



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

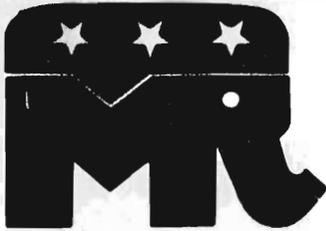
THIS IS THE BEGINNING OF MUR # 2759

DATE FILMED 6/2/97 CAMERA NO. 4

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RECEIVED
FEDERAL ELECTION COMMISSION

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Massachusetts
Republican
Party

Nov 27 59

Daniel B. Winslow
General Counsel

Massachusetts Republican State Committee
Suite 2800, 100 Summer St., Boston, MA 02110, Telephone (617) 426-5720
October 31, 1988

REGISTERED MAIL - RRR

Office of the General Counsel
Federal Election Commission
999 East Street NW
Washington, DC 20463

Re: Complaint Pursuant to 11 CFR §111.4 By Massachusetts
Republican State Committee Against the Studds for Congress
Committee

Dear Sir or Madam:

Enclosed please find three copies of the Complaint by the
Massachusetts Republican State Committee in the above-captioned
matter. This Complaint is submitted pursuant to 11 CFR §111.4.
If you wish to contact me in relation to this matter further, you
may reach me at the following address:

Robert M. Ruzzo
Sherburne, Powers & Needham
One Beacon Street
Boston, MA 02108
Direct Dial No: (617) 573-5839.

Very truly yours,

Robert M. Ruzzo
Robert M. Ruzzo

RMR:mfh
Enclosures
cc: Daniel B. Winslow, Esquire

39040751977

88 NOV -1 PM 3: 33

RECEIVED

FEDERAL ELECTION COMMISSION

MASSACHUSETTS REPUBLICAN STATE
COMMITTEE,
Complainant,

V.

THE STUDDS FOR CONGRESS COMMITTEE,
Respondent.

COMPLAINT

I. INTRODUCTION

This is a complaint brought pursuant to 11 CFR §111.4 by the Massachusetts Republican State Committee (the "Committee") against the Studds for Congress Committee, alleging violation of the provisions of the Regulations (the "Regulations") promulgated by the Federal Election Commission (the "Commission"), with respect to the labeling of communications used in campaigns for Federal office; more particularly, the Committee alleges a violation of 11 CFR §110.11.

PARTIES:

1. Pursuant to 11 CFR §111.4(a), a complaint may be brought by "any person who believes that a violation of any statute or regulation over which the commission has jurisdiction has occurred or is about to occur."

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2. Pursuant to Section 100.10 of the Regulations, a "person" means an individual, partnership, committee, association, corporation, labor organization or group of persons.

3. The Regulations define a "political party" as an association, committee or organization which nominates or selects a candidate for election to Federal office, whose name appears on an election ballot as the candidate of the association, committee or organization. 11 CRF §100.15.

4. The complainant in this action is the Committee.

5. The Committee's address is 20 East Street Boston, MA 02111.

III. FACTS

1. Upon information and belief, the Studds for Congress Committee (the "Studds Committee") is an authorized committee of Mr. Gerry Studds, a candidate for Representative in the Tenth Congressional District of Massachusetts.

2. Upon information and belief, the Committee is responsible for dissemination of a brochure expressly advocating the election of Mr. Studds to the Congress of the United States. The name of the Studds Committee appears on the brochure, but the brochure does not indicate on its face that its preparation has been paid for by the Committee. A brochure of the type described above is attached hereto as Exhibit "A".

3. Upon information and belief, the Studds Committee has undertaken to prepare signs and has disseminated signs which

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expressly advocate the election of Mr. Studds to Congress. These signs do not bear any indication as to who paid for their creation. A sign of the type described above is attached hereto as Exhibit "B".

IV. COUNT I

1. The Regulations provide that, except as specifically noted in 11 CFR 110.11(a)(2):

Whenever any person makes an expenditure for the purpose of financing a communication that expressly advocates the election or defeat of a clearly identified candidate, or that solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing or any other form of general public political advertising, a disclaimer ... shall appear and be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who paid for and, were required, to authorized the communication.

11 CFR §110.11.

2. The Regulations provide, at 11 CFR 110.11(a)(1)(i), that communications paid for and authorized for by a candidate or an authorized committee of a candidate shall clearly state that the communication has been paid for by the authorized political committee.

3. The exceptions set forth in 11 CFR §110.11(a)(2), stating that the disclosure requirements of the Regulations do not apply to bumper stickers, pins, buttons, pens and similar

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items upon which the disclaimer cannot be conveniently printed are not applicable to the materials involved in this complaint.

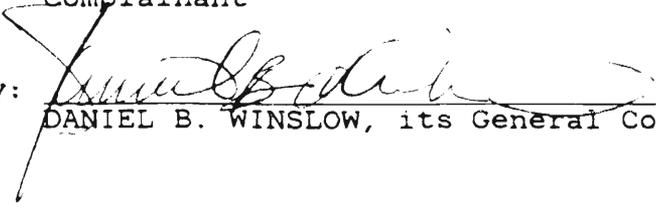
4. Upon the foregoing information and belief, the Complainant alleges a violation of the provisions of 11 CFR §110.11.

CONCLUSION

Based upon the foregoing, the Complainant respectfully request that the Commission undertake an investigation of this matter in accordance with the provisions of Part 111 of the Code of Federal Regulations and issue such orders and undertake such proceedings as the Commission, in its discretion, deems fit.

The foregoing is submitted upon the pains and penalties of perjury this 31st day of October, 1988.

MASSACHUSETTS REPUBLICAN STATE COMMITTEE
Complainant

By: 
DANIEL B. WINSLOW, its General Counsel

8 9 0 4 0 7 5 1 9 8 1

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

October 31, 1988

Then personally appeared the above named Daniel B. Winslow, General Counsel for the Massachusetts Republican State Committee, and acknowledged the foregoing to be his free act and deed as General Counsel, before me.

Michelle C. Reinke

Notary Public

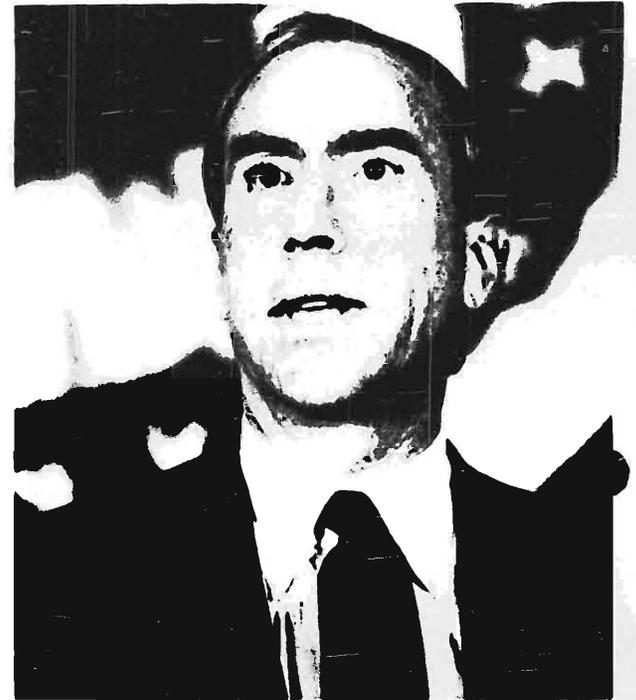
My Commission Expires: _____

MICHELLE C. REINKE, Notary Public
My Commission Expires February 13, 1992

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89040751983

EXHIBIT "A"



The Guts To Speak Out

Open Meeting in Hingham or at a Foreign Committee hearing with the Secretary of State, Studds is not afraid to speak his mind.

Studds was the first to challenge President Carter's support for large-scale military assistance to El Salvador. He was the first to question Secretary of Defense Oliver North about U.S. plans to overthrow the government of Nicaragua. He tackled head-on the offshore oil leasing program for Secretary James Watt; he out-debated Secretary of State Henry Kissinger in a debate about U.S. policy towards Central America; he drew national attention for his eloquent statement on the environment in opposition to the President's "Star Wars" defense program; and he was instrumental in getting the administration to mail AIDS education materials to every home in the nation.

Studds has the courage to take on the most powerful interests in our land when he believes it is necessary to protect our district or our country from wrongdoing. And he has the skill and the determination to make his voice count.

For his colleagues' respect for his integrity and hard work. Many consider him the smartest lawmakers in the House."

-- *New Bedford Standard Times*

A Congressman Who Gets Things Done

The record of a Congressman is best measured not by what he says - but by what he is able to accomplish.

Gerry Studds has played a major role in virtually every important piece of coastal and environmental legislation considered in Congress over the past decade. He:

- wrote the 200 mile fishing limit law
- wrote the Oil Tanker Safety Act
- rewrote the law to make offshore oil drilling safer and legislation extending a moratorium on drilling in virtually all of Georges Bank
- wrote legislation reducing plastic pollution in the sea
- has led the fight year after year in Congress to maintain a strong and versatile U.S. Coast Guard

Day in, day out, whether the subject is cleaning up PCBs in New Bedford Harbor, assisting parents and students with the cost of higher education, preventing our region's only medical clinic for veterans from closing, or helping hundreds of constituents each day with their problems -- big and small -- Gerry Studds has been there to fight -- and to win -- for us all. Gerry Studds has earned our support.

REELECT CONGRESSMAN GERRY STUDDS IN 1988

Gerry Studds.

The Best Congressman We've Ever Had.

2 3 0 4 0 7 5 1 2 3 5

For further information, please contact the Studds for Congress Committee.

Standish Village Plaza
Rte. 139 • Pembroke, MA 02359
(617) 826-1988



Who Has The Guts To Speak Out

Whether at an Open Meeting in Hingham or at a Foreign Affairs Committee hearing with the Secretary of State, Gerry Studds is not afraid to speak his mind.

Congressman Studds was the first to challenge President Reagan's support for large-scale military assistance to El Salvador; he was the first to question Secretary of State Haig about U.S. plans to overthrow the government of Nicaragua; he tackled head-on the offshore oil leasing policy of Interior Secretary James Watt; he out-debated former Secretary of State Henry Kissinger in a discussion of U.S. policy towards Central America; he received national attention for his eloquent statement on the House floor in opposition to the President's "Star Wars" missile defense program; and he was instrumental in pressuring the administration to mail AIDS education pamphlets to every home in the nation.

Congressman Studds has the courage to take on the most powerful officials in our land when he believes it is necessary to protect our district or our country from policies gone wrong. And he has the skill and the intelligence to make his voice count.

"He has won his colleagues respect for his intelligence and hard work. Many consider him one of the smartest lawmakers in the House."

-- *New Bedford Standard Times*

A Congressman Who Gets Things Done

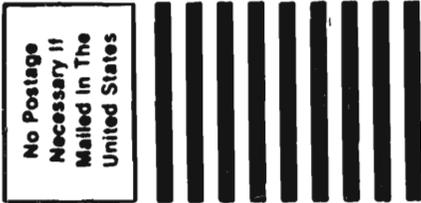
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- wrote the Oil Tanker Safety Act
- rewrote the law to make offshore oil drilling legislation extending a moratorium on drilling virtually all of Georges Bank
- wrote legislation reducing plastic pollution
- has led the fight year after year in Congress to maintain a strong and versatile U.S. Coast Guard

Day in, day out, whether the subject is clean water in New Bedford Harbor, assisting parents with the cost of higher education, preventing the only medical clinic for veterans from closing, or meeting with hundreds of constituents each day with the big and small -- Gerry Studds has been there and to win - for us all. Gerry Studds has the support.

REELECT CONGRESSMAN GERRY STUDDS



BUSINESS REPLY MAIL

First Class Permit No. 2 Scituate, MA 02066

Postage will be paid by addressee

Studds for Congress

P.O. Box 513
Scituate, MA 02066





A Congressman Who Listens

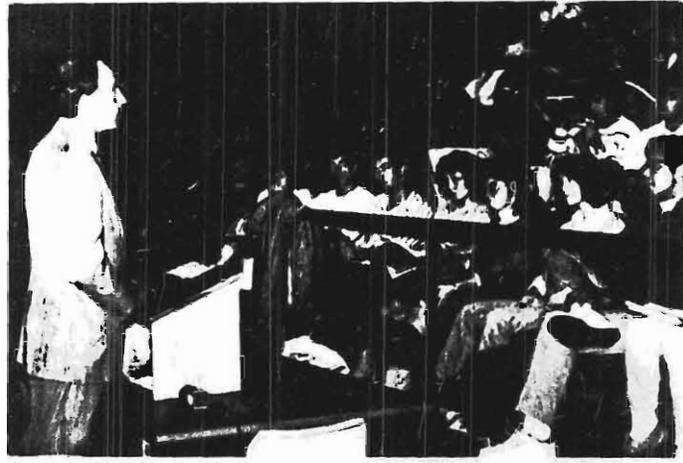
Other Members of Congress shake their heads in disbelief at the effort Gerry Studds makes to maintain close ties to his constituents.

Since Gerry took office in 1973, he's made himself accessible by maintaining **three full-time district offices** in New Bedford, Hyannis and Pembroke. When he's in Washington, Gerry has made sure that a member of his professional staff has always been here to answer our questions, to help with our problems and to make the federal government a little less remote, a little easier to understand.

Gerry is now approaching his 1000th Open Town Meeting - a record among members of Congress. From the 100 residents of Gosnold to the 100,000 of New Bedford, we in the tenth district know that it will never be more than a few months between visits from our Congressman. His exhausting schedule of Open Meetings has brought him to **every town** in the District **at least 25 times** since we elected him to office.

"After 15 years, he's still listening to voters."

- Bourne Courier



Who Tells Us What He Believes

When his duties have required him to be in our nation's capital, Gerry Studds has seen to it that we in Massachusetts have been kept fully informed about his votes and his legislative work. He has never been afraid to tell us what he thinks and has shared his views honestly through over two dozen district wide newsletters, through periodic special reports on subjects like arms control, national defense and the economy and through regular **Weekly Reports to the People**, which he's written to his constituents **every week** the House of Representatives has been in session since 1973.

When we write a letter or make a phone call to Gerry Studds, we know that our concerns will be taken seriously and that we will receive a prompt, accurate, informative and honest response.

"A factor in the success that Gerry Studds has had as a member of the Congress is that, with him, the district comes first. When he gets back home he canvasses his district industriously. He listens. Any constituent with something to say can have a shot at talking to him. When he gets back to Washington, he doesn't forget."

-- Falmouth Enterprise



Who Works Hard

Very few public officials work as hard as Gerry Studds. Very few make the kind of effort he has made over the years to listen, to keep in touch, to inform a

Many Congressmen go to Washington and don't come back until the next election. Not Gerry Studds. He goes to Washington and he works hard.

A Member of the House Committee on Merchant Marine and Fisheries and chairman of its Subcommittee on Fisheries and Environment, Congressman Studds' work has brought him recognition in Washington across the country as one of the leading experts on the marine environment.

And as a senior Member on the prestigious Committee on Foreign Affairs, his hard work has made him one of the most widely respected members of Congress on arms control and U.S. policy in the Middle East and the Persian Gulf.

"Studds has mastered the material in every Subcommittee he heads as few could. This has been a key to his success in Congress, members on both sides of the aisle agree."

-- Boston Globe

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EXHIBIT "B"

8 7 9 4 9 7 5 1 2 3 1
CONGRESS

Studio

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GRESSMAN

 drummer boy 

words

plum



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1988

SPECIAL DELIVERY

REPUBLICAN PARTY
Committee
c/o Daniel E. Winslow, Executive
Suite 2300
100 Summer Street
Boston, MA 02110

RE: MUR 2752

Dear Mr. Winslow:

This letter acknowledges receipt on November 1, 1988, of your contribution of \$100.00 to the Republican Party, dated October 28, 1988. The contribution was received from your account at the Federal Reserve Bank of Boston. The contribution was deposited in the account of the Republican Party, Federal Election Commission, dated October 28, 1988. The contribution was deposited in the account of the Republican Party, Federal Election Commission, dated October 28, 1988. The contribution was deposited in the account of the Republican Party, Federal Election Commission, dated October 28, 1988.

Please refer to the enclosed statement for details. If you have any questions, please contact the Federal Election Commission at (202) 453-7000.

Very truly yours,
L. Brent Spivey
Secretary

L. Brent Spivey
Secretary

cc: Lois S. Lerner
Assistant General Counsel

Enclosure
November 2, 1988

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1988

SPECIAL DELIVERY

Mr. Edwin M. Martin, Jr., Treasurer
Committee To Re-Elect Congressman
Studds

RE: MUR 2759
Committee To Re-Elect
Congressman Studds and
Edwin M. Martin, Jr.,
as treasurer

Dear Mr. Martin:

This letter is to inform you that on November 1, 1988, the
Federal Election Commission received a complaint which alleged
that you had violated the Federal Election Campaign Act of 1971,
as amended, and the Federal Election Campaign Regulations.

The complaint alleges that you, as Treasurer of the Committee
to Re-Elect Congressman Studds, have received contributions in
excess of the legal limit for such contributions. The complaint
also alleges that you have failed to file a report of contributions
as required by the Act and Regulations.

The complaint may be withdrawn by the Commission prior to
the receipt of your response if the evidence submitted does not
indicate that a violation of the Act has been committed. Should
the Commission determine the complaint, you will be notified by
overnight express mail.

This matter will remain confidential in accordance with Sec-
tion 4379a (4)(B) and Section 4379a(12) of Title 2 unless
you notify the Commission in writing that you wish the matter to
be made public.

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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.

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

Sincerely,

Lawrence M. Noble
General Counsel



By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Responses
Exhibits

cc: The Honorable Gerry E. Studds
16 Black Horse Lane
Cohasset, MA 02025

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

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

NOV -3 AM 9:31

SENSITIVE

EXPEDITED FIRST GENERAL COUNSEL'S REPORT

MUR 2759

STAFF MEMBER: C.L. Jacoby

COMPLAINANT: Massachusetts Republican State Committee

RESPONDENT: Committee to Re-Elect Congressman Studds and
Edwin M. Martin, Jr., as treasurer

SUMMARY OF ALLEGATIONS

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The complainant alleges that the Committee to Re-Elect Congressman Studds (the "Studds Committee") distributed a brochure which expressly advocated the election of Mr. Studds to the U.S. House of Representatives. Although the name of the Studds Committee appeared on the brochure, the brochure contained no statement concerning the payment of the costs for the brochure. */ Similarly the complainant alleges that signs prepared and disseminated by the Studds Committee to advocate Mr. Studds' election did not reflect the party who paid the costs associated with such signs.

PRELIMINARY LEGAL ANALYSIS

Whenever a person makes an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate through general public political

*/ The names "Studds for Congress" and "Studds for Congress Committee" were used in the brochure as the organization to be contacted for further information or to send contributions.

advertising, the communication must state who paid for that communication and, if not paid for by a candidate or an authorized candidate committee, must state whether the communication was or was not authorized by such candidate or candidate's committee. 2 U.S.C. § 441d(a), 11 C.F.R. § 110.11(a)(1).

The complaint included a copy of a brochure and a sign purportedly distributed by the Studds Committee. There is no apparent disclosure statement as required by Section 441d(a) on either document. Based on the available information and the materials supplied by the complainant, the Studds Committee may have violated 2 U.S.C. § 441d(a). Accordingly, the Committee to Re-Elect Congressman Studds and its treasurer must be afforded an opportunity to respond to the allegations raised before appropriate recommendations are made to the Commission.

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Date

11-2-88

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Studds for Congress

November 17, 1988

88 NOV 22 AM 10:58

FEDERAL ELECTION COMMISSION RECEIVED

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

Dear Mr. Noble:

I am writing to reply, on behalf of the Committee to Reelect Congressman Studds, to your recent letter regarding MUR 2759. We appreciate the opportunity to respond to this complaint.

The Studds Committee agrees that (1) the Federal Election Campaign Act of 1971 requires campaign brochures and signs to include conspicuous authorizations from the pertinent campaign committee, and (2) the exhibits included in the complaint lack these authorizations.

These omissions were due to a clerical oversight during the printing process, and were addressed immediately by the Studds Committee as soon as the Committee became aware of them early in the 1988 campaign. New signs including the proper authorization, one of which is enclosed, were printed. All but the handful of brochures which were no longer in the Committee's possession were amended to include the proper authorization; a copy of an amended brochure is also enclosed.

Please feel free to let me know if I can provide any further information. My mailing address is 8902 Sudbury Road, Silver Spring, MD 20901; my home telephone number is 589-3378.

Sincerely,

Steven C. Schwadron
Campaign Manager

89040751996

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

RECEIVED
FEDERAL ELECTION COMMISSION

88 DEC -8 AM 10:00

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR 2759
DATE COMPLAINT RECEIVED
BY OGC: 11-01-88
DATE OF NOTIFICATION TO
RESPONDENTS: 11-02-88
STAFF MEMBER: C.L. Jacoby

COMPLAINANT: Massachusetts Republican State Committee

RESPONDENTS: Committee to Re-Elect Congressman Studds and
Edwin M. Martin, Jr., as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441d(a)
11 C.F.R. § 110.11(a)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The complainant alleges that the Committee to Re-Elect Congressman Studds (the "Studds Committee") distributed a brochure which expressly advocated the election of Mr. Studds to the U.S. House of Representatives. Although the name of the Studds Committee appeared on the brochure, the brochure contained no statement concerning the payment of the costs for the brochure.^{1/} Similarly the complainant alleges that signs prepared and disseminated by the Studds Committee to advocate Mr. Studds' election did not reflect the party who paid the costs associated with such signs. The Studds Committee replied to this complaint on November 17, 1988.

^{1/} The names "Studds for Congress" and "Studds for Congress Committee" were used in the brochure as the organization to be contacted for further information or to which contributions should be sent.

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II. FACTUAL AND LEGAL ANALYSIS

Whenever a person makes an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate through general public political advertising, the communication must state who paid for that communication and, if not paid for by a candidate or an authorized candidate committee, must state whether the communication was or was not authorized by such candidate or candidate's committee. 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11(a)(1). However, such statement is not required on "bumper stickers, pins, buttons, pens and similar small items" on which the disclaimer cannot be conveniently printed. 11 C.F.R. § 110.11(a)(2).

The complaint included a copy of a brochure and a sign purportedly distributed by the Studds Committee. That sample brochure exhorted voters to "[r]e-elect Congressman Gerry Studds in 1988." The brochure further urged voters to "help reelect Gerry Studds" by returning a postal card with a contribution or a promise to render services. The sample sign merely stated "Congressman Studds." No dimensions of that sign were given. The complainant states that the Studds Committee disseminated the brochure and sign. The extent and manner of distribution were not stated. 2/

2/ The possible use of the U.S. mails in connection with this brochure is evidenced by the prepaid postage for the cards addressed to the Studds Committee which were included in the brochure.

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In response the Studds Committee acknowledged that "the exhibits included in the complaint lack" the authorization statements required under Section 441d. The Studds Committee claims that this omission was due "to a clerical oversight during the printing process" and was rectified "as soon as the Committee became aware" of the omission. There is no present indication that this omission resulted from the printer's actions, rather than a drafting or editorial error by the Studds Committee.^{3/} Copies of the brochure and sign (the exhibits in the complaint) as amended to include the proper disclosure statement were included in this response.

There is no apparent disclosure statement as required by Section 441d(a) on either document. Nor is the small item exception apparently applicable to either document. The Studds Committee has admitted that the brochure and sign were placed in the public domain without the appropriate disclaimer statement. However, there is no information on the extent, cost or duration of such distribution. Based on the available information and the materials supplied by the complainant, the Studds Committee violated 2 U.S.C. § 441d(a). Although steps to correct such violation were apparently taken, the violation occurred when these items were distributed without the appropriate disclosure

^{3/} In circumstances where a political committee has demonstrated that the disclaimer was omitted due to a printer's error, there is precedent for taking no further action after a finding of reason to believe. See MURS 2556, 2260, 2201 and 1771.

99040751999

statement. Accordingly, this Office recommends that the Commission find reason to believe that the Committee to Re-Elect Congressman Studds and its treasurer violated 2 U.S.C. § 441d(a).

III. RECOMMENDATIONS

1. Find reason to believe that the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer, violated 2 U.S.C. § 441d(a).
2. Approve the attached letter, Factual and Legal Analysis, and questions.

Lawrence M. Noble
General Counsel

12/6/88
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Response to complaint
2. Proposed letter and Factual and Legal Analysis
3. Questions

92040752000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Committee to Re-Elect Congressman Studds)
and Edwin M. Martin, Jr., as treasurer)

MUR 2759

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 12, 1988, the Commission decided by a vote of 4-0 to take the following actions in MUR 2759:

1. Find reason to believe that the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer, violated 2 U.S.C. § 441d(a).
2. Approve the letter, Factual and Legal Analysis, and questions, as recommended in the First General Counsel's report signed December 6, 1988.

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

Attest:

12/13/88
Date

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

Received in the Office of Commission Secretary:	Thurs.,	12-8-88,	10:00
Circulated on 48 hour tally basis:	Thurs.,	12-8-88,	4:00
Deadline for vote:	Mon.,	12-12-88,	4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 20, 1988

Edwin M. Martin, Jr., Treasurer
Committee to Re-Elect
Congressman Studds
P.O. Box 5
Norwell, MA 02061

2759
RE: Committee to Re-Elect
Congressman Studds and
Edwin M. Martin, Jr., as
treasurer

Dear Mr. Martin:

On November 2, 1988, the Federal Election Commission notified the Committee to Re-Elect Congressman Studds (the "Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to the Committee and you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on December 12, 1988, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 441d(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 you, as 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 you, as 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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 20, 1988

Edwin M. Martin, Jr., Treasurer
Committee to Re-Elect
Congressman Studds
P.O. Box 5
Norwell, MA 02061

RE: MUR 2759
Committee to Re-Elect
Congressman Studds and
Edwin M. Martin, Jr., as
treasurer

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Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as 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 you, as 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

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Edwin M. Martin, Jr., Treasurer
Page 2

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.

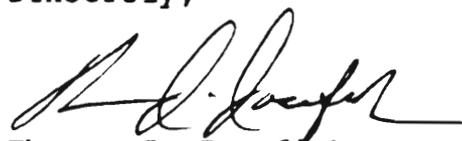
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 Celia Jacoby, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Thomas J. Josefiak
Chairman

Enclosures
Questions
Designation of Counsel Form
Factual and Legal Analysis

cc: Gerry E. Studds

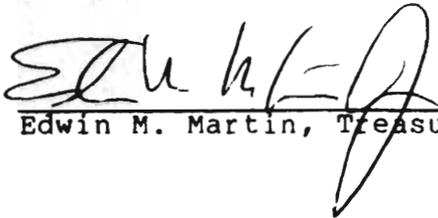
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06C 1670
MUR 2759

Studds for Congress

To the best of my knowlege, the facts and assertions contained in my January 10, 1989 letter to the Federal Elections Commission regarding MUR 2759 are accurate and complete.

1/26/89
Date


Edwin M. Martin, Treasurer

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RECEIVED
FEDERAL ELECTIONS COMMISSION
1989 JAN 26 PM 3:35

Studds for Congress

1622
- JUN 27 89

January 10, 1989

HAND DELIVERED

89 JAN 19 PH 3:17

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

Thomas J. Josefiak, Chairman
Federal Election Commission
Washington, D.C. 20463

Dear Chairman Josefiak:

I am writing, on behalf of the Committee to Re-Elect Congressman Studds ("the Committee"), in response to your letter of December 20, 1988.

As your letter suggested and as members of our staff have subsequently discussed by telephone, we are interested in pursuing pre-probable cause conciliation of this matter.

In addition, following are the Committee's replies to the Commission's six specific questions:

1. The Committee to Re-Elect Congressman Studds paid in whole for all the costs associated with both of the documents (brochure and sign) in Exhibit A.

a. The Committee paid \$1,741.10 on August 29, 1988 for the printing of 10,000 brochures to: Deschamps Printing Company, Inc. 3 Dodge Street, P.O. Box 127, Salem, MA 01970.

The Committee paid \$180.60 on October 1, 1988 for the printing of 150 signs to: Drummer Boy Screen Printing of New Bedford, 1097 Marlboro Street, New Bedford, MA 02745. This order was originally placed on September 10, 1988.

b. All costs for the documents in Exhibit A were paid by Mary Lou Butler, 38 Rosa's Lane, Scituate, MA 02066, in her capacity as Assistant Treasurer for the Committee.

c. Copies of pertinent invoices and cancelled checks are attached.

2. The brochure was drafted by Peter Fleischer, 358 Lantana Avenue, Englewood, NJ 07632, who was then serving as the Committee's campaign manager. Distribution of the brochure was supervised by Thomas Lyons, 21 Oak Street, Plymouth, MA 02360, in his capacity as campaign field director. Mr. Lyons distributed brochures by hand to campaign volunteers.

The sign copy, which consisted in its entirety of "Congressman Studds", was also drafted and designed by Mr. Fleischer. Signs were distributed to campaign volunteers under Mr. Lyons' authority.

3. An estimated 500 (of the 10,000) printed brochures were distributed before the Committee realized the disclaimer had been

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omitted. An estimated 100 (of the 150) printed signs were distributed.

4. The brochures were distributed by volunteers with other campaign materials, such as bumper stickers and buttons. They were also available at locations, such as campaign headquarters or political rallies, at which the campaign had a physical presence. The signs were distributed to local town coordinators and, in turn, to other campaign volunteers. Nearly all were ultimately used by persons who had contacted the campaign to request lawn signs.

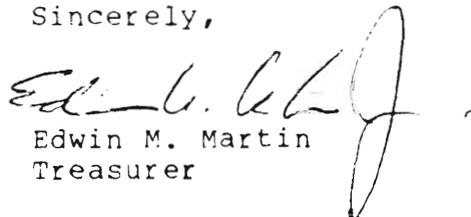
5. Immediately after realizing the omission, the Committee gathered all available brochures and signs. Most of the brochures were still stored in its headquarters in the Town of Pembroke; the balance were gathered from other locations. Each brochure was then manually stamped with the appropriate disclaimer. A sample of a stamped brochure was enclosed in the Committee's November 17, 1988 response to the FEC's original inquiry.

Similarly, once the omission was recognized, the Committee reclaimed as many of the signs as could be located (approximately 75 of the 100 which had been distributed). All of these were then stamped manually with the required disclaimer. Subsequently, the Committee placed two orders during the month of October 1988 for the printing of a total of 700 new signs which contained the disclaimer statement. A sample from these reorders was also enclosed in the Committee's last letter to the Commission.

6. The Committee first became aware that the documents in Exhibit A lacked the required disclaimer on September 27, 1988. The Committee did not produce any more of these documents, and ceased all distribution of these documents while implementing the corrective measures outlined in Question Five. The Committee completed these corrective measures within one week and then resumed distribution of the brochures and signs -- both containing the required disclaimer statements.

Thank you for this opportunity to provide the Commission with additional background. Please feel free to let me know if I can be of any further assistance.

Sincerely,


Edwin M. Martin
Treasurer

Enclosures (4)

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2759

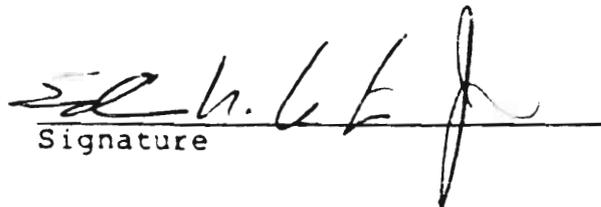
NAME OF COUNSEL: Steven C. Schwadron

ADDRESS: 8902 Sudbury Road
Silver Spring, MD 20901

TELEPHONE: (301) 589-3378

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.

1/18/89
Date


Signature

RESPONDENT'S NAME: Edwin M. Martin, Jr.

ADDRESS: Hale and Dorr
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

HOME PHONE: 301/469-5970

BUSINESS PHONE: 202/393-0800

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BEFORE THE FEDERAL ELECTION COMMISSION 05 FEB 27 AM 10:21

In the Matter of)
)
Committee to Re-Elect Congressman)
Studds and Edwin M. Martin, Jr.,)
as treasurer)

MUR 2759

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On December 12, 1988, the Federal Election Commission found reason to believe that the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer (the "Respondents"), violated 2 U.S.C. § 441d(a) by the publication and distribution of brochures and signs without the appropriate disclosure statement. On January 10, 1989, the Respondents requested the Commission enter into negotiations to resolve this matter prior to a finding of probable cause to believe.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

Respondents have acknowledged that the brochure and sign which were the basis of this complaint lacked the authorization statement required by Section 441d. The omission was, according to the Respondents, rectified within one week after the omission was discovered. Respondents stated that approximately 500 of 10,000 printed brochures and 100 of 150 yard signs were distributed before the omission of the disclaimer was discovered. The Committee reclaimed about 75 of the distributed yard signs. All reclaimed and remaining signs as well as all remaining brochures were then manually stamped with the appropriate disclaimer. These remedial actions were completed within one week after the improper distribution was determined.

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III. RECOMMENDATIONS

1. Enter into conciliation with the Committee to Re-Elect Congressman Studts and Edwin M. Martin, Jr., as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Lawrence M. Noble
General Counsel

2/24/89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Request for Conciliation
2. Proposed Conciliation Agreement
3. Proposed letter

Staff Assigned: C. L. Jacoby

32040752010

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Re-Elect Congressman) MUR 2759
Studds and Edwin M. Martin, Jr.,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 1, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2759:

1. Enter into conciliation with the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter, as recommended in the General Counsel's report signed February 24, 1989.

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

Attest:

March 1, 1989

Date

Helga Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 2-27-89, 10:21
Circulated on 48 hour tally basis: Mon., 2-27-89, 4:00
Deadline for vote: Wed., 3-01-89, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 13, 1989

Steven C. Schwadron, Esquire
8902 Sudbury Road
Silver Spring, Maryland 20901

RE: MUR 2759
Committee to Re-Elect
Congressman Studds and
Edwin M. Martin, Jr., as
treasurer

Dear Mr. Schwadron:

On December 12, 1988, the Federal Election Commission found reason to believe that your clients, the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer, violated 2 U.S.C. § 441d(a). At your request, on March 1, 1989, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 MAR 31 AM 8:17

Steven C. Schwadron
8902 Sudbury Road
Silver Spring, MD 20901

March 26, 1989

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

Dear Ms. Lerner:

I am writing, on behalf of the Committee to Re-Elect Congressman Studds, in response to your March 13, 1989 letter.

The Studds Committee hereby agrees to the terms of the Commission's proposed conciliation agreement on MUR 2759. I have enclosed a signed copy of the agreement and a check to satisfy the civil penalty.

I will look forward to hearing from you about the final resolution of this matter.

Sincerely,

Steven Schwadron

Enclosures (2)

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09 APR - 3 PM 3:34
FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

89 MAY 15 PM 12:21

In the Matter of)
) MUR 2759
Committee to Re-Elect Congressman)
Studds and Edwin M. Martin, Jr.,)
as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Edward M. Martin, Jr., the treasurer of Committee to Re-Elect Congressman Studds.

The attached agreement contains no changes from the agreement approved by the Commission on March 1, 1989. A check for the civil penalty (\$250) has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer.
2. Close the file.
3. Approve the attached letters.

Lawrence M. Noble
General Counsel

May 15, 1989
Date

BY: George F. Rishel
George F. Rishel
Acting Associate General
Counsel

Attachments

1. Letter from Respondent and Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondent
4. Letter to Complainant

Staff Assigned: Debby Curry

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Committee to Re-Elect Congressman) MUR 2759
Studds and Edwin M. Martin, Jr.,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 17, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2759:

1. Accept the conciliation agreement with the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer, as recommended in the General Counsel's report signed May 15, 1989.
2. Close the file.
3. Approve the letters, as recommended in the General Counsel's report signed May 15, 1989.

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

Attest:

May 17, 1989
Date

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

Received in the Office of Commission Secretary:	Mon.,	5-15-89,	12:21
Circulated on 48 hour tally basis:	Mon.,	5-15-89,	4:00
Deadline for vote:	Wed.,	5-17-89,	4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 22, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Daniel B. Winslow, General Counsel
Massachusetts Republican State Committee
100 Summer Street
Suite 2800
Boston, MA 02110

RE: MUR 2759

Dear Mr. Winslow:

This is in reference to the complaint you filed with the Federal Election Commission on November 1, 1988, concerning an allegation of a violation of the Act by the Committee to Re-Elect Congressman Studds.

The Commission found that there was reason to believe the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer, violated 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On May 17, 1989, a conciliation agreement signed by the respondents was accepted by the Commission. Accordingly, the Commission closed the file in this matter on May 17, 1989. A copy of this agreement is enclosed for your information.

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

Sincerely,

Lawrence M. Noble
General Counsel

George F. Rishel
BY: George F. Rishel
Acting Associate General
Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 22, 1989

Steven C. Schwadron, Esquire
8902 Sudbury Road
Silver Spring, MD 20901

RE: MUR 2759
Committee to Re-Elect
Congressman Studds and Edwin
M. Martin, Jr., as treasurer

Dear Mr. Schwadron:

On May 17, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent 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. If you have any questions, please contact Deborah Curry, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: George F. Rishel
Acting Associate General
Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2759
Committee to Re-Elect Congressman)
Studds and Edwin M. Martin, Jr.)
as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint filed by the Massachusetts Republican State Committee. The Federal Election Commission (the "Commission") found reason to believe that the Committee to Re-Elect Congressman Studds and Edwin M. Martin, Jr., as treasurer (the "Respondents"), violated 2 U.S.C. § 441d(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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.

IV. The pertinent facts in this matter are as follows:

1. Committee to Re-Elect Congressman Studds is a political committee within the meaning of 2 U.S.C. § 431(4) and is the designated principal campaign committee for a federal candidate.

2. Edwin M. Martin, Jr. is the treasurer of the

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Committee to Re-Elect Congressman Studds.

3. Section 441d(a) of Title 2, United States Code provides that whenever any person makes an expenditure to finance communications that expressly advocate the election of a clearly identified federal candidate, such communication, if paid for and authorized by an authorized political committee of a candidate, must clearly state that the communication has been paid for by such authorized political committee.

4. During the 1988 election campaign, Respondents had published and disseminated certain brochures and yard signs advocating the election of a named federal candidate. Those brochures and signs contained the name of the Respondents, but contained no statement that the Respondents had paid the costs associated with those brochures and signs.

V. Respondents financed communications that expressly advocated the election of a clearly identified federal candidate. Those communications lacked the appropriate disclaimer in violation of 2 U.S.C. § 441d(a).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Hundred Fifty Dollars (\$250.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed the 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 to comply with and implement the requirement 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.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner May 19, 1989
Associate General Counsel Date

FOR THE RESPONDENTS:

Edwin M. Martin, Jr. 3/21/89.
Edwin M. Martin, Jr. Date
Treasurer of Committee to
Re-Elect Congressman Studts

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2759

DATE FILMED 6/2/89 CAMERA NO. 4

CAMERAMAN RL

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2759 .

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1988

SPECIAL DELIVERY

Massachusetts Republican State
Committee
c/o Daniel P. Winslow, Esquire
Suite 2800
100 Summer Street
Boston, MA 02110

RE: MUR 2759

Dear Mr. Winslow:

This letter acknowledges receipt on November 1, 1988, of your complaint against the Committee To Re-Elect Congressman Studds and Edwin M. Martin, Jr., as Treasurer alleging violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

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

November 2, 1988

SPECIAL DELIVERY

Edwin M. Martin, Jr., Treasurer
Committee To Re-Elect Congressman
Studds
PO Box 5
Norwell, MA 02061

RE: MUR 2759
Committee To Re-Elect
Congressman Studds and
Edwin M. Martin, Jr.,
as treasurer

Dear Mr. Martin:

This letter is to notify you that on November 1, 1988, the Federal Election Commission received a complaint which alleges that the Committee to Re-Elect Congressman Studds and you, as treasurer may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2759. 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 Committee to Re-Elect Congressman Studds 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. You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response, we have enclosed a pre-addressed, postage paid, special delivery envelope. If no response is received within 15 days, the Commission may take further action based on the available information.

The complaint may be dismissed by the Commission prior to receipt of your response if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by overnight express mail.

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This matter will remain confidential in accordance with Section 2 U.S.C. § 437g(a)(4)(B) and § 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.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Envelope
Form

cc: The Honorable Gerry E. Studds
16 Black Horse Lane
Cohasset, MA 02025

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CONFIDENTIAL