

For the reasons discussed above, the Office of the General Counsel recommends that the Commission find no probable cause to believe that ~~t~~The Senator Lloyd Bentsen Election Committee and ~~H. Grant Taylor~~Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Presidential Committee as a result of the production and distribution of the newsletter discussed herein.

C. Allocation of Expenses for Campaign Travel

The Commission found that there was reason to believe that the Senate ~~and Presidential~~ Committees and their treasurers violated 11 C.F.R. §§ 106.1(a), ~~and~~ 110.8(d) (2) and 110.8(d)(3) by sharing services and personnel with the

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[4]The Senate Committee previously asserted that the newsletter was a response to a Texans for Beau Boulter mailing, as well as Dan Quayle's scheduled appearances with Beau Boulter, both of which allegedly brought Vice-Presidential candidate Dan Quayle into the realm of relevant issues. The Senate Committee's assertions that the Boulter mailing claims Senator Bentsen "is teamed with an enemy of the state's oil and gas industry," and that the "Quayle issue" arose from the prior mailing are not confirmed by the actual Boulter communication produced by the Senate Committee. The Boulter mailing is entitled "A Guide to Texas' Future: The Dukakis-Bentsen Plan for Texas." Senate Response II, (Exhibit I). Contrary to the Senate Committee's contention, the Boulter mailing does not mention Senator Quayle and thus undercuts the Senate Committee's assertion that it was responding to Senator Boulter's introduction of the "Quayle issue" via the previous Boulter newsletter.

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Presidential Committee and by failing to allocate air travel, food and lodging during campaign tours undertaken by Senator Bentsen that involved both Senatorial and Vice-Presidential campaigning. As a result, the Commission also found reason to believe ~~that the Presidential Committee and its treasurer violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee; and~~ that the Senate Committee ~~and its treasurer~~ violated 2 U.S.C. § 441a(f) by accepting an in-kind contribution~~s~~ from the Presidential Committee in excess of the $1,000 limit under 2 U.S.C. § 441a(a)(1)(A).

The Act expressly contemplates dual candidacies. See 2 U.S.C. § 441a(a)(5)(C). Section 110.8(d) (1) of the regulations provides that "if an individual is a candidate for more than one ~~Federal~~ General office . . . [that candidate] must designate separate principal campaign committees and establish completely separate campaign organizations." The subject of allocation is broached in Section 110.8(d) (3), where the regulations state that "[e]xcept for Presidential candidates . . . campaigns may share personnel and facilities, as long as expenditures are allocated between the campaigns, and the payment made from each campaign account reflects the allocation."

Commission regulation 11 C.F.R. § 110.8(d) could be read to forbid any campaign activity in the case of a publicly financed dual candidacy that involves having personnel from

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both campaigns simultaneously at the same place because such activity could constitute the sharing of personnel and facilities by the separate campaigns of a dual candidate. However, such a reading effectively would preclude dual campaigns where one of the campaigns receives public financing. As a practical matter, situations will inevitably arise within the context of such dual candidacies where personnel from both campaigns are present and/or use common modes of travel such as chartered airplanes. In such instances, allocating the common costs for items that benefit both campaigns would allow for dual candidacies while effectuating the regulatory goal of ensuring that each campaign be held financially accountable for its share of expenses.[5]

With regard to allocation, Commission regulations specify that, as a general rule, expenditures made on behalf of two or more Federal candidates, shall be "attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived." ~~See~~ 11 C.F.R. § 106.1(a)~~,~~ See AOs ~~19~~80-38~~,~~ and ~~AO 19~~86-30. In the context of publicly financed campaigns, expenditures for travel relating to a Presidential or Vice-Presidential campaign are

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[5]On the other hand, the common use of certain facilities such as office space, meeting or conference rooms, or use of common staff could quite easily be prohibited under 11 C.F.R. § 110.8(d) (3) without unduly burdening, either physically or financially, the ability of individuals to maintain dual candidacies.

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considered to be qualified campaign expenses and are reported as such subject to the provisions of 11 C.F.R. § 9004.7(b). See 11 C.F.R. § 9004.7(a). ~~Section 9004.7(b) (2)~~ That regulatory provision provides that where trips include campaign-related and non-campaign related stops, the portion of the cost of the trip allocable to campaign activity shall be a qualified campaign expense. ~~The section~~ 11 C.F.R. § 9004.7(a). It further provides that "[i]f any campaign activity, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related." Id.

The Senate Committee maintains that "[n]o campaign office or facility was shared between the Senate campaign and the Presidential or Vice Presidential campaign, nor did any office or facility of either the Senate campaign or the Presidential or Vice Presidential campaign distribute campaign materials for both campaigns." Senate Response I, answer to ~~I~~interrogatories ~~at 6-7~~B-1 and affidavit of Blaine Bull ~~Affidavit~~ at 4. The Presidential Committee also denies that any violation of Section 110.8(d) occurred because it maintains that no common facilities were utilized by the campaigns. ~~See~~ D/B Response II, ~~(A~~affidavit of Peter Scher at 2~~)~~. Thomas C. Cosgrove, Texas Campaign Director of the Dukakis/Bentsen Campaign, avers that "The Dukakis/Bentsen Committee, Inc. did not share any office space or facilities with the Bentsen Senate campaign." D/B Response I, affidavit of Thomas Cosgrove ~~Affidavit~~ at 2.

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The discovery in this matter revealed that during the 15 week dual candidacy period, Senator Bentsen held approximately ten meetings/fundraisers with Senate campaign supporters while on Presidential campaign trips. It appears that the Senate Committee paid the costs of all facilities utilized for meetings and fundraisers on its behalf, even when such events occurred during Vice Presidential travel swings. However, it also appears that Presidential Committee staff traveled with Bentsen and his Senate Committee staffers to certain Senate campaign stops during such trips. According to one Presidential Committee Response, the Presidential Committee paid some $56,124.21 for room and board for Presidential Committee staffers to accompany Senator Bentsen on Senate campaign stops. ~~See~~ Supplemental Response of Dukakis/Bentsen Committee, dated ~~(~~April 25, 1990~~) at 2~~ ("D/B Response III"), at 2. Although Senator Bentsen's schedule for Senate activities was arranged by Melissa Warren, a paid employee of the Senate Committee, Presidential Committee staff were also involved in coordinating Senator Bentsen's travel ~~with the Presidential Committee's activities~~. Senate Response II, answer to ~~I~~interrogatories ~~at p. 6~~B-5. However, the Presidential Committee contends that:

> When Senator Bentsen made a Senate campaign stop on a Vice-Presidential trip, the Dukakis/Bentsen campaign did not pay for any of the advance work, facilities, ground transportation, or provide any staff to the Senate campaign portion of the trip.

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D/B Response III, Sciting Affidavit of Peter L. Scher, attached to D/B Response II ~~of January 16, 1990, ¶~~ at ¶ 2.

As discussed above, most of the Presidential Committee expenditures for its staff to accompany Senator Bentsen are in line with holding each committee responsible for its own staff and related expenditures. Given the organization of these campaign swings, which included appearances related to both campaigns, it appears economically and politically sensible for staff from both committees to have accompanied the Senator.

The Presidential Committee contends that the airfare for these trips was paid for by the Democratic National Committee (the "DNC") pursuant to 2 U.S.C. § 441a(d). D/B Response II at 5.[6] The Presidential Committee therefore argues that it could not have made any impermissible expenditures on behalf of the Senate Committee, because all travel costs were paid for by the DNC. The Senate and Presidential Committees also assert that all of the Senate related appearances by Senator Bentsen during Vice-Presidential travel were "incidental" to his primary purpose and resulted from efforts to "squeeze"

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[6]According to respondents, the DNC payments amounted to an overall cost of $347,149.86, and no allocation was made to, and no costs were paid by, the Senate Committee. D/B Response II at 5 and answer to interrogatory 3. ~~D/B Response II to Interrogatories at 4.~~ When the DNC payments for airfare are aggregated with other DNC payments on behalf of the Senate or Presidential Committees, it does not appear that the DNC exceeded the limits imposed under 2 U.S.C. § 441a(d).

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Senate events into Bentsen's busy Vice Presidential campaign schedule.

The facts, however, do not substantiate Respondents' arguments. Although Respondents contend that all charter flights of Senator Bentsen and his traveling party to the Senate events during the Vice Presidential trips were paid by the DNC, 2 U.S.C. § 441a(d)(2), no documentation was produced to support this claim.[7] Based upon an examination of documents and materials produced in connection with the Commission's audit of the Presidential Committee, it appears that the DNC did not make payments for two of the Senate-related campaign legs at issue in this matter. Rather, the Presidential Committee paid for these legs directly. See Attached Chart of Trips~~, Attached hereto~~.[8]

The first trip leg which does not reflect a DNC reimbursement was from Hot Springs, Arkansas to Austin, Texas on August 26, 1988, for attendance at a county coordinators' meeting related to the Senate campaign scheduled for

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[7]In fact, the Senate Committee could not even produce itineraries for these campaign swings, but instead relied on the Presidential Committee's response regarding itinerary.

[8]Those trips for which the DNC made no corresponding payment for air transportation are denoted in bold print in the attached chart. In the other instances shown on the attached chart, the DNC made unitemized payments to the travel agency which handled all of Bentsen's travel arrangements. While those payments generally relate to the given trips, there is no indication that they specifically cover air transportation. In instances where both the DNC and the Presidential Committee made payments to the travel agency for expenses related to the given trips which exceeded actual costs, the travel agency reimbursed the Presidential Committee.

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August 27, 1988. The Commission's audit materials indicate that the Presidential Committee paid ~~$6,933.79~~$2,954.51 for ~~12~~13 staff members to travel on this leg of the trip which was undertaken for a Senate campaign function. The second trip leg which does not reflect a DNC payment was from Midland to Lubbock, Texas on September 20, 1988, for attendance at a Senate campaign fundraiser.[9] In this instance the Commission's audit materials indicate that the Presidential Committee paid for 11 staff members to travel on this leg at a total cost of $2,056.34.

Moreover, Respondents' argument that any senatorial business conducted while on Vice Presidential trips was of such short duration as to be merely "incidental," and thus not campaign related, is premised upon a misunderstanding of 11 C.F.R. § 106.3. Contrary to respondents' suggestion, the actual amount of time an event lasts does not determine whether it constitutes an "incidental contact" as that term is used in the regulations. The Explanation and Justification of Section 106.3 explains the concept of an "incidental campaign stop," stating that where a candidate makes one campaign-related appearance in a city, the trip to that city is campaign-related. However, if a candidate makes a non-political speech to a civic association luncheon and, upon

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[9]After spending the evening in Lubbock, the next day the Bentsens visited a hospital and a high school, and then gave three television interviews before leaving for Sacramento at 11:05 am. on Presidential Committee campaign activities.

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leaving, chats with a few attendees about his upcoming campaign, that conversation would not make the appearance campaign-related. Thus, the regulations only prevent an otherwise non-campaign related activity from becoming a campaign related activity due to an incidental contact.[10] The example provided in the Explanation and Justification is far afield from what transpired here, in that the designated Senate campaign appearances/meetings required planning, advanced scheduling and travel exclusively for Senate related business. These were not "off-the-cuff" remarks or spontaneous meetings. Such planned Senate campaign appearances cannot fairly be described as incidental in nature, and thus travel to the various destinations for those stops is related to the Senate campaign, which is responsible for the transportation costs associated with them.

Even if the regulations excluded "short meetings" of secondary importance and/or of de minimus benefit from the realm of campaign related activity, it appears that the events here would not qualify. According to the itinerary documents produced, only two of them lasted less than one hour in duration, and one meeting lasted the entire day. Furthermore,

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[10]Similarly, in Advisory Opinion 1986-6, the Commission determined that under certain circumstances a political committee organized by the Vice President may pay expenses for various appearances to promote the Republican Party without such expenditures being attributed to the Vice President. The Commission noted that references to the Vice President's candidacy would be acceptable only where it resulted from "incidental contacts and incidental remarks, such as those in response to questions." See AO 1986-6

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attendance at Senate related events required planning and often involved significant travel unrelated to the Presidential campaign. The August 27, 1988 Senate campaign event in Austin, for example, required travel from Hot Springs, Arkansas to Austin, Texas. Similarly, a West Palm Beach, Florida Senate Fundraiser required travel from North Carolina to Florida solely for attendance at the fundraiser.

As a result of the investigation into this matter it appears that the two committees associated with Senator Bentsen usually paid for the expenses associated with their respective campaigns, except in the two instances outlined above. The Office of the General Counsel thus recommends that the Commission find probable cause to believe that ~~t~~The Senator Lloyd Bentsen Election Committee and ~~H. Grant Taylor~~Marc Irvin, as treasurer, violated 11 C.F.R. §§ 106.1[11] and 110.8(d) (2) by improperly sharing transportation without allocating the costs appropriately. The Office of the General Counsel further recommends that the Commission find probable cause to believe that ~~t~~The Senator Lloyd Bentsen Election Committee and ~~H. Grant Taylor~~Marc Irvin, as treasurer,

[11]In allocating the travel costs in the present situation 11 C.F.R. § 106.1(a) would require a split according to the reasonable benefit derived by each respondent. Section 9004.7(b)(2) would determine allocable cost from the point of origin to return. It seems that the Senate Committee should have paid for transportation from Hot Springs, Arkansas to Austin, Texas and then back to Washington, D.C. Similarly, the Senate Committee should have been responsible for the air transportation from Midland, Texas to Lubbock, Texas, for attendance at the Senate fundraiser held in Lubbock. These costs total $8,990.13.

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violated 2 U.S.C. § 441a(f) by accepting in-kind contributions by way of airfare fees paid on behalf of the Senate Committee by the Presidential Committee rather than appropriately allocating such expenditures. The Commission previously found reason to believe that the ~~Presidential Committee and the~~ Senate Committee also violated 11 C.F.R. § 110.8(d)(3), but the investigation reveals that no personnel or facilities were shared between the two committees. Therefore, this Office of the General Counsel recommends that the Commission find no probable cause to believe that ~~t~~The Senateor Lloyd Bentsen Committee and Marc Irvin, as treasurer, violated 11 C.F.R. § 110.8(d)(3).

IV. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe that ~~t~~The Senator Lloyd Bentsen Election Committee and ~~H. Grant Taylor~~Marc Irvin, as treasurer, violated 2 U.S.C. §§ 441a(f)~~,~~ and 441a(a)(1)(A) and 11 C.F.R. §§ 106.1(a)~~,~~ and 11 C.F.R. §§ 110.8(d)(2).

2. Find no probable cause to believe that the Senate Lloyd Bentsen Election Committee and ~~H. Grant Taylor~~Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) as a result of the Senate Committee newsletter publication.

3. Find probable cause to believe that the Senator Lloyd Bentsen Election Committee and ~~H. Grant Taylor~~Marc Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee's financing of phone banks, but take no further action.

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4. Find no probable cause to believe that ~~t~~The Senateor Lloyd Bentsen Election Committee and ~~its~~Marc Irvin, as treasurer, violated 11 C.F.R. § 110.8(d)(3).

Date

Lawrence M. Nobel
General Counsel

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EXHIBIT C

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June 11, 1992

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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Lisa E. Klein
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2715 - The Senator Lloyd Bentsen Election Committee and H. Grant Taylor, as Treasurer

Dear Ms. Klein:

This is in response to the Commission's letter dated April 21, 1992, in which you noted the General Counsel's intention to recommend a finding of probable cause against the above-named Respondents in connection with two matters addressed in MUR 2715. We believe that the recommendations are in error and that there is no cause for a finding of probable cause against the Respondents.

Phone Bank Finding

The General Counsel recommends a finding of probable cause in connection the phone bank activity conducted by Senator Bentsen's reelection campaign, the Senator Lloyd Bentsen Election Committee ("the Committee"), because the questionnaire used included one question about the Presidential/Vice Presidential race in which Senator Bentsen was a candidate for the Vice Presidency. The Commission concedes that the phone bank was conducted "primarily in the context of the Senate race," that there was "only one question of many from a large series of questions" that referred to the Vice Presidential race, and that this one question "ran for a short albeit undetermined time."

The analysis overlooks the context in which the question was asked and the substance of the question. The phone bank in question was a voter ID effort on the part of several Texas candidates. The questionnaire was designed simply to identify Democratic voters, or likely Democratic voters, and was not intended to influence the vote of the individual in one way or another. Because many voters are most familiar with the Presidential race, and are more likely to vote in a

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Presidential race, voter ID surveys frequently question individuals on their preference for this race. The question used did not involve any advocacy of one party or candidate over another. The question asked, simply, whether the individual preferred the Democratic or Republican ticket.

It is hard, given these facts, to understand exactly what benefit the Vice Presidential campaign could be found to have derived from this question. As was stated in the Committee's earlier submissions, none of the information from the phone bank was given to the Presidential/Vice Presidential campaign. The information was used by the Senate campaign only. The question on the Presidential/Vice Presidential race was of significance to the Senatorial campaign only to the extent that it would confirm Democratic voters to be targeting in future GOTV efforts.

Respondents ask that the Commission not find probable cause in this matter. The facts simply do no warrant such a finding. If this is not possible and the Commission determines that it must find probable cause, then Respondents ask that the Commission approve the General Counsel's recommendation that no further action be taken.

Travel Finding

The General Counsel also recommends a finding of probable cause in connection with the payment for two legs of travel in connection with the Senate campaign.[1] The General Counsel concludes that the travel was paid by the Presidential campaign, and, as a result, an excessive in-kind contribution was made and accepted.

It is our understanding that the Dukakis/Bentsen Committee has submitted to the Commission documentation that shows that the Democratic National Committee did, in fact, pay for the travel in question on these two legs. The travel did not, therefore, result in the making or acceptance of a

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[1]Although the Chart of trips referenced in the General Counsel's report was not attached to the report, the text of the report made clear which trips were in question.

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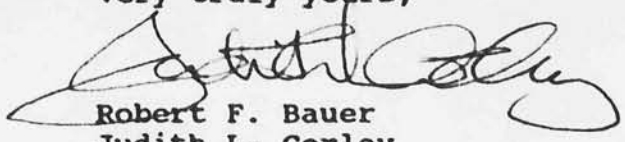
contribution in-kind and the Commission should not find probable cause in this matter.[2]

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel to Respondents

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[2]The Committee notes for the record that it does not agree with the Commission's analysis of the "incidental" contact rule which governs dual purpose travel, especially in connection with the unique demands of a dual candidacy. Because the matter is resolved on other grounds, the Committee has not pursued this argument in this case.

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BEFORE THE FEDERAL ELECTION COMMISSION

Aug 30 4 31 PM '94

In the Matters of Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer; Dukakis/Bentsen General Election Legal and Accounting Compliance Fund and Leonard Aronson, as treasurer; Dukakis/Bentsen Committee, Inc.;[1] The Senator Lloyd Bentsen Election Committee and Marc L. Irvin, as treasurer; and Fried, Frank, Harris, Shriver and Jacobson	MURs 3562, 3449, 3089 and 2715 SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

During conciliation agreement negotiations in MUR 3562, an enforcement matter arising out of the audit of the Dukakis for President Committee ("Committee"), counsel proposed resolving all open Matters Under Review ("MURS") involving the various Dukakis committees in a single conciliation agreement. Counsel submitted a counter-proposal to that effect together with a Motion to Dismiss on the grounds that these matters are time-barred by the statute of limitations set forth at 28 U.S.C. § 2462. Attachments 1, 2, and 3. Counsel has asked that the Committee's counter-proposal be considered in the event the Commission denies the Motion to Dismiss.

We recommend that the Commission deny the Committee's

1. Edward Pliner resigned as treasurer of all three Dukakis committees in January 1994. Leonard Aronson has succeeded him as treasurer to the Dukakis for President Committee and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund. The Dukakis/Bentsen Committee currently has no treasurer and has had no cash on hand since June 1992.

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Motion to Dismiss for the reasons set forth in Section II. The Committee's substantive responses to the reason to believe findings in MUR 3562 are also discussed in that Section. Although we also recommend rejecting the Committee's most recent counter-proposal, we find merit in counsel's proposal to attempt settlement of all the open Dukakis MURs in a single conciliation agreement. Thus, Section III discusses the open Dukakis MURs individually. The necessary recommendations in light of the FEC v. NRA decision are set forth in Section IV. Finally, our recommendations for a combined conciliation agreement with the Dukakis committees and a proposed conciliation agreement with Fried, Frank, the remaining respondent in MUR 3449, are discussed in Section V.

II. DISCUSSION OF MOTION TO DISMISS AND RESPONSES IN MUR 3562

A. Motion to Dismiss

Like the respondents in MUR 3360 (Jack Kemp for President), the Committee vigorously argues that the Commission should dismiss MUR 3562 because it is time-barred by the general federal statute of limitations found at 28 U.S.C. § 2462.[2] See Attachments 1 and 2. Moreover, as the Committee's most recent submissions make clear, the Committee believes that Section 2462 requires the Commission to not only initiate MUR proceedings,

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2. 28 U.S.C. § 2462 provides:

> Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued. . .

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but to initiate judicial enforcement within five years of the date a violation occurs. Attachments 1 at 4 and 2 at 4. Thus, the Committee requests that all of the open Dukakis MURs be dismissed. Attachments 2 at 1 and 3 at 2.[3]

The Committee contends that Section 2462 applies since the Act has no statute of limitations relating to the initiation of a MUR proceeding. Attachment 2 at 3. It further argues that, in cases where an administrative proceeding is required prior to commencing an enforcement suit, courts apply Section 2462 differently depending on whether the required administrative proceeding is adjudicative or prosecutorial in nature. See Attachment 2 at 4-9. According to the Committee, where adjudicative proceedings are required, courts have held that an agency's cause of action under Section 2462 does not accrue until the conclusion of the agency adjudication. In contrast, where the required proceeding is essentially a decision to prosecute, the Committee says courts have held that the cause of action accrues from the date of an alleged violation. Accordingly, the Committee contends that because a MUR proceeding "leads only to an agency decision to prosecute" and is not an administrative adjudication of a violation, the FEC

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3. Counsel for the Committee submitted a motion to dismiss on March 31, 1994 (Attachment 1) at a meeting with members of this Office after having submitted an initial counterproposal. On April 11, counsel submitted what appears to be a revised motion to dismiss together with a second counterproposal (Attachment 2). Counsel renewed the motion via a letter on May 4, 1994 in which counsel cites "additional authority" that 28 U.S.C. § 2462 bars these matters (Attachment 3). The Committee has not withdrawn its April 11 counterproposal, although it asks that the Commission first consider the motion to dismiss.

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must initiate judicial enforcement within five years from the date of the alleged violations. Attachment 2 at 4.

The Committee relies chiefly upon U.S. v. Meyer, 808 F.2d. 912 (1st Cir. 1987), to support its position. Meyer involved a civil penalty enforcement suit brought more than five years from the date an individual allegedly violated provisions of the Export Administration Act. The First Circuit held that when a statutory prerequisite to the bringing of an civil penalty enforcement action exists, Section 2462 "does not begin to run, so long as administrative proceedings have been seasonably initiated, until the same have been concluded and a final (administrative) decision has resulted." Meyer at 922. In distinguishing cases relied upon by the Fifth Circuit to reach the opposite conclusion, the Meyer court opined that where prosecutorial decisions rather than adjudicatory proceedings constitute the statutory precondition to suit, Section 2462 runs from the date a violation occurred. Meyer at 920.

To a lesser degree, the Committee also relies on 3M v. Browner, 17 F.3d 1453 (D.C. Cir. 1994); rehearing denied on May 9, 1994. See Attachment 2 at 5 and 9. There, the D.C. Circuit held that Section 2462 barred assessment of civil penalties for any violations committed by 3M more than five years before the EPA commenced its proceedings under the Toxic Substances Control Act. The 3M court held that Section 2462 begins to run when the underlying violations occurred. The Committee cites to the policy considerations discussed by the 3M court in favor of a general five year statute of limitations for

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government penalty actions, in arguing that its ability to effectively defend itself has been hampered by the passage of time. Attachment 2 at 9-13.

The Commission has previously considered the applicability of 28 U.S.C. § 2462 to its proceedings in MURs 3360, 2619 (Antonovich for Senate), and 3492 (Jesse Jackson for President '88) and the case analyses discussed in those matters is incorporated herein. See ~~First~~ General's Report in MUR 3360, dated April 12, 1994 at 3-11, General Counsel's Report in MUR 2619 dated June 22, 1994 at 3-6, and General Counsel's Report in MUR 3492 dated July 8, 1994 at 10-11. Additionally, this Office has specifically addressed the applicability of Section 2462 to civil actions brought by the Commission in district court. See e.g., FEC's Memorandum in Opposition to Defendant's Motion for Summary Judgment in FEC v. National Right to Work, Civil Action No. 90-0571 (D.D.C. filed March 1, 1991) at 31-42 and FEC's Opposition to the Defendant's Motion to Dismiss in FEC v. Larry R. Williams, No. CV-93-6321-ER(BX) (C.D.Cal. filed May 3, 1994). As we concluded in each of those matters, Section 2462 does not apply to Commission investigations and conciliation proceedings. These matters are not adjudicatory and the Commission neither assesses nor imposes civil penalties. Section 2462 is also inapplicable to civil enforcement actions because Congress provided a special statutory scheme in FECA favoring resolution of FECA violations through "informal methods of conciliation, conference and persuasion" before a civil action can be filed. 2 U.S.C. § 437g(a)(4). See also, Occidental Life Ins. v. Equal

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Employment Opportunity Commission, 432 U.S. 355 (1977) (outside statute of limitations held inapplicable where conciliation is mandated by statute, and Congress intended that informal resolution through conciliation be attempted before resort to federal courts). Even assuming that Section 2462 applies to the Commission's filing of civil actions, no claim has yet accrued in these matters since under the Act the Commission cannot file a civil action until after a probable cause finding and completion of the mandatory conciliation period.[4]

The Committee's reliance on distinctions drawn by the Meyer court between mandated administrative proceedings which are prosecutorial or adjudicative is misplaced. First, none of the cases cited by the Committee, except for Meyer, explicitly discusses such a distinction. See Attachment 2 at 4-6. Moreover, the critical distinction in Meyer was not whether an antecedent proceeding was adjudicatory or prosecutorial, but whether mandatory administrative proceedings are a prerequisite to a judicial action for enforcement of a civil penalty. Meyer at 922. Finally, assuming arguendo, that the nature of mandatory antecedent proceedings is critical to Meyer's holding, the FECA enforcement process cannot be equated with the type of wholly prosecutorial decision-making contemplated in Meyer. FECA enforcement proceedings consist of a multi-step process

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4. Moreover, even if Section 2462 applied to the Commission's proceedings and begins to run from the date of the underlying violation, the Commission would only be precluded from seeking a civil penalty. It could still request a court to grant injunctive or declaratory relief.

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that includes investigation, a briefing stage, a Commission determination that there is probable cause to believe a violation occurred and a conciliation period. The Act requires that such steps be taken before a civil suit can be filed. In addition, the investigation may include the use of discovery devices such as interrogatories and subpoenas for documents and depositions which often lengthen enforcement proceedings. See 2 U.S.C. §§ 437g(a)(2), 437d(a)(1) and 437d(a)(4). The Meyer court considered the scope of mandated antecedent proceedings in its holding, opining that lengthy administrative proceedings could impair an agency's ability to bring an enforcement action within the time prescribed by Section 2462. See Meyer at 919.[5]

Finally, the Committee's contention that it is unable to mount an effective defense is less than compelling. The various Dukakis committees have long been notified of the Commission's reason to believe findings in MURs 2715, 3089 and 3449. In the case of MUR 3562, the Committee was notified throughout the audit process of various staff recommendations concerning the

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5. Moreover, the Act provides certain procedural protections for alleged FECA violators which are apparently absent from the type of prosecutorial proceedings discussed in Meyer. The Act requires the Commission to notify respondents of the factual and legal basis of the Commission's reason to believe finding and later, requires the general counsel to notify respondents of any recommendations made to the Commission to find probable cause to believe a violation has occurred. 2 U.S.C. §§ 437g(a)(2) and (3). In the latter case, a brief must be sent to respondents stating the general counsel's position on the factual and legal issues of a case. Respondents are afforded opportunities to respond at both stages.

potential violations which gave rise to that MUR.[6] Thus, the Committee has had ample opportunity to gather and preserve evidence and cannot now claim surprise.

Based on the foregoing, this Office recommends that the Commission deny the Committee's motion to dismiss.[7]

B. Committee's Response to Reason to Believe Findings in MUR 3562

The Commission found reason to believe that the Committee violated various provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), and the Presidential Primary Matching Payment Account Act ("Matching Payment Act") by making excessive state expenditures; accepting a prohibited in-kind contribution; failing to report contributions upon receipt; and accepting excessive contributions which were not timely refunded, reattributed, or redesignated to a legal and accounting compliance fund. In an attempt to resolve this matter expeditiously, the Commission simultaneously approved a

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6. The Committee was informed during the May 1989 audit exit conference of adjustments made to the Iowa and New Hampshire expenditure allocations. Additionally, the February 1990 Interim Audit Report detailed the potential violations involving the Iowa and New Hampshire spending limits and the joint escrow account (including both the reporting and excessive contributions violations). Finally, the Committee was notified through the Final Audit Report in December 1991 that the value of the additional Iowa and New Hampshire phone bank allocations was viewed as an in-kind contribution and that certain matters had been referred to the General Counsel.

7. In the event the Commission denies its motion to dismiss, the Committee also asks that this Office share "its brief" explaining why Section 2462 doesn't apply in this matter. This Office will not share this report with the Committee but will explain its view on the issue in a letter should the Commission deny the Motion to Dismiss.

pre-probable cause conciliation

As noted, the Committee has moved to dismiss MUR 3562 and the other open Dukakis MURs on the grounds that Section 2462 bars further enforcement proceedings. The Committee also submitted two substantive responses to the Commission's findings in MUR 3562 together with a counter-proposal in the event the Commission denied its motion. Attachments 4 and 5.[8] These responses are discussed below.

1. **Excessive State Expenditures**

The Committee makes two arguments in response to the Commission's reason to believe findings that it exceeded the state-by-state expenditure limits in Iowa and New Hampshire by $279,013.84 and $57,848.92, respectively.[9] First, the Committee repeats its Interim Audit arguments, justifying its own allocations to these states. Second, the Committee argues that no facts have been asserted to show that it "knowingly" exceeded the state spending limits. Rather, the Committee asserts throughout its responses that even if it improperly allocated

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8. The Committee filed its initial response to the Commission's reason to believe findings on January 19, 1994 (Attachment 4) and supplemented it on March 14 when it also submitted its first counter-proposal (Attachment 5). As noted earlier, a second counter-proposal was submitted on April 11 (Attachment 2 at 14-21).

9. Based on the Final Audit determination of the expenditures properly allocable to Iowa and New Hampshire, the Commission determined that the Committee should repay the U.S. Treasury a total of $491,282, including $98,607.83 for exceeding the Iowa and New Hampshire spending limits. The Committee has filed a lawsuit challenging the Commission's repayment determination. See footnote 22, infra.

certain expenses, it did so based on differing interpretations of the relevant statutory and regulatory provisions which do not constitute a knowing violation. See e.g., Attachment 4 at 10 and 11.

The Committee's arguments in support of its allocations were previously considered and rejected by the Commission during the audit process. The Commission-approved Statement of Reasons in Support of Final Repayment Determination thoroughly discusses the reasons for rejecting the Committee's position on these allocations. See Statement of Reasons, approved February 25, 1993, at 14-39.

As for the Committee's argument that it did not "knowingly" exceed the limits, we note first that the Commission made reason to believe findings based on two statutory provisions -- 441a(b)(1)(A) and 26 U.S.C. § 9035(a), and only Section 9035(a) requires that a committee "knowingly" act.[10] Even so, however, a "knowing" violation requires only that the committee or candidate know the facts which render its conduct unlawful. See Federal Election Commission v. California Medical Association, 502 F. Supp. 196, 203-204 (N.D.Cal.1980), aff'd on other grounds, 641 F.2d 619 (1980), aff'd. 453 U.S. 182 (1981)(holding that "knowledge of the facts. . . which rendered its conduct unlawful" was sufficient to create civil liability under Section

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10. 26 U.S.C. § 9035(a) provides that "no candidate may knowingly incur qualified campaign expenses in excess of the expenditure limitation applicable under section 441a(b)(1)(A) of title 2..." Section 441a(b)(1)(A), on the other hand, provides only that "No candidate . . . may make expenditures in excess of [the state spending limits]."

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441a(f)). It does not require proving that respondents intentionally violated the Act. The Committee appears to confuse a "knowing" standard with a "knowing and willful" standard which would require "knowledge that one is violating a law . . ." Federal Election Commission v. Dramesi, 640 F. Supp. 985, 987 (D.N.J. 1986). Here, the Committee knew that it made and/or incurred the expenditures at issue in Iowa and New Hampshire which is all that is required to establish the violation of the state-by-state expenditure limit.[11]

2. Prohibited In-Kind Contribution: Phone Bank Services (Iowa and New Hampshire)

The Commission found reason to believe that the Committee violated 2 U.S.C. § 441b by accepting a prohibited in-kind contribution from the American Federation of State, County and Municipal Employees (AFSCME), a labor organization, in the form of phone bank services and related rented office space. This finding was based on an audit review of Iowa and New Hampshire phone bank-related records at AFSCME headquarters and phone bills subpoenaed from phone companies which revealed that the costs incurred for these operations exceeded the amounts billed for these services by about $33,000.

The Committee contends that it did not "knowingly" accept a prohibited in-kind contribution from AFSCME because it

11. In fact, all of the expenditure allocations at issue involve reductions from the allocations originally made and reported by the Committee. Moreover, even the Committee's reports reflect a final allocation to Iowa that exceeds the limit by $60,455. See Form 3P of Committee's 1992 October Quarterly Report.

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justifiably relied upon AFSCME's invoices, "which on their face were reasonable and appropriate." See Attachments 5 at 2 and 4 at 13. In contrast, the Committee points out, the audit computations are based on internal AFSCME records and subpoenaed phone company bills, documents that "no responsible official of the Committee has ever seen." Attachment 4 at 13.[12] The Committee also challenges the audit figures for not taking into account that, "in some cases", the Committee had limited access to the phone banks because AFSCME and other campaigns, including Jesse Jackson's, used the same phones. The Committee notes that its leases with AFSCME provided that AFSCME would invoice it for the "actual use of the facilities and equipment . . . in an amount based on the normal and usual rental charge . . . and including any actual telephone charges incurred by the lessee" and believes the invoices reflect such usage. Attachment 5 at 3. Accordingly, the Committee concludes that if AFSCME misbilled it, the Commission should pursue AFSCME.

Although the Committee's argument appears to have some appeal on its face, a review of AFSCME's bills and the lease agreements suggest that the Committee may have had reason to question the accuracy and completeness of the Iowa and New

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12. Pursuant to counsel's request, this Office produced the following additional phone bank documentation to the Committee: copies of audit's workpapers detailing the basis for its computations together with a written explanation explaining the workpapers; copies of the subleases between AFSCME and the committee (which AFSCME apparently mailed the committee with its invoices); and copies of the underlying leases (AFSCME's leases with the property owners). Although counsel was contacted to determine whether additional explanation or information was needed, no further requests were received.

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Hampshire bills. A cover letter accompanying the first invoice that included most of the New Hampshire and Iowa phone bank operations states that a final bill would be sent for each location once all the actual bills were received from the phone companies involved. Attachment 6. None of AFSCME's subsequent bills, however, included additional charges for Iowa and New Hampshire. The only amounts billed for locations in those states were a rental charge for the office space and a flat $50 deposit per phone. No "actual telephone charges" appear to have been included in AFSCME's bills for Iowa and New Hampshire contrary to the Committee's lease agreements.

Moreover, AFSCME's bills show that the Committee leased phone banks from AFSCME in more than 80 cities in eighteen states. Although the Committee and AFSCME have stated that "some" unidentified phone banks were leased to both the Dukakis and Jackson campaigns and both maintain that "in many cases" AFSCME used the phones for its own purposes precluding the Committee's use, neither the Committee nor AFSCME has ever demonstrated that the Committee actually shared the Iowa and New Hampshire phone bank facilities with anyone.

Finally, correspondence between AFSCME and the Committee undermines the Committee's present assertion that the invoices "on their face were reasonable and appropriate." In fact, the Committee questioned AFSCME's final phone bill and apparently met with AFSCME officials to discuss it in April 1989. See Attachment 7.

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3. Joint Escrow Account

The Commission found reason to believe that the Committee violated 2 U.S.C. §§ 434(b)(2) and 434(b)(3)(A) for failing to report when received about $1.4 million in contributions deposited into its joint escrow account in 1988 and to identify contributors making such contributions.[13] The Commission also found reason to believe that the Committee violated 2 U.S.C. § 441a(f) by accepting excessive contributions totaling $111,924.53, which were not refunded, reattributed or redesignated to GELAC in a timely manner. These excessive contributions consisted of contributions deposited into the joint escrow account which exceeded the Act's contribution limits when aggregated with other primary contributions from the same individuals.

The Committee regards the reporting violations as "soley an issue of timeliness" since GELAC or the Committee eventually reported these contributions. Attachments 5 at 3 and 4 at 14. It also protests the inclusion in the reporting violations of the entire $1.4 million in 1988 joint escrow deposits. The

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13. The joint escrow account was a checking account opened by the Committee after Mr. Dukakis won the June 1988 California primary. The Committee has said it opened the account because it was apparent then that it would raise more funds than it could legally spend. Contributions received thereafter, which were not payable to the Committee's GELAC account, were deposited in the joint escrow account. The Committee then requested that contributors redesignate their contributions to GELAC or request a refund. Contributions for which the Committee received redesignations were subsequently transferred to the GELAC and only then reported as receipts on GELAC's disclosure reports. The Committee did not initially report the receipt or refund of joint escrow contributions ultimately refunded.

Committee apparently believes contributions received after July 20, 1988 and the pre-July 20 contributions which the Commission viewed as having been timely redesignated to GELAC when determining the Committee's cash on hand for NOCO purposes, should be excluded from the violation. Attachment 4 at 14.

The Committee attempts to trivialize the reporting violations by framing them as mere timeliness issues. However, timely reporting of contributions is critical to the effectiveness of public disclosure. Moreover, in this particular case, the failure to timely report was the result of an apparent attempt by the Committee to prevent a surplus and consequent repayment to the U.S. treasury by transferring primary contributions to the GELAC. The Committee's characterization also masks the fact that many of the joint escrow contributions went unreported until long after their receipt. For example, more than $230,000 of joint escrow contributions received and ultimately refunded in 1988 and 1989 were not reported until September 1990 and approximately $244,000 in contributions which had not been refunded or transferred to GELAC as of May 1989 were first reported in April 1990. Finally, the Committee's attempt to chip away at the $1.4 million figure by arguing that some of the contributions were not included in the calculation of the Committee's cash on hand for NOCO purposes is immaterial to these reporting violations. The fact is, all of the contributions deposited into the joint escrow account should have been reported when received and they were not.

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As for the Committee's acceptance of excessive primary contributions, the Committee essentially argues that no excessives existed since the contributions deposited into the joint escrow account were not primary contributions. In its view, the whole purpose of the joint escrow account was to hold contributions while the Committee ascertained the contributors' intent which it has asserted was to benefit the general election through the GELAC. Id at 15. See also Committee's June 12, 1989 letter to the Commission included as part of Attachment 3 to the First General Counsel's Report dated November 5, 1993. In any case, the Committee contends that any "inadvertent" violation has been vitiated since it refunded or otherwise resolved the excessive contributions for which it had taken no action at the time of the Interim Audit Report. Id. at 16.

All of the contributions at issue were dated prior to July 20, 1988, the date of Governor Dukakis' nomination, and all were payable to "Dukakis for President" or a similar entity (i.e., none were payable to GELAC). Thus, they are properly considered primary contributions. See 11 C.F.R. § 110.1(b). Although the Committee mitigated its violation to the extent that it untimely refunded contributions for which it had not received written redesignations or reattributions, such mitigation does not nullify the violation.

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III. SUMMARY OF OTHER DUKAKIS MATTERS: MURS 3449, 3089 and 2715

A. MUR 3449: Dukakis/Bentsen Committee, Inc., Dukakis/Bentsen General Election Legal and Accounting Compliance Fund, and Fried, Frank, Harris, Shriver & Jacobson

This matter was generated from an audit of the Dukakis/Bentsen Committee, Inc. ("GEC"), and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund ("GELAC"), a separate account of the GEC. The Commission found reason to believe that the GEC violated 2 U.S.C. § 434(b)(4) by failing to timely report approximately $3.1 million in draft account activity which cleared the account in November and December 1988. It also found reason to believe that the GEC violated 2 U.S.C. §§ 441a(f) and 441b(a)[14] and 26 U.S.C. § 9003(b) by accepting an in-kind contribution from a law firm in the form of legal services provided to prepare a memo about the electoral college, and that the law firm, Fried, Frank, Harris, Shriver & Jacobson, violated 2 U.S.C. § 441a(a)(1)(A) and 441b(a) for providing such a contribution. Additionally, the Commission found reason to believe that the GEC(GELAC) violated 11 C.F.R. § 9003.3(a)(2) by improperly using private compliance fund contributions to pay for $17,942 in expenses incurred by the law firm in preparing the electoral college memo, and 2 U.S.C. § 441f for accepting contributions in the form of sequential money orders which appeared to have been completed by someone other than the named contributor.

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14. The law firm, Fried, Frank is a partnership which includes professional corporations.

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In response, the GEC asserts that its actions were either unintentional and have been corrected or do not constitute violations of the Act. Attachment 8. The law firm also asserts that its preparation and provision of the memo did not violate the Act. Attachment 9.

1. Untimely Reporting

The GEC argues that its failure to timely report all of its operating expenditure disbursements was inadvertent and resulted only because it was inadequately staffed after the election. Attachment 8 at 2. Since the GEC does not dispute that it untimely reported approximately $3.1 million of these disbursements, but merely attempts to explain the untimeliness, this Office recommends that this issue be included in the consolidated conciliation agreement.

2. Electoral College Memorandum

Both the GEC and Fried, Frank ("the firm") vigorously argue that no violation occurred in connection with the electoral college memo. In their view, actions of electors and post-general election electoral college matters are outside the Commission's jurisdiction. The GEC elaborates on its audit arguments that work related to "actions of electors" is not a contribution because the electoral college is not an election as defined by the Act, the Presidential Election Campaign Fund Act ("Fund Act") or Commission regulations. Attachment 8 at 5-7. It also contends that the definition of presidential election at 26 U.S.C. § 9002(10), the legislative history of the Act, and the statutory and regulatory framework all confirm that the Act

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does not cover the actions of electors. Attachment 8 at 6-8. In particular, the GEC cites to regulations exempting from the definitions of expenditure and contribution monies spent on recounts or election contests, and regulations governing expenditures by convention delegates, but not electors, as evidence that "post-general election actions" are not intended to be regulated. Attachment 8 at 7-8. The GEC also continues to argue that it properly paid for the memo expenses with GELAC funds, arguing that Commission regulations permit use of surplus GELAC funds for any legal purpose.

The firm's response, in the form of an affidavit by William Josephson, the firm partner who coordinated the memo work, incorporates the GEC's arguments. Attachment 9 at 3-4. The firm also contends that the FEC's position is not "substantially justified" because neither the Act nor Commission regulations define general election to include electoral college activity. See Attachment 9 at 7-9. It also argues that if this issue is one of first impression, it should be addressed through rule-making and then articulates reasons why the Commission should not regulate electoral college matters even if it can, including the difficulty in determining what activities should be regulated. Attachment 9 at 9-12. The firm also reveals that it was asked to prepare the memo by a member of the National Lawyers' Council of the Democratic National Committee and that it had virtually no contact with the GEC until shortly before

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forwarding the memo to it. Attachment 9 at 5-6.[15]

Respondents raise thoughtful arguments about the Commission's ability to regulate activities relating to the electoral college. However, the unique nature of the Presidential general election must be considered in interpreting the relevant statutory and regulatory provisions. The general presidential election consists of two separate but integral steps -- the selection of electors in each state which is accomplished through a November popular election and the electoral college election. Electoral college votes are acquired by a candidate based upon the November election results and the Constitution mandates that a candidate prevail in the electoral college to become President. See U.S. Const., art. II §1 and amend XII. Commission regulations at 11 C.F.R. § 100.2(a) acknowledge the unique nature of the Presidential general election in defining election as "the process by which individuals . . . seek nomination for election, to Federal office."

Moreover, leaving activities relating to the electoral college unregulated would permit unlimited private funds to be spent on activities clearly meant to further the election of candidates to the Office of President and Vice President. Such a result would undermine the purposes of the Act and the Fund Act which are intended to limit the potentially corrupting

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15. Since the memo was given to the GEC for the purpose of furthering Dukakis' election, however, it would not qualify for an exemption under 11 C.F.R. § 100.7(b)(13) as once suggested by the firm.

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effect of private contributions and influences in federal elections by ensuring disclosure of contributions and expenditures and, in the case of presidential elections, limiting spending.

Even if the Act, the Fund Act and Commission regulations were deemed not to encompass post-general election electoral college matters, the memo itself deals in part with "selection of electors" which clearly falls within the definition of "presidential election" found at 26 U.S.C. § 9002(10). As pointed out in the memo's nine-page narrative, the comprehensive summary of state laws (which comprises the remainder of and the bulk of the memo) addresses state requirements relating to the November "election of electors" including requirements for elector nomination, the form of the ballot for the November election and how the popular vote determines who is appointed electors. Attachment 8 at 14-15 and 23-122. Indeed, as the narrative further states, the purpose of the memo is to aid in preventing "mishaps in the electoral college process" from defeating the Dukakis/Bentsen ticket, whenever they occurred. Attachment 8 at 14.

Finally, since the memo was provided to influence and to further the election of the Dukakis/Bentsen ticket, the associated memo expenses were qualified campaign expenses which could be paid for only with federal funds since the memo was unrelated to compliance with the Act.

Based on the foregoing, this Office recommends that the violations relating to the electoral college memo and the

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payment of related expenses be included in the combined conciliation agreement. This Office also recommends that the Commission approve a conciliation agreement with the firm on this issue. A proposed agreement is attached and described in Section V.B.

3. Sequential Money Orders

The GEC(GELAC) denies that it knowingly accepted contributions made by persons in the name of another. Instead, the GEC(GELAC) explains the handwriting similarities on the sequential money orders at issue by positing that members of the Greek community made cash contributions which were then converted into money orders by an unnamed person or persons before being forwarded to campaign headquarters. Attachment 8 at 9-10. The facts asserted by the GEC(GELAC) in support of this explanation are minimal. It states that most of the money orders, which bear the name of individuals with Greek surnames, were associated with a mid-June 1988 GELAC fundraiser in Queens; that Mr. Dukakis' supporters in the Greek community tended to make cash contributions; and that campaign fundraisers discouraged cash contributions because they didn't like the responsibility of handling large amounts of cash and the campaign preferred the controls afforded by written instruments.

Information provided to the Audit division by a committee official concerning the code "FRONN" that appears on many of the Marine Midland money orders is consistent with the Committee's assertion that those money orders were associated with a June 1988 GELAC fundraiser. No other information is currently known

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about this fundraiser or the persons involved in soliciting or collecting the contributions. However, the GEC(GELAC)'s explanation for the money orders at issue -- that they are the result of cash contributions converted into money orders -- parallels the results of the investigation in MUR 3089. MUR 3089 arose from another audit referral of one of the Dukakis committees (in this case, the Dukakis for President Committee) and also involved sequential money orders apparently purchased by one or two individuals rather than the named contributors. Discovery in MUR 3089, discussed more extensively below, revealed that the majority of the individuals whose names appeared on the money orders actually made cash contributions which were then converted into money orders in the amount of cash given, probably to facilitate transmittal of the funds to campaign headquarters.

Assuming the GEC(GELAC)'s explanation is accurate, however, the GEC(GELAC) instead violated 11 C.F.R. § 110.4(c) by accepting cash contributions in excess of $100 and failing to promptly return the amounts over $100 to the respective contributors. Fifteen of the money orders at issue, totaling $4,900, were for amounts over $100. The receipt of sequentially-numbered money orders drawn on the same institution, bearing similar dates and handwriting/typing patterns, should have alerted the Committee to inquire further

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into the circumstances surrounding the contributions as part of its duty to determine the legality of contributions. See 11 C.F.R. § 103.3(b). This is especially true since eight of the fifteen money orders at issue consisted of apparent "duplicate" contributions from four individuals.[16] Moreover, the GEC(GELAC) was evidently aware cash contributions had been made at other fundraising events since it says that fundraisers discouraged cash contributions. Attachment 8 at 9. Thus, this Office recommends that the Commission find reason to believe that the GEC(GELAC) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c).

B. MUR 3089: Dukakis for President Committee, Inc.[17]

This matter involves the Committee's acceptance of contributions in the form of sequential money orders drawn on banks in Puerto Rico and New York. The Commission found reason to believe that the Committee and approximately 40 individuals violated 2 U.S.C. § 441f for making and accepting contributions made in the name of another.

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16. These eight money orders, numbered sequentially from 0155634-0155641, consist of: two $250 contributions from George Kafantaris dated 6/2/88; two $250 contributions from Athena Marangoudakis dated 6/2/88; two $250 contributions from Vasilios Marangoudakis dated 6/2/88; and two $250 contributions from Anastasio Lekkas dated 5/31/88. Each pair of contributions is reported together on the Committee's disclosure reports.

17. The requisite NRA recommendations for this matter are included in Section IV.

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The investigation revealed that a majority of the individuals indeed made the contributions at issue at two separate fundraisers in New York and Puerto Rico. See General Counsel's Report in MUR 3089, dated January 14, 1992. However, nine contributions were made in cash.[18] Since it appeared that all of these cash contributions were accepted by the Committee's fundraising agent, the Commission found reason to believe that the Committee violated 11 C.F.R. § 110.4(c) for failing to return the amounts in excess of $100 to each contributor.

The Committee acknowledges that one $150 cash contribution apparently slipped through its review process in connection with the New York fundraiser but denies that it accepted cash in connection with the eight other contributions -- all associated with the Puerto Rico fundraiser. Attachment 10 at 2. The Committee contends that the Puerto Rico contributions arrived at Committee headquarters in the form of money orders and were accompanied by completed contributor cards. It denies Committee staff knew the contributions were made in cash or participated in the conversion of cash into money orders. Attachment 10 at 1-2. The Committee acknowledges that a staff member was involved in the fundraiser but contends his involvement was limited to setting a date for the event, coordinating the scheduling details with an individual who organized the event, and ensuring the funds raised were promptly transmitted to

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18. Eight of these contributions were for $1,000 and one was for $300.

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headquarters. Id.

Since the Committee acknowledges it accepted an excess cash contribution in one instance, this violation will be included in the combined conciliation agreement. Moreover, we believe the Committee should also be held accountable for having accepted excessive cash contributions in connection with the other eight Puerto Rico contributions. Although the Committee generally denies it accepted cash contributions, it acknowledges a cash contribution slipped through its review process on at least one occasion. Moreover, previously-submitted affidavits of Committee staff and the interrogatory responses of Hector Martinez, Jr., the person who solicited these contributions, leave open the possibility that the Committee knew or should have known the money orders resulted from excess cash contributions. Gary Barron, the Committee staffer charged with responsibility for organizing and overseeing fundraising for a region that included Puerto Rico, has stated this his involvement in this fundraiser included "ensuring that the funds raised were promptly transmitted to Boston." Attachment 10 at 3. However, Mr. Barron has not elaborated on his contacts with the fundraiser organizers regarding the transmittal of funds raised. Similarly, Hector Martinez, Jr.'s response is vague regarding the circumstances surrounding the subsequent money order conversion, stating only that he was "generally aware that cash contributions are illegal under federal law and should be made through a written instrument. . ." Attachment 11 at 15. He has not elaborated on the facts surrounding the transmittal

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of the contributions either, stating only that the money orders "were forwarded" to the Committee. Attachment 11 at 3 and 16. Finally, Charlotte McCormick, the Committee's Director of Administration for the Finance Department, has stated that she returned some Puerto Rico contributions to Barron or his assistant to gather additional information, although she does not specifically recall if it was in connection with this fundraiser. Attachment 10 at 4-5.

Even if the Committee was not made aware through its contact with local organizers that cash contributions were made, the arrival of the eleven Puerto Rico contributions at Committee headquarters in the form of sequential money orders drawn on the same institution on the same date, prepared in an identical manner, and all in amounts of $1,000, should have alerted the Committee to inquire further into the circumstances surrounding these contributions as part of its duty to determine the legality of contributions. See 11 C.F.R. § 103.3(b).

We also recommend at this time that the Commission take no further action against the Committee and Leonard Aronson, as treasurer, with respect to the initial 441f finding.

With regard to the individual contributors, as noted, the Commission initially found reason to believe that each violated Section 441f. After responses were received, the Commission subsequently found reason to believe that seven individuals violated 2 U.S.C. § 441g by making excessive cash contributions.

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No further action was taken against one of these respondents, Mr. Jim Hetelekides, based on the small amount involved. The other six respondents, who all made cash contributions in connection with the Puerto Rico fundraiser, deny they violated Section 441g because no cash was actually tendered to the Committee. Rather, each of these respondents say they gave cash to Mr. Martinez, Jr., who was a friend of the individual at whose home the fundraiser was held. Attachment 11 at 2-3 and 6-7. Five of the respondents point out that cash contributions are lawful and commonly made in Puerto Rico and say they relied on Martinez to transmit them to the Committee "in any lawful manner." Attachment 11 at 2-3. The sixth respondent, Mr. Luis Sierra, asserts that Mr. Martinez specifically requested cash, and he too relied on Martinez to transmit the contribution to the Committee. Attachment 11 at 6-9.

We reject the argument that a Section 441g violation can be avoided by giving cash to an intermediary rather than directly to a political committee. However, in light of the fact that the Committee will be pursued for accepting these contributions and the relatively minimal amounts involved for each individual respondent, we recommend that the Commission take no further action with respect to the outstanding 441f and 441g findings against these individuals -- Hector Martinez Franco, Sol R. Martinez, Esteban Fuertes, Celeste Fuertes, Milton Mendez Orsini and Luis Sierra -- include an admonishment in each respondent's notification letter, and close the file with respect to them.

Questions remain regarding two individuals who deny making

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contributions to the Committee -- Mrs. Milton Mendez (Myrta Falcon de Mendez) and Mrs. Luis Sierra (Silmarie Montilla Sierra). As noted in the January 14, 1992 General Counsel's Report, Mrs. Mendez denies making any contribution although her husband, Mr. Milton Mendez Orsini stated that he made a $1,000 contribution on her behalf. Both Mrs. Sierra and her husband deny that Mrs. Sierra made a $1,000 contribution. However, Hector Martinez, Jr., states that he purchased money orders with the cash provided to him "in the name of the individual who actually provided me with the funds used to purchase that money order" and in some cases, he states that husbands provided funds for themselves and their wives. Attachment 11 at 16 and 19. Given the additional resources necessary to resolve these remaining discrepancies involving 1988 election activity and the minimal amounts involved, this Office recommends that the Commission exercise its prosecutorial discretion and take no further action with respect to the outstanding 441f findings against these -- Silmarie Montilla Sierra, Myrta Falcon de Mendez and Mr. Hector Martinez, Jr. -- and close the file with respect to them. See Heckler v. Chaney. 470 U.S. 821 (1985).

Given Mr. Sierra's sworn statement that Hector Martinez, Jr. specifically requested a cash contribution at issue, we also recommend that the Commission include an admonishment in his notification letter.

Finally, two of the remaining individual respondents -- Benjamin Torres Vazquez and Julieta Torres -- could not be located and have not been notified of the initial Section 441f

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findings against them. Thus, this Office also recommends that the Commission take no further action and close the file as to them.

C. MUR 2715: Dukakis/Bentsen Committee, Inc. and The Senator Lloyd Bentsen Committee[19]

This matter concerns issues arising from Lloyd Bentsen's dual candidacies for U.S. Senate and the Vice Presidency in 1988. The Commission found reason to believe that the GEC violated 2 U.S.C. §§ 441a(f) and 26 U.S.C. § 9003(b)(2) for accepting an in-kind contributions from the Senator Lloyd Bentsen Election Committee ("Senate Committee") in connection with a Senate-financed phone bank and newsletter and that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) for making them. The Commission also approved discovery requests to both committees in connection with a Senate-financed mailgram referencing both candidacies. Additionally, the Commission found reason to believe that both the GEC and the Senate Committee violated 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) by sharing facilities and personnel, and by failing to allocate air travel, food and lodging expenditures during campaign tours that benefited both the Senate Committee and the GEC. Finally, the Commission found reason to believe that the GEC violated 2 U.S.C. §§ 441a(a)(1)(A) by making an excessive in-kind contribution to the Senate Committee as a result of its failure to allocate the aforementioned expenditures and that the

19. The requisite NRA recommendations for this matter are included in Section IV.

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Senate Committee violated 2 U.S.C. §§ 441a(f) by accepting such a contribution.

Following the investigation in this matter, this Office prepared and sent both committees a General Counsel's Brief and a revised General Counsel's Brief indicating that we were prepared to make recommendations to the Commission. The briefs recommended that the Commission: (1) find probable cause to believe that the GEC and the Senate Committee violated certain provisions of the Act and Fund Act in connection with the Senate mailgram; (2) find probable cause to believe but take no further action that the GEC and Senate Committee violated the Act and Fund Act in connection with the phone bank activity; and (3) find no probable cause to believe that the GEC and Senate Committee violated the Act and Commission regulations in connection with the newsletter, by sharing facilities and personnel or by failing to allocate air travel, food and lodging expenditures during dual campaign tours. Responses to the original briefs were received from both respondents in May and June 1992. Group Attachments 12 at 1-23 (GEC) and 13 at 7-9 (Senate Committee).[20] Only the Senate Committee responded to the

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20. Included with the attached responses to the briefs are each committee's responses to interrogatories and reason to believe findings in both MURs 2715 and 2652 which were eventually merged. Attachments 12 at 28-63 (GEC) and 13 at 10-79 (Senate Committee). Given the already voluminous attachments to this report, most of the discovery documents produced by the GEC and the Senate Committee are not attached here but are available for review in the Docket division. Documents produced by the Senate Committee in regard to the mailgram and phone banks are attached, however, since probable cause findings are recommended as to those issues.

revised brief. Attachment 13 at 1-6.

With two exceptions, this Office now makes the same recommendations as made in the revised General Counsel Briefs, incorporated herein by reference. First, the Briefs recommend pursuing both the GEC and the Senate Committee in connection with the mailgram. However, should the Commission concur with our recommendations, the mailgram issue would be the only probable cause finding outstanding against the Senate Committee. Although the GEC's liability on this issue is easily incorporated into a combined conciliation agreement with the GEC, pursuing this matter with the Senate Committee will require additional use of resources. Thus, we recommend that the Commission exercise its prosecutorial discretion and find probable cause but take no further action against the Senate Committee on this issue which involves less than $5,000. Second, the Briefs recommend that the Commission find probable cause to believe that violations occurred with respect to the GEC's apparent payment for two plane trips that benefited the Senate campaign. In response, the GEC submitted documentation showing the DNC paid for these trips. Consequently, we recommend that the Commission find no probable cause to believe with respect to both committees on this issue. These and the other issues in MUR 2715 are summarily discussed below.

<u>Phone Banks</u>

As detailed in the General Counsel's Briefs, the Senate Committee contracted with a commercial vendor, '88 Texas, to conduct the phone bank and other campaign activity. Telephone

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scripts produced revealed only one reference to Bentsen's Vice-Presidential race in the form of a question about whether the call recipient would vote for the Dukakis/Bentsen or Bush/Quayle ticket. In its most recent response on this issue, the Senate Committee reiterates that the phone bank focused on voter identification and that voter identification surveys, like the one in question, frequently use questions regarding presidential contest preference given the high-profile nature of that election. Attachment 13 at 7-8. The Senate Committee also continues to argue that since none of the information from the phone bank operation was transferred or provided to the GEC, no benefit was received. It thus urges the Commission to make a no probable cause finding on this issue. Attachment 13 at 8. The Senate Committee's position has been echoed by the GEC in earlier responses. The GEC also adds that it did not enter into any agreement with any other candidate or political party or political committee for services rendered by the vendor for the general election. See Attachment 12 at 53-54 and 57-58.

As pointed out in the Briefs, Senator Bentsen's name is used often in the phone bank scripts. Moreover, persons called were encouraged to support the entire Democratic ticket. Thus, Senator Bentsen arguably could have benefited from the phone bank efforts as a Vice-Presidential candidate. However, given that only one in a series of questions conducted in the phone bank surveys actually referenced the Vice Presidential contest, this Office recommends that the Commission find probable cause to believe that the GEC violated 2 U.S.C § 441a(f) or 26 U.S.C.

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§ 9003(b)(2) and that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) but take no further action with respect to both.

Mailgram

Discovery revealed that the Senate mailgram, described in detail in the revised GC Brief, was sent to 2,076 individuals including Senate Committee county coordinators, selected contributors who had given the Senate campaign more than $1,000 and members of two Republican and Independent committees who had endorsed Bentsen's Senate re-election bid. The Senate Committee developed the mailgram mailing list from in-house lists and paid a commercial vendor $9,964 to produce and distribute it.

In response to the revised GC Brief, the Senate Committee requests the Commission find no probable cause to believe a violation occurred on this issue and essentially repeats its earlier argument that the mailgram's focus was on the Senate race and its purpose was to promote Secretary Bentsen's Senate candidacy whether or not the mailgram recipients supported his Vice-Presidency bid. Thus, the Senate Committee contends it should be viewed as soley a Senate campaign expenditure. Attachment 13 at 3-6. The GEC has not responded to the General Counsel's recommendation to find probable cause on this issue. However, in its earlier responses, the GEC made the same argument as the Senate Committee and concluded the mailgram was not a presidential campaign expense. See GEC's August 28, 1988 response to complaint and Attachment 12 at 54-55 and 59-60. The GEC has also stated that it did not participate in the mailgram's preparation or distribution. Id.

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As discussed in the revised GC Brief, the mailgram, dated the day Governor Dukakis announced that Secretary Bentsen would be his running-mate, referenced the Vice Presidential nomination, and stated Secretary Bentsen's belief that "the Democratic ticket will prevail in November and that my nomination is of great importance to Texas and its future." Although the mailgram includes no request for contributions, it was sent to contributors who had given "more than" $1,000 to the Senate Committee and seeks their continued support. Moreover, the use of a commercial vendor to produce and distribute the mailgram precludes it from qualifying for the coattails exception. Accordingly, this Office recommends that the Commission find probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting an excessive in-kind contribution as a result of the production and distribution of the mailgram. We also recommend that the Commission find probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) by making an excessive in-kind to the GEC in connection with the mailgram, but take no further action for the reasons discussed on page 32.

Allocation of Food, Lodging and Travel Expenses/ Sharing of Personnel and Facilities

As detailed in the GC Brief, Lloyd Bentsen held approximately ten meetings/fundraisers with Senate campaign supporters while on Vice-Presidential campaign trips. It appeared from the investigation that the two campaigns did not share personnel or facilities and that each campaign paid for

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its own expenses for dual-purpose trips. Moreover, it initially appeared that GEC paid the airfare for two of the ten trips in question rather than the Democratic National Committee ("DNC"), as contended by the GEC. In response to the GC Brief, however, the GEC provided documentation that the DNC paid for these trips as well. Attachment 12 at 1-22. Thus, the GEC made no in-kind contribution to the Senate Committee in connection with the airfare for trips benefiting the Senate campaign. Accordingly, this Office recommends that the Commission find no probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(f) by accepting excessive in-kind contributions in the form of GEC-paid airfare. Similarly, this Office recommends that the Commission find no probable cause to believe that the GEC violated 2 U.S.C. §§ 441a(a)(1)(A) or 26 U.S.C. § 9004(c) for making such contributions. Additionally, this Office recommends that the Commission find no reason to believe that either the GEC or the Senate Committee violated 11 C.F.R. §§ 106.1, 110.8(d)(2) and 110.8(d)(3) by failing to allocate air travel, food and lodging expenses or by sharing personnel and facilities.

<u>Senate Newsletter</u>

The Senate Committee paid for the production and distribution costs of the newsletter, described in more detail in the GC Briefs, which volunteers labeled and mailed. Although a commercial vendor was paid to duplicate, stitch and hand fold the newsletter, it appears that sufficient volunteer activity was involved to qualify as exempt activity. <u>See</u> <u>e.g</u>., MUR 2270.

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Because the revised GC Brief indicated that the General Counsel would make a no probable cause to believe recommendation in connection with this issue, neither committee addresses it in their responses to the Briefs. Accordingly, the Office of General Counsel recommends that the Commission find no probable cause to believe that the Senate Committee violated 2 U.S.C. § 441a(a)(1)(A) or that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the newsletter.

IV. RECOMMENDATIONS IN LIGHT OF FEC v. NRA

Consistent with the Commission's November 9, 1993 decisions concerning compliance with the court's decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 62 U.S.L.W. 3842 (U.S. June 20, 1994), this Office recommends that the Commission take the following action in connection with MUR 2715: (1) ratify its November 13, 1989 determination to merge MUR 2652 into MUR 2715; (2) ratify its reason to believe findings that the Dukakis/Bentsen Committee, Inc., and its treasurer, violated 26 U.S.C. § 9003(b)(2), 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f), and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3); and (3) ratify its reason to believe findings that the Senator Lloyd Bentsen Election Committee, and its treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f) and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3).

Additionally, based on the original audit referrals in MUR 3089, this Office recommends that the Commission: (1) revote reason to believe that the Dukakis for President Committee and

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its treasurer, Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban L. Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres violated 2 U.S.C. § 441f; and (2) approve the factual and legal analyses, samples of which were attached to the First General Counsel's Report dated January 25, 1991. Based on the subsequent responses received from respondents in MUR 3089, this Office further recommends that the Commission: (1) revote reason to believe that the Dukakis for President Committee and its treasurer violated 11 C.F.R. § 110.4(c); (2) revote reason to believe that Hector Martinez Franco, Mrs. Sol R. Martinez, Esteban L. Fuertes; Mrs. Celeste S. Fuertes, Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C.§ 441g; and (3) approve the factual and legal analyses attached to the General Counsel's Report dated January 14, 1992.

Attached are the relevant certifications in MURs 2715 and 3089 for the Commission's information. Attachment 14. NRA findings have already been made in MUR 3449 and none were necessary in MUR 3562 since the reconstituted Commission made those findings.

V. CONCILIATION

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VI. RECOMMENDATIONS

1. Deny the motion to dismiss MURs 3562, 3449, 3089 and 2715 put forward by counsel for the Dukakis for President Committee, the Dukakis/Bentsen Committee, and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund.

2. Reject the Dukakis for President Committee's counter-proposal dated April 11, 1994.

3. Find reason to believe that the Dukakis/Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in MUR 3449 and approve the attached factual and legal analysis (Attachment 17).

4. Ratify the Commission's November 13, 1989 determination to merge MUR 2652 into MUR 2715.

5. Ratify reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.

6. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the mailgram in MUR 2715.

7. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee phone banks, but take no further action in MUR 2715.

8. Find no probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 2 U.S.C. § 441a(f) or 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R.

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§§ 106.1(a) and 110.8(d)(2) in connection with the airfare, food and lodging shared with the Senate Committee; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715.

9. Ratify reason to believe that the Senator Lloyd Bentsen Election Committee and its treasurer violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.

10. Find probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the mailgram and phone banks in MUR 2715, but take no further action with respect to these issues.

11. Find no probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(f) and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with sharing airfare, food and lodging with the GEC; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715 and close the file with respect to the Senate Committee.

12. Revote reason to believe that the Dukakis for President Committee and its treasurer violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) in MUR 3089.

13. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres each violated 2 U.S.C. §§ 441f in MUR 3089.

14. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C. § 441g in MUR 3089.

15. Approve the factual and legal analyses which were attached to the General Counsel's Report dated January 14, 1992 and samples of which were attached to the First General Counsel's Report dated January 25, 1991 in MUR 3089.

16. Take no further action against the Dukakis for President Committee, Inc., and Leonard Aronson, as

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treasurer, in connection with the 2 U.S.C. § 441f violation in MUR 3089.

17. Take no further action against Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Luis S. Sierra, Hector Martinez, Jr., Mrs. Milton Mendez (Myrta Falcon de Mendez), Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres and close the file with respect to each of them in MUR 3089.

18. Enter into pre-probable cause conciliation with the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in MUR 3089 and the Dukakis/Bentsen Committee, Inc. and the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer, in MUR 3449, and approve the attached proposed combined conciliation agreement for MURs 3562, 3449, 3089 and 2715.

19. Enter into pre-probable cause conciliation with Fried, Frank, Harris, Shriver and Jacobson and approve the attached proposed conciliation agreement in MUR 3449.

20. Approve the appropriate letters.

8/30/94
Date

Lawrence M. Noble
General Counsel

Attachments
1. Committee's 3/31/94 motion to dismiss (MUR 3562)
2. Committee's 4/11/94 letter and second counterproposal (MUR 3562)
3. Committee's 5/5/94 letter renewing its motion to dismiss and enclosing "supplemental authority" (MUR 3562)
4. Committee's 1/19/94 RTB response (MUR 3562)
5. Committee's 3/14/94 supplemental RTB response and first counterproposal (MUR 3562)
6. 3/15/88 letter from AFSCME to Committee enclosing phone bank invoice
7. 4/25/89 letter from Committee to AFSCME re: payment of final bill for phone banks
8. GEC's RTB response in MUR 3449
9. Law Firm's RTB response in MUR 3449 (electoral college memo)
10. Committee's 2/18/92 Response to cash contribution issue in MUR 3089
11. (Group) Responses of individuals who made cash contributions in MUR 3089

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MURS 3562,
Dukakis for President Committee, Inc.	)	3449, 3089,
and Leonard Aronson, as treasurer;	)	and 2715
Dukakis/Bentsen General Election	)	
Legal and Accounting Compliance Fund	)	
and Leonard Aronson, as treasurer;	)	
Dukakis/Bentsen Committee, Inc.;	)	
The Senator Lloyd Bentsen Election	)	
Committee and Marc L. Irvin, as	)	
treasurer; and	)	
Fried, Frank, Harris, Shriver and	)	
Jacobson	)	

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CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on September 20, 1994, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions with respect to MURS 3562, 3449, 3089, and 2715:

1. Deny the motion to dismiss MURS 3562, 3449, 3089, and 2715 put forward by counsel for the Dukakis for President Committee, the Dukakis/Bentsen Committee, and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund.

(continued)

2. Reject the Dukakis for President Committee's counterproposal dated April 11, 1994.

3. Find reason to believe that the Dukakis/Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in MUR 3449 and approve the factual and legal analysis designated Attachment 17 to the FEC General Counsel's report dated August 30, 1994.

4. Ratify the Commission's November 13, 1989 determination to merge MUR 2652 into MUR 2715.

5. Ratify reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer, violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.

6. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc. violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003 (b)(2) in connection with the mailgram in MUR 2715.

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7. Find probable cause to believe that the Dukakis/Bentsen Committee, Inc., violated 26 U.S.C. 9003(b)(2) in connection with the Senate Committee phone banks, but take no further action in MUR 2715.

8. Find no probable cause to believe that the Dukakis/Bentsen Committee, Inc. violated 2 U.S.C. § 441a(f) or 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with the airfare, food and lodging shared with the Senate Committee; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715.

9. Ratify reason to believe that the Senator Lloyd Bentsen Election Committee and its treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3) in MUR 2715.

10. Find probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the mailgram and phone banks in MUR 2715, but take no further action with respect to these issues.

(continued)

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11. Find no probable cause to believe that the Senator Lloyd Bentsen Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee newsletter publication; 2 U.S.C. § 441a(f) and 11 C.F.R. §§ 106.1(a) and 110.8(d)(2) in connection with sharing airfare, food and lodging with the GEC; and 11 C.F.R. § 110.8(d)(3) in connection with sharing of personnel or facilities in MUR 2715 and close the file with respect to the Senate Committee.

12. Revote reason to believe that the Dukakis for President Committee and its treasurer violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) in MUR 3089.

13. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Hector Martinez, Jr., Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Mrs. Milton Mendez (Myrta Falcon de Mendez), Luis S. Sierra, Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vasquez and Julieta Torres each violated 2 U.S.C. § 441f in MUR 3089.

14. Revote reason to believe that Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez) Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini and Luis S. Sierra each violated 2 U.S.C. § 441g in MUR 3089.

(continued)

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15. Approve the factual and legal analyses which were attached to the General Counsel's Report dated January 14, 1992 and samples of which were attached to the First General Counsel's Report dated January 25, 1991 in MUR 3089.

16. Take no further action against the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in connection with the 2 U.S.C. § 441f violation in MUR 3089.

17. Take no further action against Hector Martinez Franco, R. Martinez (Mrs. Sol R. Martinez), Esteban L. Fuertes, Mrs. Esteban Fuertes (Celeste S. Fuertes), Milton Mendez Orsini, Luis S. Sierra, Hector Martinez, Jr., Mrs. Milton Mendez (Myrta Falcon de Mendez), Mrs. Luis Sierra (Silmarie Montilla Sierra), Benjamin Torres Vazquez and Julieta Torres and close the file with respect to each of them in MUR 3089.

18. Enter into pre-probable cause conciliation with the Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer, in MUR 3089 and the Dukakis/Bentsen Committee, Inc. and the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer, in MUR 3449, and approve the proposed combined conciliation agreement for MURs 3562, 3449, 3089 and 2715 as recommended in the General Counsel's report dated August 30, 1994.

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19. Enter into pre-probable cause conciliation with Fried, Frank, Harris, Shriver and Jacobson and approve the proposed conciliation agreement in MUR 3449 as recommended in the General Counsel's August 30, 1994 report.

20. Approve the appropriate letters as recommended in the General Counsel's August 30, 1994 report.

Commissioners Aikens, McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioner Elliott was not present. Commissioner Potter noted that he was not participating with regard to these matters and he was not present.

Attest:

9-21-94
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 3, 1994

Robert F. Bauer, Esq.
Judith L. Corley, Esq.
Perkins Coie
607 Fourteenth Street, N.W.
Suite 800
Washington, DC 20005

RE: MUR 2715
Senator Lloyd Bentsen Election Committee and
Marc L. Irvin, as treasurer

Dear Mr. Bauer and Ms. Corley:

As you are aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission (FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994)). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While awaiting the Supreme Court's consideration of the Commission's appeal, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on September 20, 1994, the Commission ratified its determination to merge MUR 2652 into MUR 2715 and its prior findings of reason to believe that your clients, the Senator Lloyd Bentsen Election Committee and Marc L. Irvin, as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A), 441a(f) and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3). You are further advised that, on the same date, the Commission found probable cause to believe that your clients violated 2 U.S.C. § 441a(a)(1)(A) in connection with the mailgram and phone banks issues in this matter. After considering the circumstances of this matter, however, the Commission also determined to take no further action against your clients. Finally, the Commission also found no probable cause to believe that your clients violated 2 U.S.C. § 441a(a)(1)(A) in connection with the Senate Committee newsletter

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publication; 2 U.S.C. § 441a(f) and 11 C.F.R. § 106.1(a) and 110.8(d)(2) in connection with sharing airfare, food, and lodging with the Dukakis/Bentsen Committee, Inc.; and 11 C.F.R. § 110.8(d)(3) in connection with the sharing of personnel or facilities. Accordingly, the file in this matter has been closed as it pertains to your clients.

The file will be made public within 30 days after the matter has been closed with respect to all other respondents involved. You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply with respect to all respondents still involved in this matter. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Dawn M. Odrowski, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

OCTOBER 3, 1994

VIA EXPRESS MAIL

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

HAND DELIVERED

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee, and Leonard Aronson, as treasurer
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

This letter is to advise you of the various actions taken by the Federal Election Commission (the "Commission") on September 20, 1994, in the above-referenced matters.

The Commission considered and denied your clients' Motion to Dismiss these matters. It also reviewed and rejected your clients' April 11th counter-conciliation agreement proposing to settle all of the above-referenced MURs. Although the Commission denied your counter-offer, it is amenable to your proposal that we attempt to settle all of these matters in a single conciliation agreement. Accordingly, the Commission took the actions described below with respect to MURs 3449, 3089 and 2715 and approved the enclosed combined conciliation agreement in an effort to expeditiously settle all of these matters. The combined conciliation agreement contains the factual bases for, and admissions of, violations at issue in all of the above-referenced MURs.

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With respect to MUR 2715 (for which Mr. Gross is designated counsel), the Commission ratified its prior determination to merge MUR 2562 into MUR 2715 and its findings of reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer ("GEC") violated 26 U.S.C. § 9003(b)(2); 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f); and 11 C.F.R. §§ 106.1(a), 110.8(d)(2) and 110.8(d)(3).[1] It also found probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee mailgram; found probable cause to believe that the GEC violated 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee phone banks, but determined to take no further action; and found no probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) in connection with the Senate Committee newsletter publication, and 2 U.S.C. § 441a(a)(1)(A), 26 U.S.C. § 9004(c), and 11 C.F.R. §§ 106.1(a), 110.8(d)(2), and 110.8(d)(3) in connection with the sharing of airfare, food, lodging, personnel and facilities with the Senate Committee.

With respect to MUR 3089, the Commission revoted its prior findings of reason to believe that the Dukakis for President Committee, Inc. and its treasurer ("the Committee") violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(c) and to approve the factual and legal analyses which were previously mailed to them.[2] After considering the circumstances of this matter, the Commission also determined to take no further action against the Committee, and Leonard Aronson as treasurer, in connection with the Section 441f finding. It also determined to enter into pre-probable cause conciliation with the Committee and Leonard Aronson, as treasurer, in settlement of the violation of 11 C.F.R. § 110.4(c).

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1. This action was taken in accordance with specific procedures adopted by the Commission as a result of the D.C. Circuit decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S.Ct. 2703 (1994). As you are aware, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. While awaiting the Supreme Court's consideration of the Commission's appeal, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees, and has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

2. See Footnote 1.

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With respect to MUR 3449, the Commission considered your clients' June 6, 1993 response to its reason to believe findings and determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. It also found reason to believe that the Dukakis Bentsen Committee, Inc. (Dukakis Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, violated 11 C.F.R. § 110.4(c) in connection with the sequential money order issue. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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Finally, the Commission notes that Mr. Taylor requested that the General Counsel's Office share its reasoning as to why it believes 28 U.S.C. § 2462 does not preclude the Commission from proceeding in these matters. The General Counsel's Office ordinarily does not provide a written statement of its reasons for recommending motions to dismiss. However, the Commission's position on this particular issue has been set forth in several civil actions pending before various courts. Enclosed for your

information is a copy of a recently-filed brief addressing this issue in FEC v. National Republican Senatorial Committee, Civil Action No. 93-1612 (D.D.C. filed September 1, 1994).

The Commission is hopeful that these matters can be settled through conciliation negotiations. In light of the fact that pre-probable cause conciliation negotiations are limited to 30 days, you should respond to this agreement no later than 30 days of your receipt of this notification. If agreement is not reached within this period, MURs 3562, 3449 and 3089 will proceed to the next stage of the enforcement process. Similarly, since MUR 2715 is already in the probable cause stage, if we are unable to reach agreement on this matter within this time, the Commission may institute a civil suit in the United States District Court with respect to this matter and seek payment of a civil penalty. See 2 U.S.C. §§ 437g(a)(4) and (6).

If you have questions or suggestions for changes in the enclosed conciliation agreement, please contact Dawn M. Odrowski, the staff attorney assigned to these matters, at (202) 219-3400.

For the Commission

Danny L. McDonald

Danny L. McDonald
Vice Chairman

Enclosures
Conciliation Agreement
Factual and Legal Analysis in MUR 3449
Copy of brief in FEC v. NRSC

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AGENDA DOCUMENT NO. X95-39

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT
Apr 28 4 02 PM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	28 U.S.C. § 2462
	)	Statute of Limitations
	)	

SENSITIVE
MAY 16 1995
EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

I. INTRODUCTION[1]

As the Commission is aware, on February 24, 1995, the U.S. District Court for the District of Columbia decided in Federal Election Commission v. National Republican Senatorial Committee, 1995 WL 83006 (D.D.C. 1995) ("NRSC"), that the statute of limitations set forth at 28 U.S.C. § 2462 ("Section 2462") applied to Commission enforcement suits seeking civil penalties, relying upon the D.C. Circuit's opinion in 3M Co. v. Browner, 17 F.3d 1453 (D.C. Cir. 1994). This Report discusses the statute of limitations generally, describes

enforcement matters potentially affected by the NRSC court's conclusion and makes recommendations for each of the potentially affected matters.[2]

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1. This is a combined General Counsel's Report from the Enforcement and Public Financing, Ethics and Special Projects ("PFESP") areas of the Office of the General Counsel.

In NRSC, Judge Pratt held that the Commission could not seek a civil penalty in conjunction with its civil enforcement action against the defendant for violations of 2 U.S.C. §§ 441a(h) and 434(b) because the 5-year federal catch-all statute of limitations found at 28 U.S.C. § 2462 applied to Commission-initiated enforcement suits seeking civil penalties. The court, however, allowed the Commission's suit to go forward notwithstanding this conclusion, ruling that Section 2462 did not apply to the declaratory and equitable relief also sought by the Commission. Therefore, the court so far has issued no final appealable decision.

On May 17, 1994, in FEC v. Williams, the U.S. District Court for the Central District of California reached the opposite conclusion about the applicability of 28 U.S.C. § 2462 to the Commission's enforcement actions. Mr. Williams' contributions in the name of another took place more than 5 years before the Commission filed its complaint and counsel raised 28 U.S.C. § 2462 as an affirmative defense. However, the court ruled at an oral hearing that the statute of limitations did not apply. Instead, the court awarded the Commission a $10,000 civil penalty against Mr. Williams for violations of 2 U.S.C. § 441f. FEC v. Williams, No. 93-6321 (C.D. Cal. Jan. 31, 1995), appeal docketed, No. 95-55320 (9th Cir. 1995) ("Williams"). Mr. Williams has filed a notice of appeal regarding, inter alia, the district court's

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statute of limitations decision. Thus, whether and to what extent the statute of limitations at 28 U.S.C. § 2462 will apply to Commission enforcement cases will be before the 9th Circuit shortly, and could also be the subject of a later appeal before the D.C. Circuit in NRSC.[3]

In light of this conflict between the courts and the pendency of the appeal, this Office believes a decision to close enforcement cases based solely on a conclusion that the 5 year statute of limitations would apply to any potential enforcement suits would be unwarranted. This is especially true since neither 28 U.S.C. § 2462 nor the NRSC decision limits the Commission's authority to complete administrative investigations or seek civil penalties in voluntary conciliation prior to filing suit. Nonetheless, the Office of the General Counsel recognizes that until the stautue of limitations is finally resolved by the courts, respondents are likely to raise it as a defense, making settlement more complicated. Thus, even though the Commission is not bound by the NRSC decision in other cases, the Office of the General Counsel believes the Commission should take this issue into consideration on a case-by-case basis when looking at its active and inactive enforcement cases -- particularly those with older activity -- and, in an exercise of its prosecutorial discretion, attempt to bring the matters most vulnerable to

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statute of limitations difficulties to an early administrative disposition.[4]

In order to give the Commission the broadest picture of the possible effect of a statute of limitations on its caseload, this Office has analyzed all enforcement cases where there is FECA-violative activity that will be 5 years old at some point during this year. Section II of this Report gives an overview of principles involved in analyzing the statute of limitations issue, with particular attention to determining when a Commission cause of action might accrue, and when the running of the statute may be tolled by equitable principles. Section III describes how this Office applied these principles to its active and inactive enforcement caseload and the approach used in making its recommendations for Commission action. Section IV includes descriptions of each of the potentially affected enforcement matters, outlines the statute of limitations difficulties this Office foresees for each, and recommends specific Commission action for each potentially affected matter.

II. THE LAW

This section discusses 28 U.S.C. § 2462, the federal catch-all statute of limitations, and issues relating to when the statute begins to run, under what circumstances it may be tolled

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and declaratory and equitable relief available to the Commission even if the statute of limitations has run completely.

A. Accrual

Section 2462 requires commencement of a suit for civil penalties within five years from the date when the claim first accrued.[5] Thus, as a threshold matter, in considering the potential effect of the limitations period on a particular case, one must determine the complex issue of when the claim first accrued.

1. General Principles

A cause of action normally accrues when the factual and legal prerequisites for filing suit are in place, i.e., at the precise moment when the violation occurred.[6] However, federal courts have generally applied the discovery rule of accrual, an equitable doctrine under which a claim is considered to have accrued at the time that a potential claimant knew, or through the exercise of reasonable diligence should have known, of the facts underlying the cause of action.[7]

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5. 28 U.S.C. § 2462 provides:

> Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued . . . .

6. United States v. Lindsay, 346 U.S. 568, 569 (1954).

7. See, e.g., Delaware State College v. Ricks, 449 U.S. 250, 259 (1980) (Court implicitly applied discovery rule to Title VII discrimination suit); United States v. Kubrick, 444 U.S. 111, 122-25 (1979) (court implicitly endorsed discovery rule of accrual, but limited it to discovery of facts underlying a claim,

The substantial harm theory of accrual can be considered analytically as a particular application of the discovery rule. It is usually advanced in personal injury actions involving latent injuries or injuries difficult to detect, especially in cases of "creeping disease" such as asbestosis. The rule rests on the idea that plaintiffs cannot have a tenable claim for the recovery of damages unless and until they have been harmed. Under the substantial harm theory, therefore, damage claims in cases involving latent injuries or illnesses do not accrue until substantial harm matures or, in other words, until the harm becomes apparent.

The Supreme Court has cautioned against "attempting to define for all purposes when a cause of action first accrues. Such words are to be interpreted in light of the general purposes of the statute and of its other provisions, and with due regard to those practical ends which are to be served by any limitation of the time within which an action must be brought."[8] Thus, in determining the time of accrual in cases arising under the FECA,

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(Footnote 7 continued from previous page)
rather than extending the rule to discovery of legal cause of action); see also Oshiver v. Levin, Fishbein, Sedran & Berman, 38 F.3d 1380, 1386 (3d Cir. 1994); Dixon v. Anderson, 928 F.2d 212, 215 (6th Cir. 1991); Cada v. Baxter Healthcare Corp., 920 F.2d 446, 450 (7th Cir. 1990); Corn v. City of Lauderdale Lakes, 904 F.2d 585, 588 (11th Cir. 1990); Alcorn v. Burlington Northern Railroad Co., 878 F.2d 1105, 1108 (8th Cir. 1989); Lavellee v. Listi, 611 F.2d 1129, 1131 (5th Cir. 1980); Cullen v. Margiotta, 811 F.2d 698, 725 (2d Cir. 1987); Cline v. Brusett, 661 F.2d 108, 110 (9th Cir. 1981); Bireline v. Seagondollar, 567 F.2d 260, 263 (4th Cir. 1977).

8. Crown Coat Front Co., Inc. v. United States, 386 U.S. 503, 517 (1967) (quoting Reading Co. v. Koons, 271 U.S. 58, 62 (1926)).

courts will look to the nature and goals of the FECA versus the interests underlying the five-year limitations period.

2. Accrual in the Context of the FECA

While the discovery rule has been applied in a wide range of cases, originating in the tort context and extending to, inter alia, contract, Title VII, and RICO actions, to date, it appears that only the United States District Court for the District of Columbia has held that the Section 2462 statute of limitations is applicable to the FECA. The court also addressed the precise question of when a cause of action accrues under the FECA. Inasmuch as the district court in NRSC relied on the decision of the Court of Appeals for the District of Columbia in 3M Co. v. Browner, 17 F.3d 1453 (D.C. Cir. 1994) ("3M"), the latter case will be summarized first.

3M was an action brought by the Environmental Protection Agency ("EPA") to impose civil penalties against a company for violations of the Toxic Substances Control Act, wherein the EPA argued that in the exercise of due diligence it could not have discovered the violations earlier. In 3M, the defendant misstated and failed to include information on notices required by the EPA. The court acknowledged that the District of Columbia Circuit has adopted the discovery rule, under which, as discussed above, a claim is considered to have accrued at the time that a claimant knew or should have known of the facts underlying the cause of action. However, the 3M court found that the discovery rule had only been applied in limited circumstances -- those involving remedial, civil claims -- and specifically rejected the discovery

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rule under the circumstances presented, stating that the rule proposed by the EPA in that case was a "discovery of violation" rule. The court concluded that in civil penalty actions the running of the limitations period of Section 2462 is measured from the date of the violation.[9]

In NRSC, a suit arising from violations of the FECA involving excessive contributions and failure to report such contributions to the FEC, the court repeated the options for defining the time of accrual set forth in 3M, stating that a claim accrues "when the defendant commits his wrong or when substantial harm matures." Then, without pinpointing the exact time of accrual, and without specifically attempting to define accrual in the FECA context, the court held that the FECA claim accrued "considerably before the end of the [FEC's] administrative process." While the district court's accrual finding was imprecise, Judge Pratt's construction of 3M suggests that the discovery rule of accrual may be rejected in FECA claims brought in that Circuit.

On the other hand, the Court of Appeals for the Third Circuit, in considering a citizens' suit brought under the Clean

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9. In 3M, the court cited the Supreme Court's decision in Unexcelled Chemical Corp. v. United States, 345 U.S. 59 (1953), which was a suit for liquidated damages against a government contractor for unlawfully employing child labor. As the 3M decision noted, in that case, the Supreme Court held that "a cause of action is created when there is a breach of duty owed the plaintiff. It is that breach of duty, not its discovery, that normally is controlling." However, the Supreme Court's focus was the question of whether the claim accrued at the time of the violation versus after it had been administratively determined that the contractor was liable. The Court was not concerned specifically with the question of whether the claim accrued at the time of the violation versus when the plaintiff knew or should have known of the facts underlying the claim.

Water Act, which has statutory self-reporting requirements comparable to the FECA, held the Section 2462 statute of limitations applicable and embraced the discovery rule. There, the Third Circuit held that since the defendant was responsible for filing reports under the Act and the public could not reasonably be deemed to have known about any violation until the defendant filed the report, the cause of action did not accrue until the reports listing the violations were filed.[10] A district court in Virginia[11] has also embraced this discovery rule for determining accrual under the Clean Water Act.[12]

B. EQUITABLE TOLLING

There are instances in which a court may determine that equitable considerations require the statute of limitations to be tolled. Such a determination is made on a case-by-case basis and

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10. Public Interest Research Group v. Powell Duffryn Terminals, Inc., 913 F.2d 64, 75 (3d Cir. 1990), cert. denied, 498 U.S. 1109 (1991).

11. United States v. Hobbs, 736 F. Supp. 1406 (E.D. Va. 1990).

12. Various other circuit courts have grappled with the question of when the federal five-year statute of limitations of Section 2462 begins to run, but these cases, which have produced conflicting rulings, have all involved actions to recover civil penalties rather than actions to impose them. Compare United States Dept. of Labor v. Old Ben Coal Co., 676 F.2d 259 (7th Cir. 1982) (in action to recover civil penalty, claim accrues only after administrative proceeding has ended, penalty has been assessed, and violator failed to pay) and United States v. Meyer, 808 F.2d 912 (1st Cir. 1987) (in civil penalty enforcement action limitations period is triggered on date civil penalty is administratively imposed) with United States v. Core Laboratories Inc., 759 F.2d 480 (5th Cir. 1985) (in suit to recover civil penalty limitations period begins to run on date of underlying violation).

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is referred to as equitable tolling.[13] Equitable tolling presumes claim accrual and steps in to toll, or stop, the running of the statute of limitations in light of established equitable considerations.[14] The most fundamental rule of equity is that a party should not be permitted to profit from its own wrongdoing.

There are three principal situations in which equitable tolling may be appropriate: (1) where the defendant has actively misled the plaintiff regarding the plaintiff's cause of action; (2) where the plaintiff in some extraordinary way has been prevented from asserting his or her rights; and (3) where the

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13. Some courts have pointed out that, in instances where the defendant has taken active steps to prevent the plaintiff from suing, e.g., in cases involving fraudulent concealment, the tolling of the statute of limitations is more appropriately referred to as equitable estoppel. See Cada v. Baxter Healthcare Corp., 920 F.2d 446, 450-51 (7th Cir. 1990).

14. Courts have held that statutes of repose cannot be extended by federal tolling principles, see Baxter Healthcare, 920 F.2d at 451; First United Methodist Church of Hyattsville v. United States Gypsum Company, 882 F.2d 862 (4th Cir. 1989). While statutes of repose and statutes of limitations have sometimes been referred to interchangeably, a statute of repose is legally distinguishable from a statute of limitations. Whereas a statute of limitations is a procedural device motivated by considerations of fairness to the defendant, a statute of repose is a substantive grant of immunity after a legislatively determined period of time and is based on the economic interest of the public as a whole and a legislative balance of the respective rights of potential plaintiffs and defendants. See First United Methodist Church, supra. To date, this Office's research has revealed no instances in which a court has held that Section 2462 is a statute of repose in the legal sense and, therefore, held tolling principles to be inapplicable. Indeed, in 3M, the court noted the potential applicability of the doctrine of fraudulent concealment to Section 2462. See 3M, 17 F.3d at 1461, n.15.

plaintiff has timely asserted his or her rights mistakenly in the wrong forum.[15]

1. Doctrine of Fraudulent Concealment

The Supreme Court has defined the doctrine of fraudulent concealment as the rule that "where a plaintiff has been injured by fraud and remains in ignorance of it without any fault or want of diligence or care on his part, the bar of the statute does not begin to run until the fraud is discovered, though there be no special circumstances or efforts on the part of the party committing the fraud to conceal it from the knowledge of the other party." Holmberg v. Armbrecht, 327 U.S. 392, 397 (1946). The Court went on to state that this equitable doctrine is read into every federal statute of limitation. Id.

The doctrine, as applied by the circuit courts of appeal, requires the plaintiff to plead[16] and prove three elements:

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15. School District of City of Allentown v. Marshall, 657 F.2d 16, 19-20 (3d Cir. 1981) (quoting Smith v. American President Lines, Ltd., 571 F.2d 102, 109 (2d Cir. 1978)). It should also be noted that statutes of limitations are subject to waiver and may be tolled by agreement of the parties. See Zipes v. Trans World Airlines, Inc., 455 U.S. 385, 393 (1982).

16. Pleading requirements for fraudulent concealment are very strict. Some courts invoke Fed. R. Civ. P. 9(b) and require a plaintiff to meet the pleading requirements for fraud. See Dayco Corp. v. Goodyear Tire & Rubber Co., 523 F.2d 389, 394 (6th Cir. 1975). Other courts, while not specifically invoking Rule 9, still require specificity and particularity in pleading. See Rutledge v. Boston Woven Hose & Rubber Co., 576 F.2d 248, 250 (9th Cir. 1978); Weinberger v. Retail Credit Co., 498 F.2d 552, 555 (4th Cir. 1974).

(1) use of fraudulent means by the defendant;
(2) plaintiff's failure to discover the operative facts that are the basis of his cause of action within the limitations period; and
(3) plaintiff's due diligence until discovery of the facts.

State of Colorado v. Western Paving Construction, 833 F.2d 867, 874 (10th Cir. 1987).

The first prong of the plaintiff's burden under the doctrine - the use of fraudulent means by the defendant - warrants some elaboration. The courts have generally held that to establish this element of the doctrine one of two facts must be shown: 1) that fraud is an inherent part of the violation so that the violation conceals itself; or 2) that the defendant committed an affirmative act of concealment - a trick or contrivance intended to exclude suspicion or prevent inquiry.[17] These approaches to establishing the first element of the doctrine of fraudulent concealment have been referred to, respectively, as the self-concealing theory and the subsequently concealed theory. By contrast, the courts have pointed out that silence, without some fiduciary duty, never satisfies this element.[18]

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17. See Riddell v. Riddell Washington Corp., 866 F.2d 1480, 1491 (D.C. Cir. 1989); State of Colorado v. Western Paving Construction, 833 F.2d at 876-78.

18. See Rutledge v. Boston Woven Hose & Rubber Co., 576 F.2d 248, 250 (9th Cir. 1978); Dayco Corp. v. Firestone Tire & Rubber Co., 386 F. Supp. 546, 549 (N.D. Ohio 1974), aff'd sub. nom., Dayco Corp. v. Goodyear Tire & Rubber Co., 523 F.2d 389 (6th Cir. 1975). Some courts have also held that a denial of an accusation of wrongdoing does not constitute fraudulent concealment. See King & King Enters. v. Champlin Petroleum Co., 657 F.2d 1147, 1155 (10th Cir. 1981), cert. denied, 454 U.S. 1164 (1982); but see Rutledge, supra ("denying wrongdoing may constitute fraudulent concealment where the circumstances make the plaintiff's reliance upon the denial reasonable").

Where the plaintiff establishes all three of the required elements, the doctrine provides the plaintiff with the full statutory limitations period, starting from the date the plaintiff discovers, or with due diligence could have discovered, the facts supporting the plaintiff's cause of action.

2. Inducement Due to Intentional or Unintentional Misrepresentation

In cases where the plaintiff has refrained from commencing suit during the period of limitation because of inducement by the defendant, the Supreme Court has found the statutory period tolled because of the conduct of the defendant. See Glus v. Brooklyn Eastern Terminal, 359 U.S. 231 (1973). Under the facts of Glus, supra, the plaintiff averred that the defendant had fraudulently or unintentionally misstated information upon which the plaintiff relied in withholding suit.

3. Subpoena Enforcement

Several district courts have tolled other statutes of limitations in circumstances where the plaintiff was forced to initiate subpoena enforcement proceedings to uncover facts underlying the cause of action.[19] While research to date has not revealed specific instances in which a court has tolled the Section 2462 statute of limitations because the plaintiff was

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19. EEOC v. Gladieux Refinery, Inc., 631 F. Supp. 927, 935-36 (N.D. Ind. 1986) (Court held that the statute of limitations was tolled during the time between issuance of subpoena and enforcement because defendant did not have valid basis for not complying with subpoena); EEOC v. City of Memphis, 581 F. Supp. 179, 182 (W.D. Tenn. 1983) (Court held that the statute of limitations was tolled until documents sought in subpoena were made available to EEOC).

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forced to initiate subpoena enforcement proceedings, Section 2462 is sufficiently similar to those statutes which courts have tolled to suggest that the same result would be appropriate. Further, a good argument could be made for equitably tolling Section 2462 in such circumstances because defendants' refusal to comply with the Commission's subpoenas, whether that refusal is reasonable or otherwise, frustrates the Commission's ability to bring the action within the limitations period. Not tolling the statute of limitations in such circumstances while allowing defendants to plead the statute of limitations as an affirmative defense to actions brought by the Commission would allow defendants to profit from refusing to comply with subpoenas, and thus "offer a tempting method of defeating the basic purpose of [the Act]."[20]

4. Continuous Violation Theory

The continuous violation theory is another theory that operates to toll statutes of limitations. In the case of a continuing violation, the violation is not complete for purposes of the statute of limitations as long as the proscribed course of conduct continues, and the statute of limitations does not begin to run until the last day of the continuing offense.[21]

The Supreme Court has cautioned that continuing offenses are not to be too readily found, explaining in the criminal context that "such a result should not be reached unless the

20. See Hodgson v. International Printing Press, 440 F.2d 1113, 1119 (6th Cir. 1973).

21. See Fiswick v. United States, 329 U.S. 211, 216 (1946); United States v. Butler, 792 F.2d 1528, 1532-33 (11th Cir. 1986).

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explicit language of the substantive criminal statute compels such a conclusion, or the nature of the crime involved is such that Congress must assuredly have intended that it be treated as a continuing one." Toussie v. United States, 397 U.S. 112, 115 (1970). Thus, the question of whether a violation is a continuing one is largely a matter of statutory interpretation involving the precise statutory definition of the violation.

Courts will generally not find that a violation is continuous absent clear language in the statute.[22]

C. Declaratory Relief and Equitable Remedies

The limitations period set forth in 28 U.S.C. § 2462 applies only to suits for civil penalties. Section 2462, by its own terms, has no bearing on suits in equity.[23] The following is a purely exemplary, non-exhaustive list of various forms of equitable relief that may be available. It should be noted that it is within the discretion of the courts to grant or withhold

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22. Compare Toussie, 397 U.S. 112 (1970) (Court held that failure register for draft was not continuing violation where draft statute contained no language that clearly contemplated continuing offense, and regulation under Act referring to continuing duty to register was insufficient, of itself, to establish continuing offense) with United States v. Cores, 356 U.S. 405 (1958) (statute prohibiting alien crewmen from remaining in United States after permits expired contemplated continuing offense where conduct proscribed is the affirmative act of willfully remaining, and crucial word "remains" permits no connotation other than continuing presence). See also Keystone Insurance Company v. Houghton, 863 F.2d 1125 (3d Cir. 1988) (In RICO action, court held that language of the Act, which makes a pattern of conduct the essence of the crime, "clearly contemplates a prolonged course of cónduct."); West v. Philadelphia Electric Co., 45 F.3d 744 (3d Cir. 1995) (Court applied continuing violation theory where cause of action required showing of intentional, pervasive, and regular racial discrimination).

23. See Hobbs, 736 F. Supp. at 1410; NRSC, 1995 WL 83006, at *4.

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equitable remedies and courts will exercise that discretion on a case-by-case basis in light of the particular circumstances of each case.

o Declaratory Judgment - A declaratory judgment is a court judgment which establishes the rights of parties or expresses the opinion of the court on a question of law without the court necessarily ordering anything to be done. While a declaratory judgment is similar in some respects to an advisory opinion, unlike the latter, a declaratory judgment is rendered in an adversarial proceeding and is legally binding on all the parties involved.

o Disgorgement - Disgorgement is aimed at preventing the unjust enrichment of a wrongdoer. The disgorgement remedy takes away "ill-gotten gains," thereby depriving a respondent of wrongfully obtained proceeds and returning the wrongdoer to the position the wrongdoer was in before the proceeds were wrongfully obtained.

o Injunction - A prohibitory injunction is a court order that requires a party to refrain from doing or continuing a particular act or activity. Prohibitory injunctions are generally considered preventative measures which guard against future acts rather than affording remedies for past wrongs.

By contrast, a mandatory injunction is a type of injunction that requires some positive action. A mandatory injunction (1) commands the respondent to do a particular thing; (2) prohibits the respondent from refusing (or persisting in refusing) to do or permit some act to which the plaintiff has a legal right; or (3) restrains the respondent from permitting his previous wrongful act to continue to take effect, thus virtually compelling him or her to undo it. A conciliation agreement provision that requires a committee to amend its reports in conformance with the Act is similar in effect to a mandatory injunction, albeit one entered into voluntarily and without court order. In addition, the creative forms of equitable relief listed below are examples of possible mandatory injunctions that the Commission might seek in court.

o Creative Forms of Equitable Relief

- require defendant(s) to notify the public that the defendant(s) violated the FECA, e.g., bulletin board posting.
- require additional reporting relevant to preventing future violations of the type committed.
- require defendant(s) to put different procedures in place to prevent future violations of the type committed.
- require defendant(s) to take courses to become familiar with the requirements of the FECA.

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III. ANALYSIS

This section outlines the underlying legal assumptions and other factors considered by this Office in evaluating and making recommendations for each of the potentially affected cases discussed in Section IV, infra. As a preliminary matter, this Office notes that it has reviewed all of the active and inactive enforcement matters where there appears to have been FECA-violative activity prior to January 1, 1991 that will thus be at least 5 years old by the end of this year. By selecting the cases in this manner, this Office has attempted to bring to the Commission's attention all of the matters where, were the NRSC decision applied, the statute of limitations might run this year.[24]

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This Office has assumed for purposes of these recommendations the possibility of a uniform application of the Section 2462 statute of limitations to the FECA in all circuits

This Office has further assumed that it is possible courts will deem claims arising under the FECA to have accrued at the precise moment that the violation occurred.

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In setting forth the case summaries, this Office has divided its discussion into three sections.

The third

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section analyzes matters which this Office recommends that the Commission not pursue.

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IV. CASE DISCUSSIONS

This section provides brief descriptions of enforcement matters assigned to the Public Financing, Ethics and Special Projects and Enforcement areas, including the Central Enforcement Docket.

3. Cases this Office Recommends the Commission Close

MUR 2984 (Robert Johnson et al.)

This matter involves 1988 corporate fundraising mailings for the 1988 Bush/Quayle campaign and a pattern of contributions made in the name of another, resulting in knowing and willful probable cause findings for violations of 2 U.S.C. §§ 441f, 441b(a), and 441d(a) against the individual and corporate actors.

Of the respondents still open in the matter, Robert G. Johnson and E. Kenneth Twichell were formally referred to the Department of Justice for criminal prosecution; Mr. Johnson pled guilty to felony perjury for lying under oath in a Commission deposition and Mr. Twichell pled guilty to obstructing the Commission's investigation. The corporate respondents, all closely tied to Mr. Johnson, were neither pursued nor prosecuted during the criminal proceeding. As this Office has reported, Mr. Johnson's remaining sentence was stayed based on NRA arguments

No action has taken place since the Supreme Court dismissed the Commission's appeal in NRA, and whether Mr. Johnson will have to serve the balance of his sentence is still unclear.

All of the transactions underlying FECA liability date from 1988, thus posing an obstacle under 28 U.S.C. § 2462 in the event the Commission chose to litigate this matter to obtain civil penalties. The Commission found probable cause in January of 1992, but then referred the matter to the Department of Justice, and resumed proceedings in late 1993 after resolution of the criminal proceedings. Prosecutorial discretion strongly counsels against further pursuing the remaining respondents in this matter. The

age of the activity as compared to other pending matters, and the desirability of making public the Commission's initiating role in the prosecution of Mr. Johnson argue in favor of closing this matter.

For the reasons outlined above, this Office recommends the Commission take no further action with respect to the remaining respondents in this matter and close the file.

Staff Assigned: Jonathan Bernstein and Colleen Sealander

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MUR 3182 (Kentucky Democratic Party, et al.)

This matter, a merger of MURs 3145 and 3182, involves television ads broadcast by the Kentucky Democratic Party during the 1990 general election campaign on behalf of the Democratic Party's Senatorial candidate, Dr. Harvey Sloane. The complaints allege that the ads were prepared by the Sloane campaign's media consultant, paid for by the Kentucky Democratic party's nonfederal account, and financed in part by contributions from the ATLA PAC and from Mary C. Bingham. Mrs. Bingham recently passed away.

Most of the outstanding issues in this matter occurred in the Fall of 1990, slightly less than five years ago. Thus, it does not appear that the Commission would presently be barred from seeking a civil penalty even under the strictest reading of Section 2462. In order for the Commission to obtain a judicially imposed civil penalty in this matter, civil suit must be filed by November of 1995. Yet, even if the Commission were to devote substantial resources to this matter, it is virtually inconceivable that the deadline would be met.

First, in order to proceed, the Commission must review and revote its earlier determinations in this matter to comply with the NRA opinion. Second, this matter is still in the investigatory stage and further investigation appears necesarry. Third, the issues are complex and the two staff attorneys previously assigned to this matter have been transferred to other areas of this agency. Moreover, the allocation regulations at issue in this matter are no longer in effect, having been revised in 1991

Finally, it does not appear that equitable relief would be appropriate here as the only feasible remedy we may obtain is injunctive relief on the misallocation issue: The Sloan Committee has virtually no money for disgorgement and Sloan has never been a candidate in any other federal election. In view of all the foregoing, this Office recommends the Commission take no further action and close this file.

Staff Assigned: Lisa Klein (pending reassignment)

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MUR 3228 (Dahlson for Congress, et al.)

This matter was generated by a referral from the Commission's Reports Analysis Division, and involves the subsidization of the campaign by a corporation associated with the candidate (§ 441b(a)) and the misreporting of one of the corporate loans (§ 434(b)). Specifically, the candidate funneled approximately $47,000 in corporate funds to the campaign through his personal checking account, thus concealing the true source of the funds. The candidate/corporate loans took place from May to October 1990. Further, the committee misreported the source of a May 2, 1990 direct contribution from the corporation ($10,000) in its 12-Day Pre-Primary report filed May 21, 1990. Consequently, assuming 28 U.S.C. § 2462 applies, the Commission might be unable to obtain a judicially imposed civil penalty for most of the violations as early as May of this year.

This matter is presently in the investigative stage after an unsuccessful attempt at pre-probable cause conciliation. Most recently, on March 2, 1995, this Office interviewed the campaign's treasurer. The interview established that the treasurer was not involved in the committee's receipt of the funneled corporate contributions and that the misreporting may have resulted from innocent error. Consequently, the available evidence suggests that the candidate Roy Dahlson was the individual chiefly responsible for the violations in this matter.

Additional investigation would be necessary -- including the taking of depositions -- to prove that the § 441b(a) violations by Mr. Dahlson are knowing and willful. This investigation and the subsequent procedural stages leading to litigation would have to be completed in the most expeditious fashion. This Office recommends that the Commission forgo this course. Mr. Dahlson was a one-time candidate who won the primary election but lost the general election with 35% of the vote. Mr. Dahlson is now retired. Accordingly, this matter does not warrant the expenditure of resources necessary for its most expeditious completion and resolution. Therefore, this Office recommends that the Commission take no further action in this matter and close the file.

Staff Assigned: Jonathan Bernstein and Jose Rodriguez

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MUR 3787 (Georgia Republican Party)
Public Financing, Ethics and Special Projects

This case involves violations committed during the 1988 election cycle. In particular, an audit of the Georgia Republican Party ("the Party") revealed that the Party accepted $20,350 in excessive contributions from five individuals that were not resolved in a timely manner. Similarly, the Party accepted $13,403 in prohibited contributions that were not resolved in a timely manner. The Party also did not properly document approximately $333,270 in individual contributions. In addition, the Commission found reason to believe that the respondent violated 2 U.S.C. § 441a(f) by paying phone bank employees to conduct get-out-the-vote activities and voter identification on behalf of the Bush-Quayle campaign.

The Party admits that it erred in accepting the prohibited and excessive contributions, but urged the Commission to accept as a mitigating factor the fact that it rid its accounts of the impermissible amounts upon discovery. Similarly, the Party concedes that it failed to keep adequate records for certain contributions, but asserts that a large portion of those receipts were $35 contributions which it did not believe it was required to document. Finally, this Office has concluded that documentation and affidavits furnished by the Party demonstrate that only $26,700 of the more than $300,000 in Party expenditures made for get-out-the-vote and voter identification activities amounted to impermissible contributions by the Party.

Although it may be possible to enjoin similar conduct in future elections, the Party has acknowledged that it violated the Act. Accordingly, assuming that the NRSC decision is followed and judicially-imposed civil penalties are time-barred then in light of the age of this case and the ordering of the Commission's priorities, we recommend that the Commission take no further action in this matter and close the file. If the Commission adopts this recommendation, the notification letter to the Party will contain appropriate admonishment language.

Staff Assigned: Kenneth E. Kellner and Jane Whang

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MUR 3973 (Bob Davis)

This matter stems from a House Bank Task Force referral indicating that former Representative Bob Davis used his committee's petty cash to make disbursements in excess of $100. Between 1988 and 1992, the committee reported disbursing $22,708 in petty cash disbursements, $16,567 of which was reported as having been disbursed by Mr. Davis. In May of last year the Commission found reason to believe that Mr. Davis, his committee and its treasurer violated 2 U.S.C. § 432(h)(1), and that his committee and its treasurer additionally violated 2 U.S.C. § 432(h)(2) for failing to maintain a petty cash journal as required. However, because RAD had allowed the committee to terminate some months before, the Commission took no further action with respect to the committee's violations. Thus, only Mr. Davis remains a respondent in the case.

Of the $22,708 in petty cash, all but approximately $9,400 was disbursed prior to 1991. Thus, if 28 U.S.C. § 2462 applies, the Commission might be time-barred from obtaining a judicially imposed civil penalty for a substantial portion of the petty cash.

While our inquiries have confirmed that the committee kept no petty cash journal, that it possesses receipts for only a portion of its cash transactions, and that a small number of the disbursements exceeded $100, it now appears that Mr. Davis' role in the committee's petty cash was de minimus. Affidavits from two members of Mr. Davis' congressional staff and one from his former campaign treasurer state that while Mr. Davis was the payee of many of the checks, and was reported as same, this was to enable the staff to easily cash the checks at the Wright-Patman Federal Credit Union. In fact, the affiants maintain, the majority of the petty cash was disbursed by the campaign and congressional staff and not Mr. Davis.

Given the age of these violations, the fact that Mr. Davis is no longer a candidate for federal office and his apparently limited personal involvement in his committee's petty cash violations, this Office recommends the Commission take no further action in MUR 3973 and close the file.

Staff Assigned: Jonathan Bernstein and Colleen Sealander

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MUR 4013 (National Freedom PAC)
Public Financing, Ethics and Special Projects

This matter involves chronic reporting violations and the apparent commingling of Committee funds with the personal funds of the Committee's treasurer, Rick Woodrow. The respondents are the Committee and Mr. Woodrow. The material events occurred in 1990.[31]

This is an inactive, internally generated matter. Assuming that the NRSC decision is followed and judicially-imposed civil penalties are time-barred then in light of the age of the violations at issue. this Office recommends that the Commission take no further action with respect to this matter and close the file.

Staff Assigned: Kenneth E. Kellner and Delanie Dewitt Painter

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31. On July 20, 1994, MUR 3516 was merged with MUR 4013. In MUR 3516, which arose out of a RAD referral, the Commission found reason to believe that National Freedom PAC committed reporting violations.

MURs 3562, 3449, 3089 and 2715 (Dukakis for President, et al.)

MURs 3562, 3449 and 3089 were generated from Title 26 audits of the Dukakis 1988 presidential campaign; MUR 2715 is a complaint-generated matter arising out of Lloyd Bentsen's 1988 dual candidacy for the Vice-Presidency and the U.S. Senate. The Commission has found reason to believe that the Dukakis for President Committee, the Dukakis/Bentsen Committee, Inc. ("GEC") and the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund (collectively "the Committees") violated various provisions of the FECA, the Presidential Primary Matching Payment Account Act and the Presidential Election Campaign Fund Act.[29] The Commission has also found probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2) by accepting a $4,980 in-kind contribution in the form of a mailgram concerning Bentsen's dual candidacy. Finally, the Commission found reason to believe that the law firm of Fried, Frank, Harris, Shriver & Jacobson ("the firm"), a partnership including corporations, violated 2 U.S.C. §§ 441a(a)(1)(A) and 441b in connection with an electoral college memo provided to the GEC.

Last September, the Commission, inter alia, rejected the Committees' motion to dismiss these matters based on 28 U.S.C. § 2462 and approved a consolidated conciliation agreement with the Commission Committees also approved a conciliation agreement with the law firm

Upon learning of the NRSC decision, counsel renewed his request for dismissal of these matters. Attachment 7.

In addition, the firm partner who oversaw preparation of the memo has filed a Petition for Rulemaking concerning the Commission's jurisdiction over disbursements relating to the electoral college.

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29. The violations include making $336,000 in excessive state expenditures, failing to report upon receipt $1.4 million in contributions deposited into a joint escrow account and to timely report $3.1 million in draft account activity, and accepting a $65,000 excessive in-kind contribution from a law firm in the form of legal services provided to prepare an electoral college memo.

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It appears that virtually all of the violations at issue in this matter occurred over five years ago. Thus. assuming 28 U.S.C. § 2462 applies, the Commission would probably not be able to obtain a civil penalty if it litigated the matter. With respect to the Committees, this was a publicly funded campaign and the reporting violations alone involve large amounts. In addition, other remaining 1988 presidential audit respondents have been willing to continue negotiations and pay civil penalties despite the recent court cases interpreting Section 2462. Given the foregoing, we recommend that the Commission deny the Committees' latest request for dismissal and approve the attached counterproposal in an attempt to obtain a conciliation agreement with a civil penalty. Attachment 9.[30] With respect to the law firm, this Office recommends that the Commission take no further action and close the file as to it.

Staff Assigned: Lisa Klein and Dawn Odrowski

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V. RECOMMENDATIONS

Take no further action, close the file and approve the appropriate letters in the following matters:

1) MUR 2984
2) MUR 3182
3) MUR 3228
4) MUR 3787
5) MUR 3973
6) MUR 4013

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With regard to MUR 3492:

1) Accept the attached conciliation counteroffer.

2) Close the file.

3) Approve the appropriate letter.

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G. <u>With regard to MUKs 3562, 3449, 3089 and 2715:</u>

1) Take no further action and close the file as to Fried, Frank, Harris, Shriver & Jacobson.

2) Deny the Respondents' request for dismissal.

3) Approve the attached conciliation agreement for the remaining Respondents

4) Approve the appropriate letters.

4/28/95
Date

Lawrence M. Noble
General Counsel

Staff Assigned

Staff members assigned to each of the potentially affected matters prepared their respective case discussions; the PPESP cases were coordinated by Jim Portnoy; Tracey Ligon drafted the legal section; and Colleen Sealander combined the parts into one document.

95043674846

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer; Dukakis/Bentsen Committee, Inc., and, Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen Committee General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer	)	MURs 3562, 3449, 3089, and 2715

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CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 16, 1995, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned matters:

1. Take no further action and close the file as to Fried, Frank, Harris, Shriver & Jacobson.

2. Deny the Respondents' request for dismissal.

(continued)

3. Approve the conciliation agreement for the remaining Respondents

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioner Potter recused himself from these matters and was not present during their consideration.

Attest:

5-19-95
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

May 23, 1995

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee, and Leonard Aronson, as treasurer
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

On May 16, 1995, the Commission considered and rejected your request to dismiss these matters. In a final effort to resolve these matters at this stage of the proceedings, however, the Commission approved the enclosed proposed agreement.

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The Commission remains hopeful that this matter can be settled through a conciliation agreement. So that we may all soon put these matters behind us, we ask that you respond to this proposal within five days of your receipt of this letter.

If you have any further questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of	)	
	)	
Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer;	)	MURs 3562, 3449, 3089 and 2715
Dukakis/Bentsen Committee, Inc.;	)	
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer;	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 16, 1995, the Commission considered recommendations for forty-five enforcement matters potentially affected by a D.C. District Court decision applying 28 U.S.C. § 2462, the general federal five year statute of limitations, to Commission enforcement actions. See FEC v. NRSC, 877 F. Supp 15 (D.D.C. 1995). Among the cases the Commission considered were the four above-referenced MURs, involving the presidential campaign committees of Michael Dukakis for the 1988 primary and general elections ("Respondents").

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Before closing MUR 3449, we also recommend that the Commission take no further action as to the outstanding 2 U.S.C. § 441f reason to believe finding against the Dukakis Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) ("GELAC"). The Section 441f finding was based on similarities in handwriting and dates on a series of sequential money order contributions drawn on the same

banking institutions. Based on GELAC's response that the money orders represented "converted" cash contributions made by the individuals whose names appear on them, the Commission subsequently found reason to believe that the GELAC violated 11 C.F.R. § 110.4(c) for accepting excessive cash contributions. The Section 441f finding was left open pending investigation in the event pre-probable cause conciliation failed. Since the conciliation agreement includes admissions of violations of 11 C.F.R.§ 110.4(c), it is appropriate to now take no further action as 2 U.S.C. § 441f.

III. RECOMMENDATIONS

1. Accept the combined conciliation agreement with the Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer, Dukakis/Bentsen Committee, Inc., and Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, in MURs 3562, 3449, 3089 and 2715.

2. Take no further action against the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and its treasurer in connection with the 2 U.S.C. § 441f reason to believe finding in MUR 3449.

2. Close the files in MURs 3562, 3449, 3089 and 2715.

3. Approve the appropriate letter.

6/22/95
Date

Lawrence M. Noble
General Counsel

Attachments
1. Conciliation Agreement
2 Respondents' 6/7/95 letter
3. Respondents' 6/14/95 letter

Staff assigned: Dawn M. Odrowski

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of	)	
	)	MURS 3562, 3449, 3089 and 2715
Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer;	)	
Dukakis/Bentsen Committee, Inc.;	)	
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer	)	

95043674855

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 27, 1995, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to MURs 3562, 3449, 3089 and 2715:

1. Accept the combined conciliation agreement with the Dukakis for President Committee, Inc. and Leonard Aronson, as treasurer, Dukakis/Bentsen Committee, Inc., and Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, in MURs 3562, 3449, 3089 and 2715.

(continued)

2. Take no further action against the Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and its treasurer in connection with the 2 U.S.C. § 441f reason to believe finding in MUR 3449.

3. Close the files in MURs 3562, 3449, 3089 and 2715.

4. Approve the appropriate letter as recommended in the General Counsel's report dated June 22, 1995.

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

Attest:

6-28-95
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Heubusch, Executive Director
National Republican Senatorial Committee
425 Second Street, N.E.
Washington, DC 20002

Mr. Beau Boulter
1600 N. Oak Street, #1207
Arlington, VA 22207

RE: MURs 2652 and 2715

Dear Messrs. Heubusch and Boulter:

This is in reference to two complaints the National Republican Senatorial Committee ("NRSC") and Mr. Boulter filed with the Federal Election Commission on July 22, 1988 (designated as MUR 2652) and October 11, 1988 (designated as MUR 2715), involving Lloyd Bentsen's dual candidacy for the U.S. Senate and Vice Presidency in 1988.

Based on the complaint in MUR 2652, on October 4, 1988, the Commission found that there was reason to believe the Dukakis/Bentsen Committee, Inc. and its treasurer (the "GEC") violated 2 U.S.C. §§ 441a(f) and 26 U.S.C. § 9003(b)(2) and that the Senator Lloyd Bentsen Election Committee and its treasurer (the "Senate Committee") violated 2 U.S.C. § 441a(a)(1)(A). Based on the complaint in MUR 2715, on November 13, 1989, the Commission voted to find reason to believe that the GEC violated 2 U.S.C. §§ 441a(a)(1)(A) and 441a(f), 26 U.S.C. 9003(b) and 11 C.F.R. §§ 106.1(a), 110.8(d)(2), and 110.8(d)(3) and that the Senate Committee violated 2 U.S.C. §§ 441a(f), 441a(a)(1)(A), and 11 C.F.R. §§ 106.1(a), 110.8(d)(2), and 110.8(d)(3). On the same date, the Commission also found no reason to believe the Houston Chamber of Commerce violated 11 C.F.R. § 114.4(a)(2) or (d) and decided to merge MUR 2652 with MUR 2715. These matters hereinafter were referred to as MUR 2715.

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Following an investigation, on September 20, 1994, the Commission considered briefs prepared by the General Counsel, the GEC, and the Senate Committee in MUR 2715 in conjunction with three other matters involving the GEC or related committees (MURs 3089, 3449, 3562). With respect to MUR 2715, the Commission found probable cause to believe that the GEC violated 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b) in connection with a Senate mailgram. The Commission also found probable cause but took no further action against the GEC and the Senate Committee as to certain other provisions and found no probable cause to believe as to the remaining provisions. Accordingly, the Commission closed the file in MUR 2715 as to the Senate Committee. A copy of the General Counsel's Report and Commission Certification relating to the Commission's September 20, 1994 actions is enclosed for your information.

On June 27, 1995, the Commission accepted a combined conciliation agreement with the GEC and related committees which included the probable cause violation concerning the Senate mailgram in MUR 2715 as well as other violations at issue in MURs 3089, 3449 and 3562. Accordingly, the Commission closed the files in MURs 2715, 3089, 3449 and 3562. A copy of the combined conciliation agreement is enclosed for your information.

These matters will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of Commission dismissals. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Dawn M. Odrowski, the attorney assigned to these matters, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
General Counsel's Report dated 8/30/94
Commission Certification dated 9/20/94
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Robert F. Bauer, Esq.
Perkins Coie
607 Fourteenth St., N.W.
Suite 800
Washington, DC 20005

RE: MUR 2715
Senator Lloyd Bentsen Election Committee and
Marc L. Irvin, as treasurer

Dear Mr. Bauer:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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Celebrating the Commission's 20th Anniversary
YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Al Haines, President
The Houston Chamber of Commerce
1200 Smith Street, Suite 700
Houston, TX 77002

RE: MUR 2715
The Houston Chamber of Commerce

Dear Mr. Haines:

This is to advise you that this matter is now closed. The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric Brown

Eric Brown
Paralegal Specialist

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 10, 1995

Daniel A. Taylor, Esq.
Hill & Barlow
One International Place
Boston, MA 02110-2607

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue
Washington, D.C. 20005

RE: MURs 3562, 3449, 3089 and 2715
Dukakis for President Committee, and Leonard Aronson, as treasurer
Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen General Election Legal and Accounting Compliance Fund) and Leonard Aronson, as treasurer, and
Dukakis/Bentsen Committee, Inc.

Dear Messrs. Taylor and Gross:

On June 27, 1995, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 434(b)(4), 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"); 11 C.F.R. §§ 110.4(c) and 9003.3(a)(2), provisions of the Code of Federal Regulations implementing the Act; and 26 U.S.C. §§ 9003(b) and 9035(a), provisions of Chapters 95 and 96 of Title 26, U.S. Code. Accordingly, the files have been closed in these matters. Please be advised that the civil penalty in this agreement reflects the particular circumstances of these cases which relate to the 1988 presidential election cycle.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are now public. In addition, although the complete files must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the files may be placed on the public record before receiving your additional materials,

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any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondents and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date or within 5 days of your receipt of the repayment refund owed as a result of Dukakis v. FEC, No. 93-1219 (D.C. Cir. 1995), whichever occurs later. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Dawn M. Odrowski

Dawn M. Odrowski
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of	)	
	)	
Dukakis for President Committee, Inc., and Leonard Aronson, as treasurer,	)	MURs 3562, 3449, 3089 and 2715
Dukakis/Bentsen Committee, Inc., and,	)	
Dukakis/Bentsen Committee, Inc., (Dukakis/Bentsen Committee General Election Legal and Accounting Compliance Fund), and Leonard Aronson, as treasurer	)	

CONCILIATION AGREEMENT

Matters Under Review ("MURs") 3089, 3449, and 3562 were initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. MUR 2715 was initiated from complaints filed by Beau Boulter and Jann L. Olsten, on behalf of the National Republican Senatorial Committee.

In MUR 3562, the Commission found reason to believe that the Dukakis for President Committee, Inc., and its treasurer ("Primary Committee") violated 2 U.S.C. §§ 441a(b)(1)(A), 441b(a), 434(b)(2), 434(b)(3)(A), 441a(f), and 26 U.S.C. § 9035(a).

In MUR 3449, the Commission found reason to believe that the Dukakis/Bentsen Committee, Inc., and its treasurer ("GEC"), violated 2 U.S.C. §§ 434(b)(4), 441a(f), 441b(a) and 26 U.S.C. § 9003(b). The Commission also found reason to believe the Dukakis/Bentsen General Election Legal and Accounting Compliance Fund and its treasurer ("GEC/GELAC"), a

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separate account of the GEC, violated 11 C.F.R. §§ 110.4(c) and 9003.3(a)(2).

In MUR 3089, the Commission found reason to believe that the Primary Committee and its treasurer violated 11 C.F.R. § 110.4(c).

Finally, in MUR 2715, the Commission found probable cause to believe that the GEC violated 26 U.S.C. § 9003(b)(2).

NOW, THEREFORE, the Commission and the Primary Committee, the GEC, the GEC/GELAC and their treasurer (solely in his capacity as treasurer) (collectively, "Respondents") having participated in informal methods of conciliation prior to a finding of probable cause to believe with respect to MURs 3089, 3449 and 3562, and the Commission and the GEC, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) with respect to MUR 2715, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and with respect to MURs 3089, 3449 and 3562, this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i). No other MURs involving Respondents are currently pending or being processed.

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

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IV. The pertinent facts in this matter are as follows:

1. The Dukakis for President Committee, Inc., is a political committee within the meaning of 2 U.S.C. § 431(4) and was the principal campaign committee of Michael Dukakis for the 1988 presidential primary elections.

2. The Dukakis/Bentsen Committee, Inc., was an authorized campaign committee of Michael Dukakis and Lloyd Bentsen, the Democratic Party nominees for President and Vice President in the 1988 general election, within the meaning of 26 U.S.C. § 9002.

3. The Dukakis/Bentsen Committee, Inc. (Dukakis/Bentsen Committee General Election Committee Legal and Accounting Compliance Fund) is a separate account of the GEC, established pursuant to 11 C.F.R. § 9003.3.

4. Robert Farmer was the treasurer of the Primary Committee, the GEC and GEC(GELAC) at the time the events herein occurred. Edward Pliner, succeeded Mr. Farmer as treasurer of each committee but resigned this position on January 14, 1994. Leonard Aronson is the current treasurer of the Primary Committee and (GEC)GELAC.

A. MUR 3562

5. Pursuant to 2 U.S.C. §§ 441a(b)(1)(A) and 441a(c) of the Federal Election Campaign Act of 1971, as amended (the "Act") and 26 U.S.C. § 9035(a) of the Presidential Primary Matching Payment Account Act ("Matching Payment Act"), no candidate for the office of President of the United States, who is eligible under 26 U.S.C. § 9033 to receive payments from the Secretary of the Treasury, may make expenditures in any one state aggregating in excess of the greater of 16 cents multiplied by the voting age

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population of the state, or $200,000, as adjusted by changes in the Consumer Price Index. Except for expenditures exempted under 11 C.F.R. § 106.2, expenditures incurred by a candidate's authorized committee or committees for the purpose of influencing the nomination of that candidate for the office of President with respect to a particular state shall be allocated to that state. 11 C.F.R. § 106.2(a)(1).

6. For the 1988 presidential primary elections, the expenditure limitation for the State of Iowa was $775,217.60. The Commission has determined that the Primary Committee exceeded this limitation by $279,013.84.

7. For the 1988 presidential primary elections, the expenditure limitation for the State of New Hampshire was $461,000. The Commission has determined that the Primary Committee exceeded this limitation by $57,848.92.

8. Under the Act, the terms "contribution" and "expenditure" are broadly defined to include any gift, subscription, purchase, payment, distribution, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. §§ 431(8)(A)(i) and 431(9)(A). "Anything of value" includes in-kind contributions. 11 C.F.R. §§ 100.7(a)(1)(iii)(A) and 100.8(a)(1)(iv)(A). A contribution also includes the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose. 2 U.S.C. § 431(8)(A)(ii). However, legal and accounting services rendered to or on behalf of an authorized

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committee or a candidate are specifically excluded from the definition of contribution if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with the Act or with the public financing provisions (chapter 95 or 96 of Title 26). 2 U.S.C. § 431(8)(B)(ix). The value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is also excluded from the definition of contribution under 2 U.S.C. § 431(8)(B)(i) and 11 C.F.R. § 100.7(b)(3).

9. Pursuant to 2 U.S.C. § 441b(a), it is prohibited for any candidate or political committee to knowingly accept or receive a contribution from any corporation or labor organization in connection with a federal election.

10. The American Federation of State, County and Municipal Employees ("AFSCME") is a labor organization within the meaning of 2 U.S.C. § 441b.

11. During the 1988 presidential campaign, the Primary Committee entered into an agreement with AFSCME for phone bank services and related space in various states. The Commission audit of the Primary Committee identified $24,806.43 in phone bank and related space costs allocable to Iowa and $25,004.84 in such costs allocable to New Hampshire.

12. The Primary Committee paid AFSCME $9,244.55 for phone bank services and related space allocable to Iowa and $7,152.50 for phone bank services and related space allocable to New Hampshire.

13. The Primary Committee accepted prohibited in-kind

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contributions from AFSCME for phone bank services and related space in Iowa and New Hampshire in the amounts of $15,561.88 and $17,852.34, respectively. The Primary Committee contends it justifiably relied upon AFSCME's billings statements in paying the phone bank-related expenses and in allocating them to the respective states in which they were conducted.

14. Pursuant to 2 U.S.C. § 434(b)(2), each report filed by a political committee must disclose the amount of cash on hand at the beginning of the reporting period, and for the reporting period and the calendar year, the total amount of all receipts and the total amount of contributions received from persons other than political committees. Pursuant to 2 U.S.C. § 434(b)(3)(A), each report must also disclose the identification of each person who makes a contribution to the committee during the reporting period whose contributions have an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such contribution.

15. No person shall make contributions to any candidate and his or her authorized committees with respect to any election for Federal office which exceed $1,000 in the aggregate. 2 U.S.C. § 441a(a)(1)(A). Similarly, no candidate or political committee shall knowingly accept any contribution in violation of the provisions of Section 441a. 2 U.S.C. § 441a(f). The term "person" includes a partnership. 2 U.S.C. § 431(11).

16. Pursuant to 11 C.F.R. § 103.3(b), the treasurer of a political committee shall ascertain whether a contribution, when aggregated with other contributions from the same contributor,

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exceeds the contribution limits of 2 U.S.C. § 441a(a). Contributions which on their face and contributions which, when aggregated with other contributions from the same contributor, exceed the contribution limits, may either be deposited into a campaign depository or returned to the contributor. If an excessive contribution is deposited, the treasurer may request that the contribution be redesignated or reattributed by the contributor in accordance with 11 C.F.R. §§ 110.1(b) or 110.1(k), as appropriate.

17. Pursuant to 11 C.F.R. § 9003.3, in the case of presidential elections, a major party candidate for president may accept contributions to a legal and accounting compliance fund if such contributions are received and disbursed in accordance with 11 C.F.R. § 9003.3. Contributions made after the beginning of the expenditure report period which are designated for the primary election, and contributions that exceed a contributor's limit for the primary election, may be deposited into the compliance fund if a candidate receives a contributor's redesignation or a reattribution in accordance with 11 C.F.R. § 110.1.

18. A contribution shall be considered redesignated to another election if: (1) the treasurer requests that the contributor provide a written redesignation of the contribution and informs the contributor that the contributor may request a refund as an alternative to providing a written redesignation, and (2) the contributor provides a signed, written redesignation to the treasurer within sixty days from the date of the treasurer's receipt of the contribution. 11 C.F.R. § 110.1(b)(5)(ii).

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19. A contribution shall be considered reattributed to another contributor if: (1) the treasurer asks the contributor whether the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request a refund of the excessive portion of the contribution if it is not intended to be a joint contribution, and (2) within sixty days of the treasurer's receipt of the contribution, the contributor provides the treasurer with a signed, written reattribution indicating the amount to be attributed to each if other than equal attribution is intended. 11 C.F.R. § 110.1(k)(3)(ii).

20. The Primary Committee opened a checking account, known as the "Joint Escrow Account," on June 10, 1988. The Primary Committee deposited contributions received thereafter, payable to Dukakis for President and payees other than the General Election Legal and Accounting Compliance Fund ("GELAC"), into the joint escrow account. A total of $1,447,570.42 was deposited into that account between June 10 and December 30, 1988. Once contributions were so deposited, the Primary Committee sent a form to contributors requesting them to redesignate their contributions to the GELAC or request a refund.

21. None of the contributions deposited into the joint escrow account was reported by the Primary Committee when received. Contributions subsequently transferred to the GELAC were reported in GELAC's disclosure reports only after the transfer. Contributions refunded, and contributions which had not been refunded or transferred to GELAC as of May 1989, were not reported until 1990. Additionally, certain contributions initially

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deposited into the joint escrow account were never reported in the Primary Committee's disclosure reports.

22. Additionally, the audit review of joint escrow account contributions attributable to the primary election revealed that the Primary Committee accepted a total of 259 excessive contributions, or portions thereof, totaling $111,924. Of these, 143 contributions or portions thereof, totaling $56,129.53, were reattributed or redesignated to GELAC in an untimely manner, and 116 contributions or portions thereof, totaling $55,795, were refunded in an untimely manner.

B. MUR 3449

23-25. Paragraphs 8, 9 and 15 are repeated as Paragraphs 23, 24 and 25, respectively, as though fully set forth herein.

26. Under the Presidential Election Campaign Fund Act ("Fund Act"), to be eligible to receive public funding, candidates for President and Vice President must certify that neither they nor their authorized committees will accept contributions to defray qualified campaign expenditures. 26 U.S.C. § 9003(b)(2).

27. A contribution by a partnership shall be attributed to the partnership and to each partner either in direct proportion to his or her share of the partnership or by agreement of the partners under certain conditions. 11 C.F.R. § 110.1(e). A contribution by a partnership shall not exceed the contribution limitations of the Act and accompanying regulations. Id. No portion of such contribution may be made from the profits of a corporation that is a partner. Id.

28. The Act provides, in pertinent part, that an "election"

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means a general, special, primary or run-off election. 2 U.S.C. § 431(1)(A). Commission regulations further provide, in pertinent part, that "election" means "the process by which individuals, whether opposed or unopposed, seek nomination for election, or election, to Federal Office." 11 C.F.R. § 100.2(a).

29. The electoral college is an integral part of the general presidential election. Electoral college votes are acquired based on the results of the popular vote and candidates must prevail in the electoral college to become President and Vice President. See U.S. Const. art. II, §1 and amend. XII. Respondents contend that the procedures relating to the electoral college are not governed by the Act.

30. Commission regulations permit a major party candidate for president to accept private contributions to a legal and accounting compliance fund in addition to any public financing received. 11 C.F.R. § 9003.3(a)(1)(i). The use of compliance funds, however, is strictly regulated. Pursuant to 11 C.F.R. § 9003.3(a)(2)(i), compliance fund contributions shall be used only: to defray legal and accounting costs provided solely to ensure compliance with the Act and Title 26; to defray overhead costs related to ensuring compliance; to defray any civil and criminal penalties imposed under the Act; to make repayments to the Presidential Election Campaign Fund; to defray the cost of soliciting contributions to the compliance fund; and to make a loan to an account established pursuant to 11 C.F.R. § 9003.4 to defray qualified campaign expenses incurred prior to the expenditure report period or prior to receipt of federal funds

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provided loans are restored to the compliance funds. Compliance funds can also be used to reimburse a federal fund account in an amount equal to 10% of the payroll and overhead expenditures of a candidate's national campaign headquarters and state offices, and in an amount equal to 70% of the costs associated with computer services. 11 C.F.R. § 9003.3(a)(ii). Any excess compliance funds may be used for any purpose permitted under 2 U.S.C. § 439a and 11 C.F.R. § 113, et seq., only after payment of all general election-related expenses. See 11 C.F.R. § 9003.3(a)(iv).

31. Fried, Frank, Harris, Shriver & Jacobson, a New York law firm, is a partnership that includes professional corporations ("the firm").

32. In September 1988, the firm and the GEC formally agreed that the firm would update a 1980 legal memorandum ("memo") it had written concerning the electoral college. The firm billed the GEC $17,942.41 for out-of-pocket disbursements it made in connection with its preparation of the memo ("memo expenses"). The firm also incurred $76,905.50 in professional service fees preparing the memo for which it did not bill the GEC. Firm employees who worked on the memo received their ordinary compensation while doing so.

33. The GEC paid for the memo expenses in June 1989. It made no payments for the legal services. In January 1991, the GELAC "reimbursed" the GEC for the memo expenses.

34. The memo included comprehensive summaries of state laws that addressed procedures governing the selection of electors and procedures governing their post-selection electoral college duties. The purpose of the memo and the legal services rendered

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to prepare it, was to provide guidance to the GEC to ensure that "mishaps in the electoral college process" would not defeat the Dukakis/Bentsen ticket. The memo did not address compliance with the Act, Fund Act, or Matching Payment Act.

35. The GEC accepted excessive and prohibited in-kind contributions in the form of legal services rendered without charge to prepare the memo. Respondents contend that the legal services rendered do not constitute a contribution under the Act or Commission regulations.

36. GELAC funds were improperly used to pay for the memo expenses since they were unrelated to compliance with the Act, Fund Act, or Matching Payment Act. Respondents contend GELAC funds were properly used.

37. The Act requires each report filed by a political committee to disclose for the reporting period and the calendar year, the total amount of all disbursements and all disbursements made for specific categories, including operating expenditures. 2 U.S.C. § 434(b)(4). Moreover, each report must disclose the name and address of each person to whom a committee makes an expenditure in an aggregate amount or value in excess of $200 within the calendar year to meet an operating expense, together with the date, amount, and purpose of such expenditure. 2 U.S.C. § 434(b)(5)(A). The principal campaign committee of a Presidential candidate shall file a post-general election report no later than the 30th day after a general election which shall be complete as of the 20th day after such election. 2 U.S.C. §§ 434(a)(3)(A)(i) and 434(a)(2)(A)(ii). A year-end report shall

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be filed no later than January 31 of the following calendar year. 2 U.S.C. §§ 434(a)(3)(A)(i).

38. During the 1988 election cycle, the GEC maintained a draft account used primarily by state campaign offices to pay office expenses. An audit review of this account revealed that drafts totaling $3,153,346.34 which cleared the account during November and December, 1988, were not included in the Committee's disclosure reports for the relevant period. The Committee filed an amended report disclosing all of the previously unreported draft activity as operating expenditures on April 5, 1989.

C. MURs 3449 and 3089

39. Pursuant to 2 U.S.C. § 441g, it is unlawful for any person to make contributions of currency which exceed $100 in the aggregate, with respect to any campaign for Federal office. Commission regulations require a candidate or committee receiving cash contributions in excess of $100 to promptly return the amount over $100 to the contributor. 11 C.F.R. § 110.4(c).

40. In connection with a June, 1988, GELAC fundraiser in Queens, New York, the GEC(GELAC) received approximately 15 cash contributions in sums between $200 and $500 which had been converted into sequentially-numbered money orders. The GEC(GELAC) failed to return the amounts in excess of $100 to each contributor.

41. In connection with a January 9, 1988 fundraiser in San Juan Puerto Rico and an April, 1988, fundraiser in Rochester, New York, the Primary Committee received eight cash contributions of $1,000 each which had been converted into sequentially-numbered

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money orders, and a $300 cash contribution, half of which had been converted into money order form. The Primary Committee failed to return the amounts exceeding $100 to each contributor.

D. MUR 2715

42. The Senator Lloyd Bentsen Election Committee (the "Senate Committee") is a political committee within the meaning of 2 U.S.C. § 431(4) and was the principal campaign committee of Senator Lloyd Bentsen for his 1988 election campaign for the United States Senate.

43-44. Paragraphs 8 and 26 are repeated as Paragraphs 43 and 44 as though fully set forth herein.

45. Expenditures by publicly financed Presidential candidates which further the election of other candidates for any public office shall be allocated in accordance with 11 C.F.R. § 106.1(a), and such expenditures will be considered qualified campaign expenses only to the extent that they specifically further the election of the Presidential/Vice Presidential candidates. See 11 C.F.R. § 9002.11(b)(3); 26 U.S.C. § 9002(11).

46. Pursuant to 11 C.F.R. § 106.1(a), expenditures made on behalf of two or more Federal candidates, shall be attributed to each candidate in proportion to, and shall be reported to reflect, the benefit reasonably expected to be derived.

47. Payments by a candidate (or by the candidate's authorized committee) for campaign materials that include information on or reference to any other candidate for Federal office, and which are used in connection with volunteer activities (including handbills and brochures), are not a contribution to the candidate so

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referred to, so long as the communication is not disseminated by direct mail or similar types of general public communication or political advertising. 2 U.S.C. § 431(8)(B)(XI). See 11 C.F.R. §§ 100.7(b)(16) and 100.8(b)(17).

48. During the 1988 election, the Senate Committee produced and distributed a July 12, 1988, mailgram which, inter alia, advised recipients that Senator Bentsen had accepted Governor Dukakis' request to run as the Democratic vice-presidential nominee and that he would also continue to run for re-election to the U.S. Senate. The mailgram expressed Senator Bentsen's belief that the Democratic ticket would prevail in November and that his nomination was of great importance to Texas and its future. It also sought the recipients' continued advice and support.

49. The mailgram was dated the day of Governor Dukakis' announcement that Senator Bentsen would be his running mate. It was sent to 2,076 individuals, including all 254 of the Senate Committee county coordinators, members of two Republican and Independent committees who had endorsed Bentsen's Senate re-election bid, and selected contributors who had given more than $1,000 to the Senate Committee.

50. The Senate Committee paid Western Union Electronic Mail, Inc., $9,964.80 to produce and distribute the mailgram. Given the use of a commercial vendor to produce and disseminate the mailgram, it does not qualify for the "coattail exception" of 2 U.S.C. § 431(8)(B)(xi). Accordingly, the GEC accepted an in-kind contribution in the form of the mailgram. The GEC contends that the mailgram did not constitute an in-kind

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contribution to it.

V. 1. For the sole purpose of settling MUR 3562, the Primary Committee concedes that:

a. the Primary Committee exceeded the primary campaign expenditure limitations for the states of Iowa and New Hampshire by a total of $279,013.84 and $57,848.92, respectively, in violation of 2 U.S.C. § 441a(b)(1)(A) and 26 U.S.C. § 9035(a).

b. the Primary Committee accepted a prohibited in-kind contribution, totaling $33,414, from AFSCME in the form of phone bank services and related office space in Iowa and New Hampshire, in violation of 2 U.S.C. § 441b(a).

c. the Primary Committee failed to report contributions deposited into the joint escrow account, and to identify contributors making such contributions, when those contributions were received, in violation of 2 U.S.C. §§ 434(b)(2) and 434(b)(3)(A).

d. the Primary Committee accepted excessive contributions totaling $111,924, in violation of 2 U.S.C. § 441a(f).

2. The GEC(GELAC) and the Primary Committee received 24 cash contributions in excess of $100 and failed to return the amounts over $100 to the contributors in violation of 11 C.F.R. § 110.4(c).

3. The GEC(GELAC) improperly used compliance funds to pay for expenses related to the electoral college memo, in violation of 11 C.F.R. § 9003.3(a)(2).

4. The GEC accepted an excessive in-kind contribution from

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a law firm in the form of legal services provided to prepare a memo regarding the electoral college, in violation of 2 U.S.C. § 441a(f) and 26 U.S.C. 9003(b). Additionally, because the law firm is a partnership which includes professional corporations, the GEC accepted prohibited contributions from that portion of the services attributable to the firm's corporate partners, in violation of 2 U.S.C. § 441b.

5. The GEC failed to timely disclose approximately $3.1 million in operating expenditures in violation of 2 U.S.C. § 434(b)(4).

6. The GEC accepted an in-kind contribution in the form of a mailgram from the Senator Lloyd Bentsen Election Committee in violation of 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b)(2).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of fifteen thousand dollars ($15,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent Dukakis for President Committee, Inc. and Michael S. Dukakis hereby waive any and all claims they might have for attorney's fees in Dukakis v. FEC, No. 93-1219 (D.C. Cir. 1995).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective or five days from receipt of the the repayment refund due the Primary Committee and Michael Dukakis as a result of Dukakis v. FEC, supra, whichever last occurs, to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable. The parties also agree that this Agreement concludes and settles these matters as to Respondents, all former treasurers and other officers, directors, employees and agents of the Committees and Michael S. Dukakis.

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FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

Date 7/10/95

FOR THE RESPONDENTS

(Name)
(Position) Attorney

Date 6/19/95

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2715

DATE FILMED 8/10/95 CAMERA NO. 1

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