



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3198

DATE FILMED 9/27/91 CAMERA NO. 4

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General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

90 NOV -7 AM 11:31

CGC 8580

November 3, 1990

90 NOV -7 PM 3:57

By this letter I am filing a complaint of a violation of section 114.2 of 11CFR CHI (1-1-90). In the November issue of "INLAND COUNTRY", a monthly publication of Inland Power and Light, a corporation and a recipient of REA loans; several pages in my opinion were dedicated to political advertising under the guise of an "Guest Editorial". I have attached the pertinent pages of "INLAND COUNTRY". I received this issue from Inland Power and Light on November 2, 1990, a mere 5 days before the general election. There was therefore no time, since this is a monthly publication and Inland is not open on weekends, to rebut what is in my opinion false and politically motivated statements glorifying the 101st Congress and therefore Congressman Thomas Foley, who is running for re-election November 5, 1990.

I believe that this is in fact a campaign contribution as defined in section 114.1(1) 11CFR CHI (1-1-90) and not excluded as in section 114.1(2) 11 CFR CHI (1-1-90) and therefore is an illegal contribution and/or should be reported on Congressman Foley's contribution report. The "Editorial" is written entirely by Foley and therefore is not a "communication by a corporation to its stockholders" as defined in 114.1 (2i)

I, William Albert Johns swear to the above;

William Albert Johns

William Albert Johns
RT 4 BOX 416
Cheney, Washington 99004

(509) 448-8673

STATE OF WASHINGTON

ss.

County of SPOKANE

On this day personally appeared before me WILLIAM ALBERT JOHNS

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that HE signed the same as HIS free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 5TH day of November, 1990.

Notary Public in and for the State of Washington.
residing at FALCONS
My appointment expires MAY 1, 1994

104036742

Inland Country

Publication #671-550

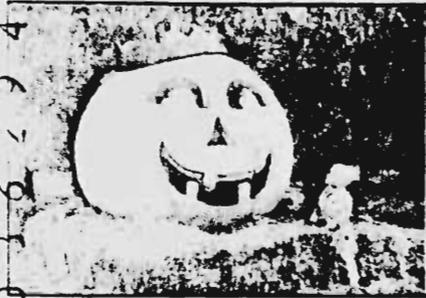
Vol. 9, No. 9 - November 1990

INLAND COUNTRY is published monthly by Inland Power & Light Co. Office of publication and corporate offices are at 320 E. Second Ave., Spokane WA 99202, phone (509) 747-7151. Subscription rates are \$1.50 annually for Inland members and \$3.00 for non-members. Second Class postage paid at Spokane, WA. USPS Identification No. 671550.

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Lloyd W. Roberts, Jr., President
Richard Heitman, Manager
Yvonne Morton, Editor

About our cover...



"Hello, Mr. Pumpkin," is what Jonathan Macek seems to be saying to this giant pumpkin. Jonathan, son of Capt. and Mrs. Mike Macek, Fairchild AFB, found this larger-than-life pumpkin at Hidden Acres Orchards in Green Bluff, Washington. (Photo by Yvonne Morton.)

NOTICE

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TABLE OF CONTENTS

Manager's Message	Page 2
Current Notes.....	Page 3
Safety.....	Page 4
Assistant Manager's Message.....	Page 5
Guest Editorial: Thomas S. Foley, Speaker of the House	Page 6
Inland Country Kitchen.....	Page 7
Health.....	Page 8
Happy Birthday Willie.....	Page 9
Washington Rural Electric Co-op News	Page 10
Kids' Page.....	Page 11
Employee of the Month:	Page 12
November Calendar of Events	Page 13
Feature: The Noble Pumpkin.....	Page 15
Light Side.....	Page 18
Our Town: LaCrosse, Washington.....	Page 19
Inland News.....	Page 20
Meter Read and Prompt Payment Awards.....	Page 20
Better Living Today.....	Page 22
Recycling.....	Page 24
Flea Market Ads	Page 28

Editor's Note...



Tom Foley has his feet firmly planted in two Washingtons - one in Washington State where he has served his constituents in the Fifth Congressional District since 1965 and the other in Washington, D.C. where he serves the state and the nation as the 49th Speaker of the House of Representatives.

This month we proudly feature Congressman Foley as our guest editor beginning on page 6.

Pumpkins made their grand entrance late last month when we celebrated Halloween. This versatile "squash" will be with us throughout November and December as part of our holiday meals and decorations. Turn to page 15 to find out everything you ever wanted to know about this noble vegetable.

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Have a Happy & Safe Thanksgiving!

The 101st Congress - a historical session

By Congressman Thomas S. Foley

The session of Congress just completed was in many respects a historic one. Early in the session, on March 4, 1989, we celebrated the 200th anniversary of the Congress. A special ceremony on the House floor commemorated the first meeting of the First Congress, which met in makeshift quarters in New York City pursuant to the provisions of the Constitution that had been adopted in Philadelphia in 1787.

But this past session of Congress marked more than just the beginning of our republic's third century. It also denoted a transition in American political life. Perhaps most importantly, we heralded the end of a Cold War that had occupied our energies and resources for forty years.

The astonishing collapse of communism in the Soviet empire was certainly the most welcome and unexpected development of the last two years. The end of the Cold War, coupled with President Bush's election promise to work for a "kinder and gentler nation," permitted us to direct new attention to domestic concerns that had been neglected during the eighties. Ultimately, the 101st Congress compiled a record of achievement that responds to the needs of the day and lays the groundwork for further efforts to restore our domestic capabilities.

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participation throughout the negotiations with the Congress were essential to the eventual adoption of the deficit reduction plan.

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Foley served as Majority Leader from 1987 until his election as Speaker on June 6, 1989. From 1982 to 1987, he served as Minority Whip, the number three position in the House leadership.

Prior to his election to Congress, Foley served as an assistant attorney general for the State of Washington and earlier as deputy prosecutor of Spokane County. He also served on the staff of the Senate Interior Committee as Special Counsel to the late Senator Henry M. Jackson.

Foley is a member of the University of Washington and the University of Washington Law School. He is also a member of the former Hearst School of Law.

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Juki Overlock Machine (serger), model 104N, 3 spool, works great, \$265. Phone 257-2515.

Skin-So-Soft the product with 100 uses, 16 oz., \$9.49, 8 oz., \$5.99. Phone 487-8812.

Winchester 12 ga., 2 3/4 chamber, like new, leather-case, \$265, Remington 22 short only, automatic, model 24, \$155. (509) 326-4698.

"Anything But Ordinary" craft and Christmas Bazaar. November 16, 9 a.m. - 8 p.m.; November 17, 9 a.m. - 2 p.m. 1419 W. Bellwood, Spokane.



Airway Heights Mini Storage. Units starting at \$13 month. 24 hour access. 928-7348 or 535-5401.

Ping Pong Table, good shape, \$50. Kirby vacuum, like new, \$325. 448-4027.

WANTED TO BUY

Organ music, hymns especially. Does anyone know the poem "The Sandpiper"? "Up and down the beach we flit one little sandpiper and I -----". (509) 445-1560.

Silver dollars before 1920, \$7-\$20 each. Bill Foreyt, Rt 2 Box 56, Colfax, WA 99111, (509) 397-3351.

Will buy horses or ponies, Seven Springs pays top cash. We condition and place in loving homes. 926-3385.

Walk-behind sickle mower. Call 624-3505.

Used 14.9x28, tractor tire, cash. Phone (509) 292-2769.

Older model Marlette mobile home, size optional. Call 276-6944 and ask for Fern.

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION
 Report for Period Ending 12/31/89

1. Title of Publication	2. Issue Frequency	3. Issue Date for Circulation Data Below
4. Issue Number for Circulation Data Below	5. Annual Subscription Price	6. Annual Institution Rate
7. Total Number of Copies (Net press run)	8. Total Number of Copies (Gross press run)	9. Total Number of Copies (Net press run)
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Tom Foley

Continued from page 6

products, as well as conservation measures to preserve our most critical natural resource for future generations of eastern Washington farmers.

New laws also attempted to secure greater opportunity and fairness for all Americans. The landmark Americans with Disabilities Act ends job discrimination for 43 million disabled Americans and guarantees them access to public transportation and buildings. The minimum wage was increased for the first time since 1981. A new child care bill relieves working parents of the burden of choosing between their family's standard of living and their children's standard of care. Both Head Start and vocational education programs were expanded and extended.

Next year, the Congress will continue work in several important areas. We face the ongoing challenge of improving our educational system. We must take care to maintain our public infrastructure. Our roads, bridges, sewers, ports, airports and other physical assets. There are critical unresolved issues in health care. We will build on past efforts to support and promote the growth of democracy in eastern Europe and elsewhere. We will continue to work for tax fairness for the middle class, and find ways to help working families, by providing family and medical leave for example.

Although the nation faces great challenges and tough choices, I believe we in eastern Washington have every reason to be optimistic about our future. We are enormously blessed with unmatched human resources. Our economy is strengthening, bolstered by the vitality of our agricultural sector. We have excellent public institutions and other public services, served by enthusiastic and energetic public officials. Our cities and towns are exceptional places to work and raise families.

It has been the proudest accomplishment of my life to represent the Fifth District of Washington in the House of Representatives. I am deeply grateful to have had the opportunity to serve the people of eastern Washington for so many years.

The coming years will be a period of profound and continuing change. Working together, we can promote our commonly held purpose as a nation, seize and shape the course of this new world, and help ensure our continuing peace and prosperity.

Give TWICE This Christmas



\$6.50

Includes postage and handling

Order the Inland Country Cookbook and we'll contribute the proceeds to the Members' Mutual Assistance Program. Not only will you be giving a great gift to someone special on your Christmas list, you will also be helping a less fortunate family keep warm this winter. Send your order to: Cookbook, P.O. Box 4429, Spokane, WA 99202. Save \$2.50 if you pick up your copy at our office in Spokane, St. John or Newport.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 16, 1990

William Albert Johns
RT # Box 416
Cheney, Washington 99004

Dear Mr. Johns:

This is to acknowledge receipt on November 7, 1990, of your letter dated November 3, 1990. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter was not properly sworn to.

You must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. A statement by the notary that the complaint was sworn to and subscribed before him/her will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

If you have any questions concerning this matter, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence H. Noble
General Counsel

BY: Lois S. Lerner
Associate General Counsel

cc: Respondent

21040363946



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 16, 1990

Congressman Thomas S. Foley
726 W 6th Avenue
Spokane, WA 99204

Dear Congressman Foley:

On November 7, 1990, the Federal Election Commission received a letter alleging that you violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements for a properly filed complaint. If the matter is refiled, you will be notified at that time.

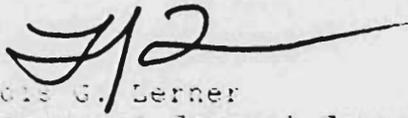
This matter will remain confidential for 15 days to allow for the correction of the defects. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

If you have any questions, please call Retha Dixon, Docket Chief, at (202) 376-9110.

Sincerely,

Lawrence H. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

- Copy of Improper Complaint
- Copy of letter to the Complainant

91040362947



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 16, 1990

Yvonne Horton, Editor
Inland Country
Inland Power and Light Co.
320 E. Second Avenue
Spokane, WA 99202

Dear Ms. Horton:

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Sincerely,

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General Counsel

BY: Lois G. Lerner
Associate General Counsel

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Copy of letter to the Complainant

210403648

General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RECEIVED

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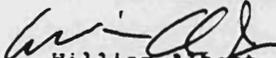
November 3, 1990

90 DEC 10 PM 4:13

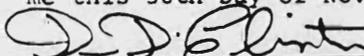
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William Albert Johns
RT 4 BOX 416
Cheney, Washington 99004
(509) 448-8673

Subscribed to and sworn before
me this 30th Day of November 1990


NOTARY

In Spokane, Washington

910405343

Inland Country

Publication #671-550

Vol. 9, No. 9 - November 1990

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Guest Editorial: Thomas S. Foley, Speaker of the House	Page 6
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Foley is a native of Spokane, Washington, and a graduate of the University of Washington and its School of Law. He is married to the former Heather Strickland.

Juki Overlock Machine (serger), model 104N, 3 spool, works great, \$265. Phone 257-2515.

Skin-So-Soft the product with 100 uses, 16 oz., \$9.49, 8 oz., \$5.99. Phone 487-8812.

Winchester 12 ga., 2 3/4 chamber, like new, leather-case, \$265, Remington 22 short only, automatic, model 24, \$155. (509) 326-4698.

"Anything But Ordinary" craft and Christmas Bazaar. November 16, 9 a.m. - 8 p.m.; November 17, 9 a.m. - 2 p.m. 1419 W. Bellwood, Spokane.



Airway Heights Mini Storage. Units starting at \$13 month. 24 hour access. 928-7348 or 535-5401.

Ping Pong Table, good shape, \$50. Kirby vacuum, like new, \$325. 448-4027.

WANTED TO BUY

Organ music, hymns especially. Does anyone know the poem "The Sandpiper"? "Up and down the beach we flit one little sandpiper and I -----". (509) 445-1560.

Silver dollars before 1920, \$7-\$20 each. Bill Foreyt, Rt 2 Box 56, Colfax, WA 99111, (509) 397-3351.

Will buy horses or ponies, Seven Springs pays top cash. We condition and place in loving homes. 926-3385.

Walk-behind sickle mower. Call 624-3505.

Used 14.9x28, tractor tire, cash. Phone (509) 292-2769.

Older model Mariette mobile home, size optional. Call 276-6944 and ask for Fern.

Tom Foley

Continued from page 6

products, as well as conservation measures to preserve our most critical natural resource for future generations of eastern Washington farmers.

New laws also attempted to secure greater opportunity and fairness for all Americans. The landmark Americans with Disabilities Act ends job discrimination for 43 million disabled Americans and guarantees them access to public transportation and buildings. The minimum wage was increased for the first time since 1981. A new child care bill relieves working parents of the burden of choosing between their family's standard of living and their children's standard of care. Both Head Start and vocational education programs were expanded and extended.

Next year, the Congress will continue work in several important areas. We face the ongoing challenge of improving our educational system. We must take care to maintain our public infrastructure. Our roads, bridges, sewers, ports, airports and other physical assets. There are critical unresolved issues in health care. We will build on past efforts to support and promote the growth of democracy in eastern Europe and elsewhere. We will continue to work for tax fairness for the middle class, and find ways to help working families, by providing family and medical leave for example.

Although the nation faces great challenges and tough choices, I believe we in eastern Washington have every reason to be optimistic about our future. We are enormously blessed with unmatched human resources. Our economy is strengthening, bolstered by the vitality of our agricultural sector. We have excellent public institutions and other public services, served by enthusiastic and energetic public officials. Our cities and towns are exceptional places to work and raise families.

It has been the proudest accomplishment of my life to represent the Fifth District of Washington in the House of Representatives. I am deeply grateful to have had the opportunity to serve the people of eastern Washington for so many years.

The coming years will be a period of profound and continuing change. Working together, we can promote our commonly held purpose as a nation, seize and shape the course of this new world, and help ensure our continuing peace and prosperity.

STATEMENT OF INCOME, EXPENSES AND CIRCULATION

Year	1988	1989
Total circulation	18,000	18,250
Printed and bound	0	0
Printed and unbound	17,000	17,000
Unprinted and unbound	1,000	1,250
Total circulation	18,000	18,250
Printed and bound	0	0
Printed and unbound	17,000	17,000
Unprinted and unbound	1,000	1,250
Total circulation	18,000	18,250



Give TWICE This Christmas

Order the Inland Country Cookbook and we'll contribute the proceeds to the Members' Mutual Assistance Program. Not only will you be giving a great gift to someone special on your Christmas list, you will also be helping a less fortunate family keep warm this winter. Send your order to: Cookbook, P.O. Box 4429, Spokane, WA 99202. Save \$2.50 if you pick up your copy at our office in Spokane, St. John or Newport.

\$6.50
Includes postage and handling.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1990

William Albert Johns
Rt. 4 Box 416
Cheney, WA 99004

RE: MUR 3198

Dear Mr. Johns:

This letter acknowledges receipt on December 10, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Honorable Thomas S. Foley, the Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer and the Inland Power & Light Company. 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 3198. 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, Pocket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

21040362953



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1990

Leona W. Dexter, Treasurer
Committee to Re-Elect Tom Foley
601 West 1st Avenue #2-W
Spokane, WA 99204

RE: MUR 3198

Dear Ms. Dexter:

The Federal Election Commission received a complaint which alleges that the Committee to Re-Elect Tom Foley 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 3198. 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 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

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

cc: Thomas S. Foley

21040361955



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1990

Honorable Thomas S. Foley
726 West 6th Avenue
Spokane, WA 99204

RE: MUR 3198

Dear Mr. Foley:

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 3198. 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 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

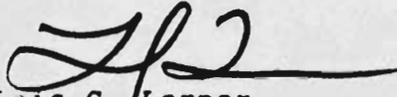
21 J 40 36 2 56

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

21040362957



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 1990

Inland Power & Light Company
320 E. Second Avenue
Spokane, WA 99202

RE: MUR 3198

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Inland Power & Light Company 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 3198. 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 Inland Power & Light Company 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 2 U.S.C. § 437g(a)(4)(B) and 5 U.S.C. § 552(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

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

21040362959

OGC 9752

PERKINS COIE

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN -8 PM 1:55

January 8, 1991

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

Re: MUR 3198

Attention: Mary Mastrobattista

Dear Mr. Noble:

Please find enclosed a copy of a designation of counsel for the above-referenced MUR. The original designation will be forwarded to you as soon as it is received.

Because of the holidays, the Commission's letter was not received by Speaker Foley until December 26, 1990, and our firm was not retained to represent him until late last week. We ask, therefore, for an extension of 20 days to prepare a response to the Commission's notification. The original due date for the response would have been January 10, 1991; the extension would allow a response by January 30, 1991.

If you have any questions or need additional information, please contact the undersigned.

Very truly yours,

Robert F. Bauer
Judith L. Corley
Counsel for Respondent

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10403300



RICHTER-WIMBERLEY, P.S.

Attorneys at Law

06-C 97901

ROBERT M. BROWN
DONALD A. ERICSON
JOHN T. KRALL
GARY J. GAINER
STEPHEN DRUMMOND
F. G. FANCHER
DANIEL E. HUNTINGTON
GARY D. BRAJICH
DARWIN D. GREWE

DENNIS P. HESSON
JOAN L. ANTONIETTI
SONJA J. PETERSON
BRAD L. WILLIAMS*
OF COUNSEL
PAUL H. RICHTER
WILLIAM P. WIMBERLEY (RE)
LESLIE I. WOODS (1986)
*Admitted in Idaho and Washington

January 10, 1991

Ms. Mary Mastrobattista
Attorney at Law
Federal Election Commission
999 E Street NW
Washington, D.C. 20463

Re: MUR 3198

Dear Ms. Mastrobattista:

Enclosed herewith is the response of Inland Power & Light Co. to the complaint filed herein concerning the guest article by Congressman Thomas Foley in the November issue of "Inland Country".

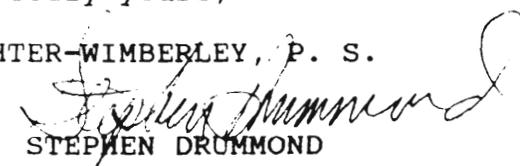
To summarize Mr. Aiken's response, Inland Power & Light would assert:

1. Inland is a state-organized co-operative, corporate in form having members who receive electricity from the co-operative. Inland Country is distributed to the members of Inland.
2. The article was not campaign material in any manner.
3. The article did not solicit votes for Congressman Foley; it was not partisan, nor did it violate any of the provisions of the law or regulations regarding campaigns.
4. The timing of the article was simply coincidental in regard to the election time, and indeed was to have appeared earlier in the year.
5. There was no intent on the part of Inland to be "campaigning", or assisting in the campaign of Mr. Foley.
6. 11 CFR 114.3 (a)(2) would seemingly authorize even campaigning literature, if it were determined that this was campaigning literature, and would require a report of expenditures. Since Inland takes the position that this article did not constitute such communication, it also takes the position that no such report was required.

We would appreciate your prompt review of the facts of this matter, and we are certain that upon your review of same you will find that the complaint is groundless. If we can be of any further assistance to you, please contact either Mr. Aiken at Inland, or me if you would prefer.

Sincerely yours,

RICHTER-WIMBERLEY, P. S.

BY:  STEPHEN DRUMMOND

91 JAN 11 AM 10:49

91 JAN 11 PM 12:30

1040632

December 31, 1990

**Ms. Mary Mastrobattista
Attorney
Federal Election Commission
999 E. Street, NW
Washington, DC 20463**

re: MUR 3198

Dear Ms. Mastrobattista,

Inland Power & Light Co. received from the Federal Election Commission December 26, 1990, a letter and complaint from Mr. William Johns, dated December 14, 1990. It is my understanding that our response must be submitted to you after 15 days of receipt, or to be exact, January 10, 1991. Mr. Johns is alleging that Inland Power & Light Co. violated Federal Election Commission regulations regarding campaign contributions, specifically 11 CFR §114.2.

11 CFR §114.2(a) prohibits "corporations organized under authority of any law of Congress" from making a "contribution or expenditure as defined by 11 CFR §114.1(a) in connection with election to any political office." 11 CFR 114.1(a)(1) defines contribution as "any direct or indirect payment, distribution, loan, or any services, or anything of value"

Inland Power & Light Co. is a non-profit electric cooperative under 501 c (6) of the codes of the Internal of Revenue Service. Inland Country Magazine is distributed to the membership and employees of the cooperative on a monthly basis. This publication is intended to educate and brief the readers on the activities of the co-op and the decisions made by the Board of Trustees; regional issues that may affect rates and the future operation of the cooperative; direction and/or decisions made by the Bonneville Power Administration (our supplier of electricity) and the Power Planning Council, etc. It is intended to improve the quality of life of our membership by providing information that would assist in the decision making of purchasing services or energy related products.

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From time to time, we ask individuals from both the power side and the political arena to address issues that may be of key importance to our membership.

11 CFR §114.4 allows *nonpartisan communications* by a corporation to its employees or its restricted class, in other words, our members and employees.

I have enclosed a copy of Inland Country (and previous issues that contain guest editorials from other individuals) for your review. We believe that this particular article is nonpartisan, and does not contain specific accomplishments of Congressman Foley nor his political party. It contains only general information regarding the activities of Congress and does not contain material implied or intended as political advertising.

In addition, we asked Congressman Foley if he would be so kind as to provide us with a guest editorial to inform our membership of key issues. It was in no way intended to provide Mr. Foley a political platform on which to use for his own gain. Additionally, the original editorial was slated for an earlier issue (September) but was delayed because Congress was working until the 11th hour on the fiscal budget.

I feel that the Federal Campaign Act of 1971 has not been violated.

Sincerely,

INLAND POWER AND LIGHT COMPANY

BY Christopher J. Aiken

Christopher J. Aiken

Date 1/2/91

Sworn to and before me this 2nd Day of Jan., 19 91.

Shara L. Mahoney
Notary Public
In Spokane, State of Washington

9104035.954

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1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 JAN 11 AM 11:49

January 11, 1991

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

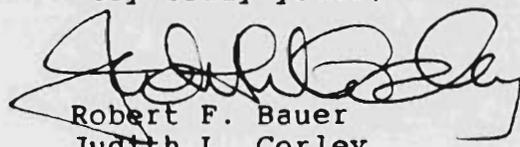
Re: MUR 3198

Attention: Mary Mastrobattista

Dear Mr. Noble:

Please find enclosed the original designation of counsel for the above-referenced MUR.

Very truly yours,



Robert F. Bauer
Judith L. Corley
Counsel for Respondent

0001m/48

104053965

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3198

NAME OF COUNSEL: Robert F. Bauer
Judith L. Corley

ADDRESS: Perkins Coie
1110 Vermont Avenue, N.W., #1200
Washington, D.C. 20005

TELEPHONE: (202) 887-9030

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.

1/7/91
Date

Thomas S. Foley
Signature

RESPONDENT'S NAME: The Honorable Thomas S. Foley

ADDRESS: Room H-204, The Capitol
Washington, D.C. 20515

HOME PHONE: _____

BUSINESS PHONE: (202) 225-5684

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 23, 1991

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

RE: MUR 3198
Thomas S. Foley

Dear Mr. Bauer:

This is in response to your letter dated January 8, 1991, which we received that same day, requesting an extension of twenty (20) days to respond to the above-captioned 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 30, 1991.

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

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "LGL", written over a horizontal line.

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

OGC 9962
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL

91 JAN 30 PM 2:31

January 30, 1991

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

Attention: Mary Mastrobattista

Re: MUR 3198 -- Thomas S. Foley

Dear Mr. Noble:

This is in response to the Commission's notice that a complaint has been filed against the above-referenced Respondent alleging violations of the federal campaign laws. We ask that the Commission dismiss this complaint with a finding of no reason to believe.

Complainant Mr. Johns alleges that publication of a "guest editorial" written by Speaker Foley in a corporation's monthly publication was a contribution by the corporation to Congressman Foley's re-election campaign. The article appeared in the November issue of the corporation's publication, and Mr. Johns alleges that its purpose was to influence Speaker Foley's re-election campaign.

There is no truth to these allegations. In order to be considered a "contribution" or an "expenditure," the activity of the corporation must be for the purpose of influencing or in connection with a federal election. 2 U.S.C. §§ 431(8) and (9); 441b(b)(2). In this case there was no purpose of

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influencing, nor was the editorial published in connection with a federal election.

The Commission has recognized repeatedly that the activities of federal officeholders who are also candidates do not constitute contributions or expenditures if certain conditions are met. See, for example, Advisory Opinion 1980-22, 1 Fed. Election Camp. Fin. Guide (CCH), ¶ 5479. The standard set in this and other similar Advisory Opinions requires that the activity undertaken by the officeholder make no mention of the candidacy of the Member of Congress nor any mention of the election in which he or she is participating. In addition, there can be no solicitation of campaign funds.

These conditions are met in this case. As a quick review of the text of the editorial reveals, the discussion in the editorial is of legislative issues. There is no mention of Congressman Foley's candidacy nor any mention of the upcoming election. There is clearly no solicitation of contributions.

What we have here in fact is traditional constituent support by a federal officeholder. The provision of "guest" editorials or articles is a standard constituent service provided by all Members of Congress. The company that publishes the magazine is in Congressman Foley's congressional district.

Mr. Johns appears at one point in his very brief complaint to be alluding to a provision of the Commission's regulations that would prohibit the reproduction of candidate materials. He mentions that the editorial was written entirely by Speaker Foley, apparently referring to the requirement that a corporation making partisan communications may not simply reproduce candidate materials, but must reflect their own views. The regulation, however, is not applicable in this case, since the communication in question has no partisan content whatsoever. Nor does it qualify as the reproduction of "candidate" materials: The editorial was written for this publication and this publication alone. It was not used anywhere else by Congressman Foley for any purpose, including for any campaign purpose.

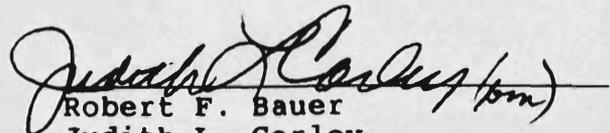
This complaint appears to be the result of a misunderstanding of the campaign laws by Mr. Johns. The editorial had no purpose of influencing a federal election and this complaint should be dismissed without the Commission finding reason to believe or taking any further action.

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Lawrence M. Noble, Esq.
January 30, 1991
Page 3

Should 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 Respondent

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91 JUL 23 PM 3:07

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR #3198
DATE COMPLAINT RECEIVED
BY OGC December 11, 1990
DATE OF NOTIFICATION TO
RESPONDENTS December 14, 1990
STAFF MEMBER Mary Mastrobattista

COMPLAINANT: William Albert Johns

RESPONDENTS: Thomas S. Foley
Committee to Re-Elect Tom Foley and
Leona W. Dexter, as treasurer
Inland Power & Light Company

RELEVANT STATUTES: 2 U.S.C. § 441b(a)
2 U.S.C. § 441b(b)(2)
2 U.S.C. § 431(9)(B)(i)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter originated as an external complaint filed by William Albert Johns.

II. FACTUAL AND LEGAL ANALYSIS

On December 10, 1990, the Complainant filed a complaint with the Commission alleging that Congressman Thomas S. Foley received an illegal contribution from Inland Power & Light Company in connection with an editorial published in the November 1990 issue of "Inland Country." Alternatively, the Complainant asserts that Congressman Thomas S. Foley failed to report the alleged contribution received from Inland Power & Light Company.

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The Complainant asserts that several pages of the November 1990 issue of "Inland Country", a monthly publication of Inland Power & Light Company, were "dedicated to political advertising under the guise of an (sic) 'Guest Editorial'." The Complainant further asserts that he received the November 1990 issue of "Inland Country" on November 2, 1990, leaving no time "to rebut what is in my opinion false and politically motivated statements glorifying the 101st Congress and therefore Congressman Thomas Foley, who is running for re-election November 5 (sic), 1990."

All Respondents were notified of the complaint by letter dated December 14, 1990. Responses were received from Inland Power & Light Company and Congressman Foley; no separate response was received from the Committee to Re-elect Tom Foley or Leona W. Dexter, as treasurer.¹ In its response to the complaint, Inland Power & Light Company states that it is a non-profit electric cooperative, and that "Inland Country" is distributed to the membership and employees of the cooperative on a monthly basis. According to Inland Power & Light Company's response, the purpose of "Inland Country" is:

. . . to educate and brief the readers on the activities of the co-op and the decisions made by the Board of Trustees; regional issues that may affect rates and the future operation of the cooperative; direction and/or

1. Inland Power & Light Company submitted as part of its response complete copies of the September 1990, October 1990, November 1990 and January 1991 issues of "Inland Country". We have attached as part of attachment 1 a copy of the cover of the September, October and January issues, as well as the cover and relevant pages of the November issue. These four issues of "Inland Country" are available in OGC Docket for review in their entirety.

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decisions made by the Bonneville Power Administration (our supplier of electricity) and the Power Planning Council, etc. It is intended to improve the quality of life of our membership by providing information that would assist in the decision making of purchasing services or energy related products.

(Attachment 1, page 9).

Inland Power & Light Company further states that, from time to time, it asks individuals from both the power industry and the political arena to write guest editorials for "Inland Country" to address issues that may be of importance to its membership. Inland Power & Light Company states that it asked Congressman Foley to write a guest editorial to inform its membership of key issues, and was in no way intended to provide Congressman Foley with a political platform. Inland Power & Light Company contends that the guest editorial is nonpartisan, and contains no specific accomplishments of Congressman Foley or his political party. Rather, Inland Power & Light Company contends that the editorial contains only general information regarding the activities of Congress, and does not contain material implied or intended as political advertising.²

Responding to the complaint on behalf of Congressman Foley, counsel contends that the publication of the guest editorial in Inland Power & Light Company's monthly magazine does not

2. Inland Power & Light Company also contends that the publication falls within the exception provided by the Act and the regulations for partisan communication to a corporation's restricted class. 2 U.S.C. § 441b(b)(2)(A); 11 C.F.R. § 114.3. This exemption does not apply to the communication at issue in this matter, however, because the communication was distributed to all employees of the cooperative, and was not limited to executive or administrative personnel. See 11 C.F.R. § 114.1(c).

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constitute a contribution under the Act, as the editorial was not for the purpose of influencing a federal election. Further, counsel contends that the editorial was not published in connection with a federal election.

Counsel for Congressman Foley argues that the publication of the guest editorial in "Inland Country" is a standard constituent service provided by members of Congress and, as such, does not constitute a contribution under the Act. Counsel maintains that the guest editorial makes no mention of the Congressman Foley's candidacy, nor does the editorial mention the November 1990 election. Rather, counsel maintains that the discussion in the guest editorial is limited to legislative issues. Finally, counsel notes that there is no solicitation of contributions in the guest editorial. Counsel concludes by asking the Commission to dismiss the complaint without finding reason to believe or taking any further action.

Under 2 U.S.C. § 441b(a), it is unlawful for any corporation to make a contribution or expenditure in connection with a federal election or for a political committee to knowingly accept or receive a contribution from any corporation. 2 U.S.C. § 441b(b)(2) defines "contribution or expenditure" for purposes of section 441b of the Act to include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate or campaign committee in connection with any election for federal office. 2 U.S.C. § 431(9)(B)(i) provides that the term "expenditure" does not include any news story, commentary, or

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editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate.

Inland Power & Light Company is incorporated under the laws of the state of Washington. Any expenditure made by Inland Power & Light Company in connection with Congressman Foley's 1990 re-election campaign would be prohibited under § 441b(a) of the Act. Thus, the first issue to be addressed in this matter is whether the publication of the guest editorial in the November 1990 issue of "Inland Country" constitutes an expenditure under the Act.

As stated above, § 441b(b)(2) of the Act defines the term "expenditure" to include anything of value made by any person in connection with any election for federal office. In this matter, the following factors are relevant to a determination of whether the cost of publishing the guest editorial constitutes an expenditure under the Act: (1) the timing of the communication; (2) the distribution of the communication; and (3) the electoral content of the communication. The timing of the communication at issue in this matter raises several questions which have yet to be answered. Congressman Foley's guest editorial appeared in the November 1990 issue of "Inland Country." The Complainant asserts that he received the magazine in the mail just 5 days prior to the November election. Although Inland Power & Light Company asserts that the guest editorial was originally slated for the September 1990 issue of

910403632/5

the magazine, the company further asserts that publication of the guest editorial was delayed because Congress was working on the federal budget. It is unclear, however, whether the decision to publish the guest editorial in the November 1990 issue was made at the request of Congressman Foley or the request of Inland Power & Light Company. Through investigation, we would seek to obtain copies of any correspondence between Inland Power & Light Company and Congressman Foley's Committee relating to the decision to place the guest editorial in the November 1990 issue of "Inland Country."

Furthermore, the distribution of the communication also warrants further investigation. Inland Power & Light Company has stated that the magazine is distributed to the membership and employees of the cooperative on a monthly basis. It is unclear, however, whether the November 1990 issue was distributed beyond the membership and employees of the cooperative, or whether magazine is generally available to the general public. In addition, it appears that the area which is serviced by Inland Power & Light Company may coincide with Congressman Foley's district. Thus, the membership of Inland Power & Light Company, to which the magazine was distributed, may consist primarily of Congressman Foley's constituents.

Regarding the content of the guest editorial, there are two factors which merit further consideration. First, it is important to note that the communication was furnished to the magazine by the Committee, rather than an article which was written by the magazine staff. Inland Power & Light Company

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asserts that it asked Congressman Foley if he would provide a guest editorial for the magazine. Inland Power & Light Company also asserts that it asks individuals from "the power side and the political arena" to address issues of importance to its membership "from time to time". It is uncertain, however, whether it is a regular practice of the magazine to feature guest editors. Inland Power & Light Company did provide, in response to the complaint, copies of three other issues of the magazine which featured guest editors: September 1990 - the Mayor of Spokane, Washington; October 1990 - the Executive Vice President and General Manager of the National Rural Electric Cooperative Association; January 1991 - the past President of the Washington Association of Wheat Growers. Further investigation into this matter will enable us to examine whether "Inland Country" has ever featured any federal officeholder as a guest editor, other than Congressman Foley, or whether any other candidate for federal office has ever requested the opportunity to be featured as a guest editor.

Secondly, although the editorial is entitled "The 101st Congress - a historical session", the last few paragraphs of the editorial are more closely focused on Congressman Foley and the challenges of the future. Specifically, the last two paragraphs of the editorial read as follows:

It has been the proudest accomplishment of my life to represent the Fifth District of Washington in the House of Representatives. I am deeply grateful to have had the opportunity to serve the people of eastern Washington for so many years.

The coming years will be a period of

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profound and continuing change. Working together, we can promote our commonly held purpose as a nation, seize and shape the course of this new world, and help ensure our continuing peace and prosperity.

The above passages seem to go beyond a mere historical overview of the 101st session of Congress. In light of the unresolved questions regarding the timing, distribution, and content of the guest editorial, further information is necessary to determine whether the cost of publication of the guest editorial by Inland Power & Light Company constitutes an expenditure under the Act.

As stated earlier, section 431(9)(B)(i) of the Act excludes from the definition of "expenditure" any news story distributed through the facilities of any magazine or other periodical publication, unless such facilities are owned or controlled by any political party, political committee or candidate. Moreover, Commission regulations exclude from the definition of "expenditure" any cost incurred in covering or carrying a news story, commentary, or editorial by any magazine or other periodical publication, unless such facilities are owned or controlled by any political party, political committee or candidate. 11 C.F.R. § 100.8(b)(2). For purposes of section 114.4(e) of the regulations, the Commission has interpreted "magazine" to include a publication in bound pamphlet form appearing at regular intervals (usually either weekly, bi-weekly, monthly or quarterly) and containing articles of news, information, opinion and entertainment, whether of general or specialized interest, and which ordinarily derive their revenues from subscriptions and advertising. Explanation and

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Justification of 11 C.F.R. § 114.4(e); 44 Fed. Reg. 76735 (1979).

In this matter, further investigation is also warranted to determine whether the press exception as set forth in 2 U.S.C. § 431(9)(B)(i) applies to the publication of "Inland Country" by Inland Power & Light Company. Inland Power & Light Company does not assert application of the press exemption in its response to the complaint. Further investigation is necessary to determine whether "Inland Country" derives its revenues from subscriptions and advertising, or instead is merely a publication entirely paid for by Inland Power & Light Company. Although it appears from the inside cover that the magazine does charge subscription rates, these rates are nominal: \$1.50 annually for members and \$3.00 annually for non-members. Furthermore, another question which remains to be resolved is whether any additional copies of the November 1990 issue of the magazine were made available to Congressman Foley's Committee, or to the general public, without charge. For these reasons, this Office recommends that the Commission find reason to believe that Inland Power & Light Company violated 2 U.S.C. § 441b(a) for making an expenditure in connection with a federal election. This Office further recommends that the Commission find reason to believe that Thomas S. Foley and the Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, violated 2 U.S.C. § 441b(a).

III. RECOMMENDATIONS

1. Find reason to believe that Thomas S. Foley, Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, and Inland Power & Light Company violated 2 U.S.C. § 441b(a).

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2. Approve the attached factual and legal analyses and the appropriate letters.

Lawrence M. Noble
General Counsel

Date 7/22/91

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Responses to the Complaint
2. Factual and legal analyses (3)

71040361730



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: JULY 29, 1991

SUBJECT: MUR 3198 - FIRST GENERAL COUNSEL'S REPORT
DATED JULY 22, 1991

The above-captioned document was circulated to the
Commission on WEDNESDAY, JULY 24, 1991 11:00 A.M.

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

Commissioner Aikens	_____
Commissioner Elliott	_____XXX_____
Commissioner Josefiak	_____XXX_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____XXX_____

This matter will be placed on the meeting agenda
for TUESDAY, AUGUST 13, 1991.

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

1104055

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 3198
Thomas S. Foley;)	
Committee to Re-Elect Tom Foley)	
and Leona W. Dexter as treasurer;)	
Inland Power & Light Company.)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 13, 1991, do hereby certify that the Commission decided by a vote of 6-0 to reject the recommendations contained in the General Counsel's July 22, 1991 report and instead take the following actions in MUR 3198:

1. Find no reason to believe that Thomas S. Foley, the Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, and Inland Power & Light Company violated 2 U.S.C. § 441b(a).
2. Close the file.
3. Direct the Office of General Counsel to send appropriate letters pursuant to the actions noted above.

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

Attest:

8.15.91
Date

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

1104056932



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 26, 1991

Christopher J. Aiken
Inland Power & Light Company
320 E. Second Avenue
Spokane, WA 99202

RE: MUR 3198
Inland Power & Light Company

Dear Mr. Aiken:

On December 14, 1990, the Federal Election Commission notified Inland Power & Light Company of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On August 13, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Inland Power & Light Company violated 2 U.S.C. § 441b(a). Accordingly, the Commission closed its file in this matter. A statement of reasons explaining the Commission's decision in this matter will be forwarded to you.

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

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in cursive script, appearing to read "Lois G. Lerner".

BY: Lois G. Lerner
Associate General Counsel

Enclosures
General Counsel's Report
Certification

40562734



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 26, 1991

Leona W. Dexter, Treasurer
Committee to Re-Elect Tom Foley
601 West 1st Avenue #2-W
Spokane, WA 99204

RE: MUR 3198
Committee to Re-Elect Tom Foley
and Leona W. Dexter, as treasurer

Dear Ms. Dexter:

On December 14, 1990, the Federal Election Commission notified the Committee to Re-Elect Tom Foley and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On August 13, 1991, the Commission found, on the basis of the information in the complaint that there is no reason to believe the Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, violated 2 U.S.C. § 441b(a). Accordingly, the Commission closed its file in this matter. A statement of reasons explaining the Commission's decision in this matter will be forwarded to you.

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

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosures
General Counsel's Report
Certification

71040361905



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

August 26, 1991

Judith L. Corley, Esq.
Perkins Coie
607 14th Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3198
Thomas S. Foley

Dear Ms. Corley:

On December 14, 1990, the Federal Election Commission notified Thomas S. Foley of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On August 13, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe Thomas S. Foley violated 2 U.S.C. § 441b(a). Accordingly, the Commission closed its file in this matter. A statement of reasons explaining the Commission's decision in this matter will be forwarded to you.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
General Counsel's Report
Certification

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 3198

DATE FILMED 9/27/91 CAMERA NO. 7

CAMERAMAN AS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3198 .

9/30/91

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 1991

CLOSED

Christopher J. Aiken
Inland Power & Light Company
320 E. Second Avenue
Spokane, WA 99202

RE: MUR 3198
Inland Power & Light Company

Dear Mr. Aiken:

By letter dated August 26, 1991, the Office of the General Counsel informed you of determinations made with respect to a complaint filed against Inland Power & Light Company. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to find no reason to believe that Inland Power & Light Company violated 2 U.S.C. § 441b(a) and to close the file. This document will be placed on the public record as part of the file of MUR 3198.

If you have any questions, please contact Mary P. Mastrobattista, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Statement of Reasons

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 1991

Judith L. Corley, Esq.
Perkins Cole
607 14th Street, N.W.
Washington, D.C. 20005-2011

RE: MUR 3198
Thomas S. Foley

Dear Ms. Corley:

By letter dated August 26, 1991, the Office of the General Counsel informed you of determinations made with respect to a complaint filed against Thomas S. Foley. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to find no reason to believe that Thomas S. Foley violated 2 U.S.C. § 441b(a) and to close the file. This document will be placed on the public record as part of the file of MUR 3198.

If you have any questions, please contact Mary P. Mastrobattista, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner
by [Signature]

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Statement of Reasons

91040871671



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 1991

Leona W. Dexter, Treasurer
Committee to Re-Elect Tom Foley
601 West 1st Avenue #2-W
Spokane, WA 99204

RE: MUR 3198
Committee to Re-Elect Tom Foley
and Leona W. Dexter, as treasurer

Dear Ms. Dexter:

By letter dated August 26, 1991, the Office of the General Counsel informed you of determinations made with respect to a complaint filed against the Committee to Re-Elect Tom Foley and you, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to find no reason to believe that the Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, violated 2 U.S.C. § 441b(a) and to close the file. This document will be placed on the public record as part of the file of MUR 3198.

If you have any questions, please contact Mary P. Mastrobattista, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Statement of Reasons

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 1991

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

William Albert Johns
Rt. 4 Box 416
Cheney, WA 99004

RE: MUR 3198

Dear Mr. Johns:

By letter dated August 26, 1991, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against Thomas S. Foley, Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, and Inland Power & Light Company. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to find no reason to believe that Thomas S. Foley, Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, and Inland Power & Light Company violated 2 U.S.C. § 441b(a) and to close the file. This document will be placed on the public record as part of the file of MUR 3198.

If you have any questions, please contact Mary P. Mastrobattista, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Statement of Reasons

91040871673



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20461

STATEMENT OF REASONS

In the Matter of

Thomas S. Foley)

Committee to Re-Elect Tom)

Foley and Leona W.)

Dexter, as treasurer)

Inland Power & Light Company)

MUR 3198

On August 13, 1991, the Federal Election Commission rejected the recommendations of the Office of General Counsel and voted instead to find no reason to believe Thomas S. Foley, the Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, and Inland Power & Light Company violated 2 U.S.C. § 441b(a).

The complaint in this matter asserted that several pages of the November 1990 issue of "Inland County" (a monthly publication of the Inland Power & Light Company) were actually "political advertising under the guise of a 'Guest Editorial'" by Congressman Tom Foley. The Commission's General Counsel agreed, and argued the editorial constituted an "expenditure" under the Act in violation of 2 U.S.C 441b's prohibition against a corporation providing anything of value in connection with a federal election.

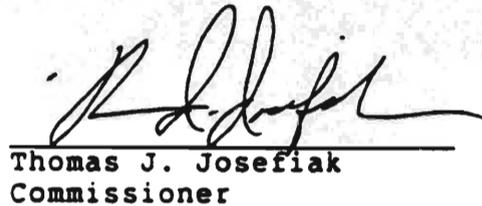
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We disagreed. The article is merely an officeholder communicating with his constituents about the accomplishments of the 101st Congress. We did not find compelling the last few paragraphs of the editorial which, in the words of our counsel, "more closely focused on Congressman Foley and the challenges of the future." Under these circumstances, we did not find it necessary to examine the distribution of the newsletter, or whether "Inland County" derived its operating revenue from subscriptions and advertising or from the Inland Power and Light Company.

Concluding that the article by Inland Power & Light did not constitute an expenditure under the Act, the Commission voted to find no reason to believe the Respondents violated 2 U.S.C. § 441b(a) and closed the file.


John Warren McGaffry
Chairman


Thomas J. Josefiak
Commissioner


Joan D. Aikens
Vice Chairman


Danny L. McDonald
Commissioner


Lee Ann Elliott
Commissioner


Scott E. Thomas
Commissioner

September 16, 1991



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO
THE PUBLIC RECORD IN CLOSED MUR 3198.

10/21/91

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ot, Josefiak, McDonald,
and Thomas
ission

Commissioner
Federal Election
999 E St
Washington

RE:MUR 3198

CLOSED

Oct 9, 1991

91 OCT 17 8 10:44

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Dear

was very disappointed by your response to my complaint about
as Foley and Inland Power and Light. I was naive enough to
spend my time wading through the regulations and putting down
all the facts in just the proper manner in order to be considered by
your commission. I actually believed that this commission would
try to make the election process fair to all parties. What a
disappointment to be notified of a 6 to 0 vote even with a
recommendation from your own staff as follows;

"Find reason to believe that Thomas S. Foley, Committee
to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, and
Inland power and Light company violated 2 USC 441b(a)."
Even one of you voting to look further into the matter would
have given me some hope in the system. I guess that someone
as powerful as Tom Foley can do whatever he pleases with your
blessing.

Sincerely,

William Albert Johns

William Albert Johns
S 12608 Scribner Road
Cheney, Washington 99004

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Commissioners Aikens, Elliot, Josefak, McDonald,
McGarry, and Thomas
Federal Elections Commission
999 E Street, NW
Washington, DC 20463

CLOSED

RE:MUR 3198

Dear Commissioners,

Oct 9, 1991

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 OCT 17 11:10-44

I was very disappointed by your response to my complaint against
Thomas Foley and Inland Power and Light. I was naive enough to
spend my time wading through the regulations and putting down
all the facts in just the proper manner in order to be considered by
your commission. I actually believed that this commission would
try to make the election process fair to all parties. What a
disappointment to be notified of a 6 to 0 vote even with a
recommendation from your own staff as follows;

"Find reason to believe that Thomas S. Foley, Committee
to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, and
Inland power and Light company violated 2 USC 441b(a)."
Even one of you voting to look further into the matter would
have given me some hope in the system. I guess that someone
as powerful as Tom Foley can do whatever he pleases with your
blessing.

Sincerely,

William Albert Johns
S 12608 Scribner Road
Cheney, Washington 99004

1421 880 4016

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 3198
Thomas S. Foley;)	
Committee to Re-Elect Tom Foley)	
and Leona W. Dexter as treasurer;)	
Inland Power & Light Company.)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on August 13, 1991, do hereby certify that the Commission decided by a vote of 6-0 to reject the recommendations contained in the General Counsel's July 22, 1991 report and instead take the following actions in MUR 3198:

1. Find no reason to believe that Thomas S. Foley, the Committee to Re-Elect Tom Foley and Leona W. Dexter, as treasurer, and Inland Power & Light Company violated 2 U.S.C. § 441b(a).
2. Close the file.
3. Direct the Office of General Counsel to send appropriate letters pursuant to the actions noted above.

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

Attest:

8.15.91
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3198.

11/6/91

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1991

William Albert Johns
S 12608 Scribner Road
Cheney, WA 99004

RE: MUR 3198

Dear Mr. Johns:

This is to acknowledge receipt of your letter dated October 9, 1991, regarding the above referenced matter. We have placed your letter on the public record in connection with this matter.

By letter dated September 24, 1991, this Office forwarded to you a copy of the Statement of Reasons adopted by the Commission. The Statement of Reasons explains the Commission's decision to find no reason to believe that section 441b(a) of the Act has been violated and to close the file in this matter.

Should you have any questions, please contact Mary P. Mastrobattista, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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