FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3438

DATE FILMED 3-27-92 CAMERA NO. 3

CAMERAMAN JMH

9204090000002

MUR 3438

October 11, 1991

1001122 F2:47

Federal Election Commission
Att: Lois Lerner, Associate
General Council for Enforcement
999 E Street, NW
Washington, D.C. 20463

Dear Ms. Lerner:

Attached please find a copies of fundraising letters written by Congressman Gerry E. Studds (MA-10) and Joseph Steffan on his behalf.

We believe that Mr. Studds' use of "House of Representatives" on his fundraising letter is a violation of House Ethics Rule 43, Clause 11, which prevents such use except for official business. While we have brought that matter to the attention of the U.S. House of Representatives Committee on Standards of Official Conduct, we feel that other aspects of the letter may constitute violations of the Federal Election Act.

Please note that on the return card which begins "Dear Gerry, Bigots anger me too," donors are requested to make checks payable to the "Studds for Congress Committee," while immediately below is a disclaimer that the mailing is paid by the "Committee to Re-Elect Congressman Studds." It is our understanding that the "Studds for Congress Committee" is not a registered committee with the FEC, and thus its use in this letter may constitute a violation of the Act.

Also, we note that the mailing is targeted to a nation-wide special interest group, as have previous mailings by Mr. Studds. However, Mr. Studds FEC reports do not seem to reflect the numbers of itemized donors from out-of-district which should result from such mass mailings. We have reason to believe that Mr. Studds' committee may not be itemizing all contributions as required by the Act and my be aggregating them in the unitemized category. Further, we ask that the FEC investigate the committee's itemized contributions within the district, to determine if, in fact, they were actually made by such individuals. The issue of out-of-district contributions by special-interests to Mr. Studds was a concern in the 1990 election.

Thank you for your consideration in this matter.

I swear that the foregoing is true to the best of my knowledge and belief under the pain and penalties of perjury.

Jon L. Bryan

Jon L. Bryan
Signed and sworn to before me on this 11th day of October, 1991.
My commission expires 13 March 1992

Robert E. Reddy

92040900003

Exhibit 1

HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

GERRY E. STUDDS
TENTH DISTRICT
MASSACHUSETTS

Dear Friend,

Do "crusades" — by zealots hell-bent to purge our society of unpopular racial, religious or other minority groups — scare you?

They anger me. And as a member of Congress, I channel that anger to confront such zealots wherever I find them, including in the Pentagon.

I am personally familiar with instances in which:

- two Marine Corps sergeants with distinguished service records were found "guilty" of lesbianism and each served one year in a military brig, after which they received dishonorable discharges;
- an Army ROTC cadet in Missouri, featured in national military recruiting campaigns, was dismissed from the program solely because he was gay and ordered to repay $25,000 in scholarship grants; and,
- a North Carolina Marine Corps captain with twelve years service faced the serious charge of "conduct unbecoming an officer" for *associating* with a gay civilian.

These cases — like Joe Steffan's and dozens of others, in every state in the nation — are nothing less than legalized discrimination. If they had involved race or gender, rather than sexual orientation, these prosecutions would be roundly condemned.

Our only choice is to fight harder and smarter than our adversaries. My victory at the polls a few short months ago showed the power of commitment to convictions and ideals over an insidious crusade.

Last November, I faced Jon Bryan, a multi-millionaire who cluttered local newspapers and airwaves with campaign ads that played so fast and loose with the truth that, in any other year, you'd relegate them to the comics page.

But in today's cynical and media-driven climate of negative political campaigns, the "Bryan Crusade" (as he calls it) was front-page news. And it was not until 6 a.m. the day after the election that I knew for sure that we had prevailed.

It is critical not to be so vulnerable. That is why I must ask for your help now.

If you close your eyes when Jon Bryan speaks, you hear the crusading voices of Jesse Helms and Newt Gingrich. If you scan his political contributors, you find obsessed homophobes like William Dannemeyer. If you follow him on the stump, you see Dapper O'Neil, a gay-bashing throwback to the ugliest in Boston hack politics.

There are dozens of Jon Bryans in Congress today — taking cues from the far-right wing, spouting anti-gay credos, and demeaning the political process with appalling campaigns of distortion against those with the courage and independence to call for real change.

9 2 0 4 0 9 0 0 0 0 4

If that difference matters to you, now is the time to prepare.

In lieu of a concession speech on Election Night, Jon Bryan announced his candidacy for 1992. He has since hired seasoned campaign operatives known more for pranks than planks. And he is already flooding local rumor mills and unsuspecting letters-to-the-editor columns with the kind of half-truths and innuendo that would make anyone else ashamed to aspire to public office.

My own campaigns have always survived on nickels and dimes and elbow-grease. To combat Bryan's exploitative media, however, the 1990 race turned out to be my most expensive ever.

And my razor-thin margin of victory last November ensures that our next race will be targeted for all-out assault by the Republican National Committee.

I wish there were some breathing space. But to prepare for the full-scale challenge that is certainly coming, I need your support now.

Elections are not ends in themselves. They allow us to shape the kind of world in which we live.

Our nation, after all, is capable of building nuclear submarines as silent in their passage as a stalking cat. We have built planes that can drop a bomb through a ventilation shaft from above the clouds. We have built missiles that can hit their targets with precision from hundreds of miles away.

We can do whatever we really want to. And what we should do now is apply every ounce of our energy and compassion and commitment toward ensuring basic civil rights for all Americans, crafting a far more rational and effective response to the AIDS crisis, and confronting the other problems we face in our own neighborhoods and schools and communities at home.

And we should not give an inch to the crusades of zealots.

If it is at all possible, please try to help now, so we can fashion the strongest possible campaign for 1992.

Again, my warmest thanks and please stay in touch.

Sincerely,

Gerry Studds

P.S. I would not alarm you needlessly. I promise that I am not crying wolf when I say that I need your help right away.

9 2 0 4 0 9 0 0 0 5

Exhibit 2



**JOSEPH STEFFAN**

Dear Friend,

Not long ago, I was a high ranking midshipman at the U.S. Naval Academy. As a Battalion Commander, I had been selected to command one sixth of the Academy's 4,500 Midshipmen.

I had always wanted to serve my country. With only six weeks to graduation, I was poised to begin my military career as a nuclear submarine officer.

Then I was questioned by the Academy's Commandant concerning rumors about my sexual orientation. I responded truthfully that I am gay. For this reason alone, I was discharged from the Academy and denied my diploma and my commission as an officer.

Since then, I have fought against the military's discriminatory policies in the courts and in the media. No one has been more supportive than Congressman Gerry Studds.

Rep. Studds, the first openly gay member of Congress, has worked harder than anyone I know in Washington to help gay men and lesbians who have been victims of Defense Department witch-hunts.

Gerry Studds fights for us every day — against generals and admirals when necessary — with the vision and effectiveness that also distinguishes his work as Chairman of a key House environmental subcommittee. And just this year, Gerry won a seat on the prestigious House Subcommittee on Health, which oversees federal policy on a broad range of health issues, including AIDS and reproductive choice.

Last November, Gerry faced one of the nastiest political challenges in the country. His opponent, an independently wealthy Cape Cod businessman, bankrolled a campaign thick with distortion and innuendo. Gerry overcame that challenge narrowly, but it was *much* too close for comfort.

That same opponent has already been running hard again, with daily attacks that would appall you even without their homophobic overtones. Quite simply, we can't afford to lose the powerful voice of Gerry Studds in Congress.

For those of us who cannot vote for Congressman Studds, there is another important way to help. Please read Gerry's letter, which follows, and please use the enclosed envelope to make a *generous* contribution to his reelection campaign.

Sincerely,

Joe Steffan

Joseph Steffan

**Dear Gerry,**

Bigots anger me, too. And we should not give in an inch to their crusades. Enclosed is my contribution to help you fight the good fight.

☐ $35 ☐ $50 ☐ $100 ☐ $250 ☐ $500 ☐ $1000 ☐ Other _____

PLEASE FOLD HERE

**Thanks for Your Support!**

★ Please make check payable to the Studds for Congress Committee.

*Corporate donations are prohibited by law.*

*Paid for by the Committee to Re-Elect Congressman Studds.*

SENT.

Exhibit 3

9 2 0 4 0 9 0 0 0 0 7

Box 88
Osterville, MA 02655

9 2 0 4 0 9 0 0 0 0 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1991

Jon L. Bryan
215 Prince Avenue
Harston Hills, MA 02648

RE: MUR 3438

Dear Mr. Bryan:

This letter acknowledges receipt on October 22, 1991, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by The Honorable Gerry E. Studds, The Committee to Re-elect Congressman Studds, and Edwin H. Martin, Jr., as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3438. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

9204090009

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1991

Edwin H. Martin, Jr., Treasurer
The Committee to Re-elect Congressman Studds
P.O. Box 513
Scituate, MA 02066

RE: MUR 3438

Dear Mr. Martin:

The Federal Election Commission received a complaint which alleges that The Committee to Re-elect Congressman Studds ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3438. 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 Committee and you, as treasurer, 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.

92040900010

If you have any questions, please contact Tonda M. Mott, the staff member assigned to this matter, at (202) 219-3400. For your information, we have enclosed 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

92040900011

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1991

The Honorable Gerry E. Studds
P.O. Box 513
Scituate, MA 02066

RE: MUR 3438

Dear Mr. Studds:

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 3438. 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.

92040900012

If you have any questions, please contact Tonda M. Hott, the staff member assigned to this matter, at (202) 219-3400. For your information, we have enclosed 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

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A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 DEC 18 PM 4:01

December 18, 1991

Lawrence M. Noble, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Attention: Tonda M. Mott

**Re: MUR 3438 - Studds for Congress Committee and Edwin M. Martin, Jr., as Treasurer**

Dear Mr. Noble:

This letter constitutes the response through counsel of the Studds for Congress Committee (the "Committee") and Edwin M. Martin, Jr., as Treasurer (collectively "Respondents") to the complaint filed by Mr. Jon L. Bryan.

Mr. Bryan's first allegation is that the use of "Studds for Congress Committee" in a mailing to prospective donors "may be a violation of the Act." He cannot identify, nor was there, any violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 431 et. seq.. The authorized committee of Congressman Gerry Studds was registered from 1974 through October, 1991 as the Committee to Re-elect Congressman Studds. Occasionally the Committee has used a more informal, abbreviated version of the name of the Committee: Studds for Congress Committee.

The mailing Mr. Bryan cites specifically in his complaint carries the disclaimer "Paid for by the Committee to Re-elect Congressman Studds". The Committee designated an alternative and more concise name -- the "Studds for Congress Committee" -- in this mailing for use by donors to return contributions. There was no chance for confusion among the recipients of the mailing since the two names used are clearly and expressly identified with Congressman Gerry Studds.

The Commission has provided guidance that a disclaimer, required under 11 C.F.R. § 110.11, must include the full and official name of the sponsoring committee; no abbreviations are permitted. Federal Election Commission Record, May, 1990 at 9. The Committee followed this guidance precisely by using

[17141-0001/DA913440.008]

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ANCHORAGE • BELLEVUE • LOS ANGELES • PORTLAND • SEATTLE • SPOKANE

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Committee to Re-elect Congressman Studds in the disclaimer. There is no similar requirement, however, for specifying the name prospective donors may use for purposes of making their contributions. The Committee confirmed this point with the Commission's public information services staff prior to sending the mailing. The use of a slightly modified moniker, yet one that was clearly authorized by Congressman Studds, is not confusing to contributors and is not prohibited.

Mr. Bryan also requests that the Commission investigate the accuracy of the Committee's disclosure of contributions. He provides no basis whatsoever for launching such an inquiry, but merely speculates that maybe some contributions are not properly disclosed. Mr. Bryan is incorrect. The wildest of his suggestions is that one of the Committee's mailings should have elicited more contributions. How does Mr. Bryan have any way of predicting the number of donors that "should" result from a mailing? As further evidence of the groundless nature of Mr. Bryan's complaint, the mailing at issue went out after the close of the last reporting period. Therefore, none of the contributions resulting from the mailing will be disclosed until the Committee's year-end report due January 31, 1992.

Respondents request that this matter be dismissed with no further action by the Commission.

Sincerely,

B. Holly Schadler
Counsel
Studds for Congress Committee

BHS:lja

9204090015

RECEIVED
F.E.C.
SECRETARIAT
92 FEB 27 AM 10:02

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

SENSITIVE

# FIRST GENERAL COUNSEL'S REPORT

MUR #3438
DATE COMPLAINT RECEIVED
BY OGC: October 22, 1991
DATE OF NOTIFICATION TO
RESPONDENTS: October 30, 1991
STAFF MEMBER: Tonda M. Mott

COMPLAINANTS: Jon L. Bryan

RESPONDENTS: Congressman Gerry E. Studds; and Studds for Congress Committee[1] and Edwin M. Martin, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441d
2 U.S.C. § 434

INTERNAL REPORTS CHECKED: 1991 Year-End Report

FEDERAL AGENCIES CHECKED: None

## I. GENERATION OF MATTER

This matter was generated by a complaint filed on October 22, 1991, by Jon L. Bryan ("the Complainant") against Congressman Gerry E. Studds, and Studds for Congress Committee (a.k.a. the Committee to Re-Elect Congressman Studds; hereinafter, "the Committee") and Edwin M. Martin, as treasurer (collectively, "the Respondents").[2] The Complainant was Congressman Studds' opponent in 1988 and 1990. According to the

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1. On October 25, 1991, the "Committee to Re-Elect Congressman Studds" amended its Statement of Organization, formally changing the Committee's name to "Studds for Congress Committee." Attachment 3.

2. This complaint was included with information amending other MURs filed by the Complainant against the Respondents.

response, the Complainant "has also announced his intention to run in 1992." Attachment 1, p. 1.

On November 19, 1991, this Office received a Designation of Counsel for this case

## II. FACTUAL AND LEGAL ANALYSIS

The complaint sets forth three allegations based on fundraising letters, written by Congressman Gerry E. Studds and Joseph Steffan, on his behalf. Attachment 4. The fundraising letters were sent out by the Committee in early October 1991. The Complainant alleges that "aspects of the letter may constitute violations of the Federal Election Act [sic]."

The Complainant's first allegation concerns Respondents' use of "House of Representatives" stationery for fundraising letters. See Attachment 4, p. 1. The Complainant states that he believes this use violates House Ethics Rule 43, Clause 11.

Any violation of such a rule does not fall within the jurisdiction of the Commission. The use by Respondents of stationery with a "House of Representatives" logo for fundraising letters does not violate any provision of the Federal Election Campaign Act of 1971, as amended ("the Act").

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Therefore, this Office makes no recommendation to the Commission regarding the first allegation, as no violation of the Act exists in regard to the mere use of stationery with the "House of Representatives" logo on it.

The second allegation of the complaint concerns the use by Respondents of a committee name other than that name registered with the Commission. The Complainant alleges that a violation has occurred because the donation return card enclosed in the fundraising letter stated that contribution checks should be made payable to the "Studds for Congress Committee." See Attachment 4, p. 4.

The Committee, an authorized political committee of the candidate, was registered with the Commission as the "Committee to Re-Elect Congressman Studds" when the fundraising letters were mailed. On October 25, 1991, the Commission received Respondents' amendment to their Statement of Organization, thereby formally changing the Committee's name to the "Studds for Congress Committee." Attachment 3.

The Act requires solicitation materials which are paid for by an authorized political committee of a candidate to "clearly state that the communication has been paid for by such authorized political committee." 2 U.S.C. § 441d(a)(1). However, the Act contains no requirements regarding to whom the donation checks must be made payable.

The Respondents assert that they complied with the requirements of 11 C.F.R. § 110.11 [2 U.S.C. § 441d], by using the full and official name of the Committee in the disclaimer.

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Attachment 1, p. 1. They assert that the Act and Regulations do not require that donors use, or that Respondents request that donors use, the full and official name of the Committee when submitting a donation by means of a written check. Id. at 2. The Respondents maintain that they "confirmed this point with the Commission's public information services prior to sending the mailing." Id.

The Respondents further argue that the donations were made payable to a name which was a "slightly modified moniker" (Id.) of the full and official name; thus, there was "no chance for confusion among the recipients of the mailing since the two names used clearly and expressly identified with Congressman Gerry Studds." Id. at 1.

This Office agrees with the arguments set forth by the Respondents that no provision of the Act requires donors to use the full and official name of the Committee when writing contribution checks. Further, the disclaimer on the Respondents' materials clearly states that the solicitation materials were "[p]aid for by the Committee to Re-Elect Congressman Studds."[4] Respondents fully complied with the Act by using the full and official name of the Committee in its disclaimer. Therefore, this Office recommends that the Commission find no reason to believe that Respondents violated 2 U.S.C. § 441d.

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4. Circumstances might exist where use of a different name on the donation card would raise questions regarding the clarity of the disclaimer; however, no such issue is present in this case.

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The third allegation concerns donations which the Complainant maintains would have derived from the mailing at issue. The complaint states that "Mr. Studds [sic] FEC reports do not seem to reflect the numbers of itemized donors from out-of-district which should result from such a mass mailing," and that Respondents "may not be itemizing all contributions." Further, the Complainant requests that the Commission "investigate the committee's itemized contributions within the district, to determine if, in fact, they were actually made by such individuals."

Respondents argue that Complainant merely speculates that contributions were not properly disclosed. Respondents point to the Complainant's statement that the mailing should have elicited more contributions. Attachment 1, p. 2. Respondents argue that there is no way that the Complainant could determine the number of donors that should result from a mailing. Id. Further, Respondents argue that any contributions from the mailing at issue would not be reported until the Committee's report due January 31, 1991. Id. Respondents assert that this is "further evidence of the groundless nature of Mr. Bryan's complaint." Id.

The Act requires that all political committees which are the principle campaign committee of a candidate for the House of Representatives or for the Senate shall file with the Commission mid-year and year-end reports during non election years. 2 U.S.C. § 434(a)(2)(B). The year-end report, covering the period from July 1 through December 31, is due no later than

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January 31 of the following calendar year. Id. The committee must include in such reports the identification of only those contributors whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year. 2 U.S.C. § 434(b)(3).

The fundraising letters were sent out by the Committee in early October 1991, a non-election year. At the time that Complainant made his allegations, such allegations were premature because contributions resulting from the mailings had not then been required to be reported. Further, Complainant's allegations are merely speculative. Complainant has provided no evidence to substantiate his allegations that the Respondents received more donations than were reported, and that those donations which the Committee reported were given by someone other than who was reported as the contributor.

While it is not possible to identify contributions reported as resulting directly from the mailings at issue, the 1991 Year-End Report filed by the Committee appears to contain no misrepresentations. The Committee has reported a total of $71,084.58 in individual contributions. Attachment 5. The report indicates a substantial amount of itemized contributions following the mailing - $24,500[5] of the $27,200 total of itemized contributions. Id. Additionally, the Committee

5. This figure includes only those contributions which were made within the time period reported but after the mailing, i.e. October, November, and December. Contributions made during that time period but made by individuals who also contributed to the Committee prior to the mailing are not included.

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reported $43,884.58 in unitemized contributions received between July 1 and December 31 of 1991. Id. The Committee is only required to report the names of those contributors who contribute in excess of $200 within the calendar year.

Therefore, this Office recommends that the Commission find no reason to believe that Respondents violated 2 U.S.C. § 434.

## III. RECOMMENDATIONS

1. Find no reason to believe that Congressman Gerry E. Studds, and Studds for Congress Committee and Edwin M. Martin, as treasurer, violated 2 U.S.C. §§ 441d and 434.

2. Approve the appropriate letters.

3. Close the file.

Lawrence M. Noble
General Counsel

2-26-92
Date

BY: Lois G. Lerner
Associate General Counsel

Attachments
1. Response
2. Respondents merger request
3. Respondents amendment to Statement of Organization
4. Fundraising letter
5. 1991 Year-End Report - Detailed Summary and Itemized Individual Contributions

92040900022

BEFORE THE FEDERAL ELECTION COMMISSION

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | |
| Congressman Gerry E. Studds; and | ) | MUR 3438 |
| Studds for Congress Committee and | ) | |
| Edwin M. Martin, as treasurer. | ) | |

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 2, 1992, the Commission decided by a vote of 5-0 to take the following actions in MUR 3438:

1. Find no reason to believe that Congressman Gerry E. Studds, and Studds for Congress Committee and Edwin M. Martin, as treasurer violated 2 U.S.C. §§ 441d and 434.

2. Approve the appropriate letters, as recommended in the General Counsel's Report dated February 26, 1992.

3. Close the file.

Commissioners Aikens, Elliott, McGarry, Potter and Thomas voted affirmatively for the decision; Commissioner McDonald did not cast a vote.

Attest:

March 2, 1992
Date

for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Thurs., Feb. 27, 1992 10:02 a.m.
Circulated to the Commission: Thurs., Feb. 27, 1992 4:00 p.m.
Deadline for vote: Mon., Mar. 2, 1992 4:00 p.m.

92040900023

CLOSED

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1992

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

Mr. Jon L. Bryan
215 Prince Avenue
Harston Hills, MA 02648

RE: MUR 3438
Congressman Gerry E. Studds;
and Studds for Congress
Committee and Edwin M.
Martin, as treasurer

Dear Mr. Bryan:

On March 2, 1992, the Federal Election Commission reviewed the allegations of your complaint dated October 11, 1991, and found that on the basis of the information provided in your complaint and information provided by the above captioned Respondents, there is no reason to believe the Respondents violated 2 U.S.C. §§ 441d and 434. Accordingly, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

9204090024

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1992

Judith L. Corley, Esquire
Perkins Coie
607 Fourteenth Street, N.W.
Suite 800
Washington, D.C. 20005

RE: MUR 3438
Congressman Gerry E. Studds;
and Studds for Congress
Committee and Edwin M.
Martin, as treasurer

Dear Ms. Corley:

On October 30, 1991, the Federal Election Commission notified your clients, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On March 2, 1992, the Commission found, on the basis of the information in the complaint, and information provided by your firm, that there is no reason to believe your clients violated 2 U.S.C. §§ 441d and 434. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
GC Report

92040900025

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3438

DATE FILMED 3-27-92 CAMERA NO. 3

CAMERAMAN Tmt

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

✓ Microfilm

Public Reds

Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3438.

4/21/94

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PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. • WASHINGTON, D.C. 20005-2011 • (202) 628-6600

91 DEC 18 PM 4:00

December 18, 1991

Lawrence M. Noble, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Attention: Tonda M. Mott

**Re: MURs 3365, 3370, 3376, 3438, 3439 - Studds for Congress Committee and Edwin M. Martin, Jr., as Treasurer**

Dear Mr. Noble:

Enclosed you will find the responses of the Studds for Congress Committee (the "Committee") and Edwin M. Martin, Jr., as Treasurer, to the four complaints most recently filed by Mr. Jon L. Bryan and the Massachusetts Republican Party.*/ Bryan was Congressman Studds' Republican opponent in 1988 and 1990. He has also announced his intention to run in 1992. These complaints represent only the most recent attempts by Bryan to harass the Studds Committee and further his own political ambitions, by appealing to the Commission and other federal agencies to investigate spurious allegations.

As a cornerstone of his campaigns, Bryan has repeatedly and redundantly raised issues in complaints filed with the Commission, only some of which relate to federal election laws. His allegations are based on wild speculation with no legal or factual support. In each instance, Bryan or the Republican Party have used the opportunity to hold a press conference -- in some cases scheduling multiple media appearances -- to announce the filing of another complaint.

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*/ On July 26, 1991, Bryan filed a complaint alleging that the Committee placed two advertisements in the Cape Cod Times for which it never paid; he incorrectly concluded that the cost of the ads constituted an illegal in-kind corporate contribution. The Committee, in a letter dated August 12, 1991 and signed by Congressman Studds, responded to these allegations in MUR 3365.

[17141-0001/DA913460.032]



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See Exhibit 1. These groundless attacks constitute an abuse of the Commission's enforcement process, solely for purposes of his own political gain, and should not be condoned.

We request that the five MURs be consolidated for Commission consideration so that the pattern of harassment of these specious allegations is evident. Further, we request that the Commission dismiss these complaints with no further action.

Sincerely,

B. Holly Schadler
Counsel
Studds for Congress Committee

cc: Jeffrey Long

Enclosure

BHS:lja

[17141-0001/DA913460.002]

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