



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3467

DATE FILMED 3/13/68 CAMERA NO. 3

CAMERAMAN T. J. ...

PEABODY



Vice President

It should be your choice!

January 22, 1992

Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

MUR 3469

RE: Complaint

Dear Sir:

In response to your suggestion from my counsel, Irving Panzer of Washington, D.C., I am filing this complaint against the Bush-Quayle '92 Primary Committee.

My basis for the complaint is that this committee has a misleading name which has resulted in raising funds under the misrepresentation that J. Danforth Quayle is a primary candidate in 1992. In fact, he is not a primary candidate. There is only one primary in the nation for Vice President, and that is in New Hampshire. I am a candidate myself in the Democratic Vice Presidential Primary, and I urged Mr. Quayle to file his name in the primary. He did not. Consequently, he cannot be a primary candidate at all in 1992.

The Bush-Quayle '92 Primary Committee has been engaged in raising funds for the committee. Indeed, one check from this committee was filed by Mrs. Bush as a filing fee for George Bush to enter the New Hampshire Primary. It was filed with the Secretary of State.

Obviously, anyone who contributed funds to this committee must have been under the impression that Quayle as well as Bush was a candidate in the '92 primary. Since this is not so, any funds so raised, certainly since December 20, 1991, and indeed before that, in my opinion, were raised under a misrepresentation. It is my opinion, that since Mr. Quayle is not a primary candidate, the following should take place:

1. The funds raised by the Bush-Quayle '92 Primary Committee should be returned to the donors, since they were under the impression they were giving to the Quayle Primary Committee.

92 JAN 27 AM 10:36

92 JAN 27 PM 3:38

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Vote for the right to Vote

Endicott (Chub) Peabody · 7 Concord Street · Nashua, NH 03060 · (603) 886-8700 FAX 595-4258

2. None of these funds should be used as matching funds by George Bush since it is not clear that they were given for George Bush, but for Bush and Quayle.
3. None of these funds should be used by Dan Quayle for political expenditures during the primary period, since he quite plainly is not a primary candidate, nor can he be one.

The New Hampshire Primary is on February 18, 1992. I would appreciate your processing this complaint prior to that time for the benefit of the New Hampshire voters.

Sincerely yours,



Endicott Peabody
7 Concord Street
Nashua, New Hampshire, 03060

Hillsborough, SS

Signed and sworn to before me, Joan Deguise, Notary Public
on January 22, 1992



Notary Public

JOAN DEGUISE, Notary Public
My Commission Expires December 31, 1993



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 29, 1992

Endicott Peabody
7 Concord Street
Nashua, NH 03060

RE: MUR 3469

Dear Mr. Peabody:

This letter acknowledges receipt on January 27, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, 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 3469. 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.

Sincerely,

Jonathan Bernstein by MA

Jonathan Bernstein
Assistant General Counsel

Enclosure
Procedures



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 29, 1992

Bush-Quayle '92 Primary Committee, Inc.
J. Stanley Huckaby, Treasurer
228 S. Washington Street
Suite 200
Alexandria, VA 22314

RE: MUR 3469

Dear Mr. Huckaby:

The Federal Election Commission received a complaint which alleges that the Bush-Quayle '92 Primary Committee, Inc. ("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 3469. 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.

If you have any questions, please contact Tony Buckley, the attorney 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,

Jonathan Bernstein by MA

Jonathan Bernstein
Assistant General Counsel

Enclosures

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

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

RECEIVED
F.E.C.
SECRETARIAT
92 FEB -7 AM 10:15

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR # 3469
DATE COMPLAINT RECEIVED
BY OGC: January 27, 1992
DATE OF NOTIFICATION TO
RESPONDENTS: January 29, 1992
STAFF MEMBER: Tony Buckley

COMPLAINANT: Endicott Peabody

RESPONDENTS: Bush-Quayle '92 Primary Committee, Inc. and
J. Stanley Huckaby, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 432(e)(1)
2 U.S.C. § 432(e)(4)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

Endicott Peabody, a Democratic candidate for Vice President in the 1992 New Hampshire Primary Election, filed a complaint against the Bush-Quayle '92 Primary Committee, Inc. (the "Committee") and J. Stanley Huckaby, as treasurer. Attachment 1. Mr. Endicott alleges that the Committee has a misleading name "which has resulted in raising funds under the misrepresentation that [Vice President] Quayle is a primary candidate in 1992." Mr. Endicott further alleges that anyone who contributed funds to the Committee "must have been under the impression that [Mr.] Quayle as well as [Mr.] Bush was a candidate in the '92 primary."

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to the Federal Election Campaign Act of 1971, as

amended (the "Act"), each candidate for Federal office (other than the nominee for the office of Vice President) shall designate a political committee to serve as that candidate's principal campaign committee. 2 U.S.C. § 432(e)(1). The name of each committee authorized by a candidate, including that candidate's principal campaign committee, shall include the name of the candidate who authorized the committee. 2 U.S.C. § 432(e)(4). This is the only restriction placed on the name given to a candidate's authorized campaign committees.

As the Committee is the principal campaign committee of George Bush, it must include his name. This it does. The committee is not prohibited from including Mr. Quayle's name as well.

Nor is there any indication that potential contributors are confused about to whom their contributions are going. Mr. Endicott points out that Mr. Quayle has not filed as a candidate in the New Hampshire primary, and it is unlikely that any contributor would consider that money they are giving would be used for anything other than Mr. Bush's primary effort. Accordingly, this Office recommends that the Commission find no reason to believe that the Committee and its treasurer violated the Act, approve the appropriate letters and close the file.¹

III. RECOMMENDATIONS

1. Find no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer,

1. While this Office has notified the Respondents of the complaint, the issue seems so clear that we are not waiting for a response to make this no reason to believe recommendation to the Commission. See 2 U.S.C. § 437g(a)(1).

violated the Federal Election Campaign Act of 1971, as amended, in connection with the complaint in this matter.

2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble
General Counsel

Date 2/6/92

BY: 
Lois G. Lerner
Associate General Counsel

Attachment
Complaint

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bush-Quayle '92 Primary Committee,) MUR 3469
Inc. and J. Stanley Huckaby, as)
treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 11, 1992, the Commission decided by a vote of 6-0 to take the following actions in MUR 3469:

1. Find no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, violated the Federal Election Campaign Act of 1971, as amended, in connection with the complaint in this matter.
2. Approve the appropriate letters, as recommended in the General Counsel's Report dated February 6, 1992.
3. Close the file.

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

Attest:

2-12-92
Date

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

Received in the Secretariat: Fri., Feb. 07, 1992 10:16 a.m.
Circulated to the Commission: Fri., Feb. 07, 1992 12:00 p.m.
Deadline for vote: Tues., Feb. 11, 1992 4:00 p.m.

bjr



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 24, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Endicott Peabody
7 Concord Street
Nashua, NH 03060

RE: MUR 3469

Dear Mr. Peabody:

On February, 11, 1992, the Federal Election Commission reviewed the allegations of your complaint dated January 22, 1992, and found that on the basis of the information provided in your complaint, there is no reason to believe Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, violated the Federal Election Campaign Act of 1971, as amended. Accordingly, on February 11, 1992, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended, 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

A handwritten signature in dark ink, appearing to be "Lerner", written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's
Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

February 24, 1992

Bobby R. Burchfield, General Counsel
Bush-Quayle '92 Primary Committee, Inc.
1030 15th Street, N.W.
Washington, D.C. 20005

RE: MUR 3469

Dear Mr. Burchfield:

On January 29, 1992, the Federal Election Commission notified your clients, the Bush-Quayle '92 Primary Committee, Inc. ("Committee") and J. Stanley Huckaby, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On February 11, 1992, the Commission found, on the basis of the information in the complaint, that there is no reason to believe your clients violated the Act. 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

A handwritten signature in black ink, appearing to be "L. Lerner", written over a horizontal line.

BY: Lois G. Lerner
Associate General Counsel

Enclosure
First General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3469

DATE FILMED 3/13/92 CAMERA NO. 3

CAMERAMAN Tim H



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE

PUBLIC RECORD IN (CLOSED) MUR 3469

3/16/92

92040895499

CLOSED



RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 FEB 18 PM 4:32

06C4428

February 18, 1992

Tony Buckley, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3469 -- Bush - Quayle '92 Primary Committee, Inc.
and J. Stanley Huckaby, Treasurer

Dear Mr. Buckley:

I was pleased to hear from my colleague John Sullivan that in response to the Complaint filed with the Federal Election Commission ("FEC" or the "Commission") by Endicott Peabody ("Complainant"), a candidate in the New Hampshire Democratic vice presidential primary, that the Commission found on February 11, 1992, no reason to believe Bush - Quayle '92 Primary Committee, Inc. ("Bush - Quayle '92") or its Treasurer, J. Stanley Huckaby (collectively "Respondents"), violated any federal election law.

We, of course, believed that the Complaint was frivolous. Complainant alleged that the name selected by the President for his principal re-election campaign committee was "misleading" because Vice President Dan Quayle is not a candidate for re-election. This argument was premised, however, on the incorrect factual assertion that the Vice President does not seek re-election with the President. The Vice President clearly has been and is a candidate for re-election. Moreover, Complainant failed to identify what statute or regulation Respondents allegedly violated. He could not do so because Bush - Quayle '92 has complied scrupulously with the applicable statutes and regulations in the formation of this campaign committee. Finally, the Complainant fundamentally misconceived the federal election system for presidential and vice presidential candidates. During the primary cycle, the focus is on presidential candidates and only they may receive federal matching funds. During the general election cycle, a party's presidential and vice presidential candidates share a campaign committee and depository, and any expenditures by or on behalf of the vice presidential candidate are considered expenditures by the presidential candidate.

We would be pleased to elaborate on these issues, but I was informed by John Sullivan that you advised him that a response was unnecessary in light of the Commission's finding of no violation on February 11. If you or anyone else at the

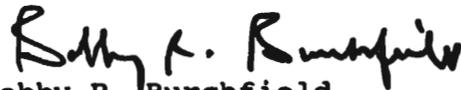
9204089500

Tony Buckley, Esquire
Federal Election Commission
February 18, 1992
Page 2

Commission desires any further information on this matter from
Bush - Quayle '92, please do not hesitate to ask me. For you
information, I enclose a designation of counsel form for you
records.

Thank you for your assistance in this matter.

Sincerely,



Bobby R. Burchfield
General Counsel

92040895501

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3469

NAME OF COUNSEL: Bobby R. Burchfield, General Counsel

ADDRESS: Bush-Quayle '92 Primary Committee, Inc.

1030 15th Street, N.W.

Washington, D.C. 20005

TELEPHONE: 202 - 336 - 7110

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

2/17/92
Date

J. Stanley Huckaby
Signature

RESPONDENT'S NAME: J. Stanley Huckaby, Treasurer

ADDRESS: Bush-Quayle '92 Primary Committee, Inc.

1030 15th Street, N.W.

Washington, D.C. 20005

HOME PHONE: 703 - 329 - 1615

BUSINESS PHONE: 202 - 336 - 7083

92040895502

PEABODY 
Vice President
February 7, 1992

CLOSED

It should be your choice.

Jonathan Bernstein
Assistant General Counsel
Federal Election Commission
Washington, D C 20463

RE: MUR 3469

Dear Mr. Bernstein:

I am in receipt of your letter dated January 29. Thank you for answering my original letter in a timely fashion. You have asked that I follow up with any additional information with respect to the above entitled matter.

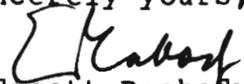
On two occasions via radio, I have heard President Bush's campaign advertisements stated, in his voice, "paid for by the Bush-Quayle 92' primary committee."

Again, that is a violation, since Mr. Quayle is not a primary candidate. Despite the opportunity of entering the New Hampshire Vice Presidential Primary, and the challenge presented to him (by myself), he chose not to run. This was a consciously made decision. It was frankly stated to the press as such.

Obviously by raising monies for the Bush-Quayle 92' primary committee, the donors have been misled. The following should be the result:

1. The Bush Primary Committee should be enjoined from the use of the words, "Bush-Quayle 92' Primary Committee".
2. All funds raised for the "Bush-Quayle 92' Primary Committee" before December 20, 1991 (filing date in New Hampshire), and funds raised after that date, should be refunded to the donors.
3. Any funds raised for the "Bush-Quayle 92' Primary Committee" should not be eligible for matching funds. There are no matching funds available for vice presidential candidates. Until the donors so state, the funds given to the primary committee should be considered Bush funds.

Sincerely yours,


Endicott Peabody

cc: Irving Panzer, Esq, 1814 N Street, NW, Washington, D C 20036

Vote for the right to Vote

Endicott (Chub) Peabody · 7 Concord Street · Nashua, NH 03060 · (603) 886-8700 FAX 595-4258

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92 FEB 12 AM 10:50

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OFFICE OF GENERAL COUNSEL
92 FEB 12 PM 3:42

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