



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3570

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
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NEW YORK REPUBLICAN STATE COMMITTEE

WILLIAM D. POWERS
Chairman

July 28, 1992

MUR 3570

Hon. Joan D. Aikens
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mrs. Aikens:

I am filing this sworn complaint against the New York State Democratic Committee and the Dump D'Amato in '92 Committee as the result of serious violations of the Federal election laws committed by these two committees.

These committees have made excess contributions to the 1992 Democratic candidates for the U.S. Senate in New York State; failed to report these in-kind contributions made to these Democratic candidates for the U.S. Senate; and have failed to disclose all affiliation and coordination of efforts of the two groups, all in violation of the Federal Election Campaign Act of 1971, as amended.

1. Dump D'Amato Committee

This committee registered with the FEC in early 1992. Its literature states that its purpose is to defeat incumbent Sen. Alfonse D'Amato. (See attached Committee flyer.) The Committee's April 15, 1992 report shows \$11,236 in "expenditures" during the first quarter, but discloses no contributions to candidates. In fact, this committee's sole purpose is to defeat Senator D'Amato.

Its expenditures directly support and benefit the four Democratic candidates for the Senate, and in fact, are "in-kind contributions" to these candidates. The Dump D'Amato Committee has not qualified as a multi-candidate committee; therefore, its in-kind contributions of nearly \$3000 per Democratic candidate exceed the \$1000 per election limit (2 U.S.C. Sec. 441a). This calculation, of course, does not take into account contributions which were made since April 1.

2. NY State Democratic Committee

According to the attached Associated press news story, the New York State Democratic Committee is coordinating the Dump D'Amato activity. Indeed, the Democratic State Chairman

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Complaint

Page Two

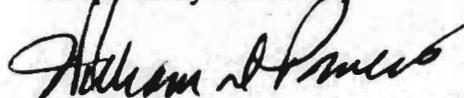
is quoted by the AP as stating: "The Dump D'Amato group is coordinating its actions through the state Democratic Committee..."

The State Committee has not disclosed on its FEC report any relationship with the Dump D'Amato Committee, even though it appears that they are affiliated. The State Committee is spending funds in support of the Dump D'Amato Committee; this activity has not been disclosed, as required by law (2 U.S.C. Sec. 434).

Finally, the law (2 U.S.C. Sec 441d) requires that the person or committee actually paying for an expenditure must disclose that payment. The Dump D'Amato Committee disclaimer does not reflect its relationship with the State Democratic Committee.

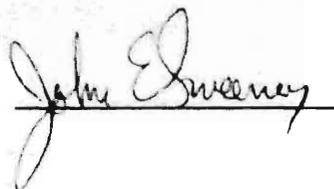
I request that the Commission promptly open an investigation into these violations of the law, and penalize the two committees in accordance with the requirements of 2 U.S.C. Sec. 437g.

Respectfully submitted,



William D. Powers

Subscribed and sworn before me, a Notary Public in and for the State of New York, this 28th day of July, 1992



My Commission expires:

JOHN E. SWEENEY
NOTARY PUBLIC, STATE OF NEW YORK
NO. 49-95363
QUALIFIED IN REMBELAER COUNTY
COMMISSION EXPIRES 9/95

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Dump D'Amato in '92!

Dump D'Amato in '92! has been formed to assure that Alfonse D'Amato will not be returned to the U.S. Senate. Whether the issue is AIDS, censorship, choice, civil liberties, education, our environment, housing & jobs, labor, peace, the Religious Right, the Supreme Court or universal health care, Al D'Amato has voted against us. And has helped create an America we can no longer even recognize.

Without opposition in a Republican Primary, Al D'Amato will have the five weeks before Election Day to spend his entire war chest to destroy the winner of a bloody Sept. 8 Democratic Primary.

Unfortunately, the Democrats are too busy fighting each other - *and carrying their own baggage* - that they cannot hit D'Amato on the sleaze issue. Thus, they will be unable to rise up high enough to win. Our only hope is to bring D'Amato down low enough that *anyone* could defeat him. And as we all agree, anyone would be better than Al D'Amato.

Dump D'Amato in '92! is an independent grass-roots educational association registered with the F.E.C. ***Dump D'Amato in '92!*** was created to alert our fellow New Yorkers on how bad Al D'Amato is for us all. ***Dump D'Amato in '92!*** uses radio and TV spots, as well as tabling and even a door-to-door canvass to bring home this message: for the sake of us all, we must Dump D'Amato in '92!

298 Fifth Ave. #285, NY, NY 10001 [212-719-1992]
paid for by ***Dump D'Amato in '92!***, Robert Ukeiley, Treasurer

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2 AP 04-07-92 02:34 EST 28 Lines. Copyright 1992. All rights reserved.

PM-NY--D'Amato-Democrats,0207<
Democrats Campaign Against D'Amato<

ALBANY, N.Y. (AP) State Democrats say they will use their party's presidential primary today to strike against Republican U.S. Senator Alfonse D'Amato.

Members of a group called ``Dump D'Amato'' said they will be stationed at polling places from Long Island to Buffalo today to distribute anti-D'Amato literature and recruit volunteers.

D'Amato is up for re-election this November.

``This grassroots effort will ensure that New Yorkers will not have to endure another term of Al D'Amato,'' state Democratic Party Chairman John Marino said Monday.

Marino said the Dump D'Amato group is coordinating its actions through the state Democratic Committee and will send out 300 volunteers to polling places.

Zenia Mucha, a spokeswoman for D'Amato, dismissed the effort as an ``irrelevant sideshow.''

Also, state Attorney General Robert Abrams, who is vying for the Democratic nomination to run against D'Amato, said he has mobilized about 2,000 volunteers in 51 counties statewide to give out ``Beat D'Amato'' literature.

Marino said the Abrams-led effort is separate from the Dump D'Amato group.

Also running for the Democratic nomination are former U.S. Representative Geraldine Ferraro, New York City Comptroller Elizabeth Holtzman, U.S. Representative Robert Mrazek and civil rights activist Al Sharpton.

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

August 4, 1992

New York Republican State Committee
William D. Powers, Chairman
315 State Street
Albany, NY 12210

RE: MUR 3570

Dear Mr. Powers:

This letter acknowledges receipt on July 30, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Dump D'Amato in '92 Committee, and Robert Ukeiley, as treasurer, New York State Democratic Committee and Rosemary Conway, 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 3570. 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 A. Bernstein ^{by MA}

Jonathan A. Bernstein
Assistant General Counsel

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 4, 1992

Dump D'Amato in '92 Committee
Robert Ukeiley, Treasurer
298 Fifth Avenue, Suite 285
New York, NY 10001

RE: MUR 3570

Dear Mr. Ukeiley:

The Federal Election Commission received a complaint which indicates that Dump D'Amato in '92 Committee ("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 3570. 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.

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Dump D'Amato in '92 Committee
Robert Ukeiley, Treasurer
Page 2

If you have any questions, please contact Mark Allen, 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 A. Bernstein

Jonathan A. Bernstein
Assistant General Counsel

by MA

Enclosures

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

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FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

August 4, 1992

New York State Democratic Committee
Rosemary Conway, Treasurer
60 East 42nd Street, Suite 1263
New York, NY 10165

RE: MUR 3570

Dear Ms. Conway:

The Federal Election Commission received a complaint which indicates that the New York State Democratic Committee ("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 3570. 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.

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New York State Democratic Committee
Rosemary Conway, treasurer
Page 2

If you have any questions, please contact Mark Allen, 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 A. Bernstein

Jonathan A. Bernstein
Assistant General Counsel

by MA

Enclosures

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

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

FIRST GENERAL COUNSEL'S REPORT

NUR #3570
DATE COMPLAINT RECEIVED
BY OGC: 7/30/92
DATE OF NOTIFICATION TO
RESPONDENTS: 8/4/92
STAFF MEMBER: M. Allen

COMPLAINANT: William D. Powers

RESPONDENTS: Dump D' in '92 Committee and Robert Ukeiley,
as treasurer
New York State Democratic Committee and Rosemary
Conway, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 431(8)
2 U.S.C. § 431(9)
2 U.S.C. § 432(e)(4)
2 U.S.C. § 434(a)(4)(A)
2 U.S.C. § 434(b)
2 U.S.C. § 434(b)(4)
2 U.S.C. § 434(b)(6)
2 U.S.C. § 434(b)(8)
2 U.S.C. § 434(c)
2 U.S.C. § 441a(a)
2 U.S.C. § 441a(d)
2 U.S.C. § 441a(f)
2 U.S.C. § 441d(a)

RELEVANT REGULATIONS: 11 C.F.R. § 100.8(a)(2)
11 C.F.R. § 104.5(c)(1)(ii)
11 C.F.R. § 104.11(a)
11 C.F.R. § 109.1

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a complaint from William D. Powers alleging that the Dump D'Amato in '92 Committee and Robert Ukeiley, as treasurer, ("Dump D'Amato") made unreported and

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excessive contributions.¹ The complaint also alleges that the New York State Democratic Committee and Rosemary Conway, as treasurer, ("State Committee") failed to report certain disbursements. Finally, it is alleged that Dump D'Amato's disclaimers fail to disclose the actual source of the funds for its expenditures. Neither committee responded to the complaint.

II. ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines both "contribution" and "expenditure" to include anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i), (9)(A)(i). The definition of "expenditure" also includes "a written contract, promise, or agreement to make an expenditure." 2 U.S.C. § 431(9)(A)(ii). The Commission's regulations specify that an agreement to make an expenditure is an expenditure as of the date such agreement or obligation is made. 11 C.F.R. § 100.8(a)(2). The Act also limits contributions made by persons and political committees. 2 U.S.C. § 441a(a). For committees without multicandidate status, the Act limits contributions to a candidate's authorized committee to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A).

Independent expenditures are not limited by the Act. Buckley v. Valeo, 424 U.S. 1, 39 (1976). An independent expenditure is

1. In June 1992 Dump D'Amato filed an amended statement of organization changing its name to Dump D' in '92. See infra section II.B.

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defined as

an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, authorized committee, or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, a candidate, or any authorized committee or agent of such candidate.

2 U.S.C. § 431(17); 11 C.F.R. § 109.1(a).

Expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, his or her authorized political committees, or their agents, shall be considered contributions to such candidate. 2 U.S.C. § 441a(a)(7)(B)(i). The financing by any person of the dissemination, distribution, or republication, in whole or in part, of any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents, shall be considered to be such an expenditure. 2 U.S.C. § 441a(a)(7)(B)(ii). The regulations further define this cooperation or consultation as any arrangement, coordination or direction by the candidate or his or her agent prior to the publication of the communication. 11 C.F.R. § 109.1(b)(4)(i). An expenditure will be presumed to be so made when it is

(A) Based upon information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;

(B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent.

Id.

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The Act also provides that the state committee of a political party may not make any expenditure in connection with the general election of a senate candidate who is affiliated with such party which exceeds 2 cents multiplied by the voting age population of the state. The state party expenditure limit for the 1992 New York Senate election was \$756,290.84. 2 U.S.C.

§ 441a(d)(3)(A)(i). Section 441a(f) prohibits committees from making expenditures in violation of the provisions of section 441a.

In addition, the Act provides that whenever a person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, such communication, if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a).

The Act also contains a number of reporting requirements. Generally, each political committee is required to submit reports to the Commission which disclose all contributions and expenditures. 2 U.S.C. § 434(b). Unauthorized committees must disclose 1) independent expenditures pursuant to section 434(b)(4)(H)(iii); 2) contributions pursuant to section 434(b)(6)(B)(i); and 3) section 441a(d) expenditures pursuant to section 434(b)(6)(B)(iv).

The Act requires that unauthorized committees file quarterly reports during a year in which a regularly scheduled election is

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held, and semi-annual reports during a year in which a regularly scheduled general election is not held. 2 U.S.C.

§ 434(a)(4)(A)(i), (iv). The Act also requires committees to file a pre-election report, which shall be filed no later than the 12th day before any election in which the committee makes an expenditure on behalf of a candidate, and which shall be complete as of the 20th day before the election. 2 U.S.C.

§ 434(a)(4)(A)(ii). The Commission's regulations specify that pre-election reports "shall be filed by a political committee which makes contributions or expenditures in connection with" the election. 11 C.F.R. § 104.5(c)(1)(ii). Therefore, committees must file a pre-general report where they make contributions or independent expenditures supporting or opposing a candidate during the reporting period. The contents of all these reports include, inter alia, the amount and nature of the committee's outstanding debts. 2 U.S.C. § 434(b)(8). The Commission's regulations specify that debts shall be continuously reported until extinguished. 11 C.F.R. § 104.11(a). Finally, any independent expenditure aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before an election shall be reported within 24 hours after such independent expenditure is made. 2 U.S.C. § 434(c).

B. Dump D'Amato Committee

Respondent Dump D'Amato registered as an independent expenditure committee on February 3, 1992. The statement of organization identifies Dump D'Amato as opposing one candidate, Senator Alfonse D'Amato. On June 24, 1992, Dump D'Amato changed

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its name to the Dump D' in '92 Committee.² The Committee stated in its literature its aim to publicize negative information about Senator D'Amato in order to influence the general election: "the Democrats are too busy fighting each other ... that they cannot hit D'Amato on the sleaze issue ... Our only hope is to bring D'Amato down low enough that anyone could defeat him" (flyer attached to complaint) (emphasis in original). The Committee reported \$60,111 in disbursements during 1992, the bulk of which took place prior to the September 15, 1992 New York Democratic Senate primary election.³ This activity continued into the general election campaign. This Office has discovered a Dump D'Amato advertisement from the November 9, 1992 issue of The Nation (Attachment 1). The Committee disclosed a \$1,200 debt to The Nation for "advertisement" on its 1992 Post-General Report along with several other debts owed to vendors for advertisements

2. The Committee filed an amended statement of organization changing its name after the Reports Analysis Division ("RAD") sent the Committee an RFAI regarding the 2 U.S.C. § 432(e)(4) ban on the use of candidate names in the titles of unauthorized committees. This Office notes, however, that the Committee referred to itself as "Dump D'Amato in '92" in several places in an advertisement published shortly before the general election. See infra.

3. Of Dump D'Amato's reported disbursements, \$37,171 was disclosed on the April and July Quarterly reports, and another \$14,190 was disclosed on the October Quarterly report (covering July 1 to September 30, 1992). The Committee disclosed only \$8,750 in disbursements on its Post-General report, and has to date filed no subsequent reports.

During the primary period five candidates campaigned for the Democratic Senate nomination: Robert Abrams (filed statement of candidacy on November 18, 1991), Geraldine Ferraro (May 15, 1991), Elizabeth Holtzman (August 2, 1991), Robert Mrazek (March 15, 1991; dropped out of the race prior to the election), and Al Sharpton (February 10, 1992). Robert Abrams won the primary election with 37% of the vote.

incurred during the reporting period that started on October 1, 1992. Overall, the Committee disclosed \$21,873 in debts incurred during this period. Thus, Dump D'Amato was active during the general election campaign as well as during the primary campaign. The Committee has not reported the repayment of the general election debts and in fact has filed no disclosure reports since the 1992 Post-General. See infra section II.D.3.

C. The Complaint

The complaint in this matter makes several allegations, all centered on the proposition that Dump D'Amato acted in concert with the State Party Committee. First, the complaint asserts that Dump D'Amato's expenditures constituted unreported and excessive contributions to the four 1992 Democratic Senate primary election candidates. Next, it is alleged that the State Committee spent funds in support of Dump D'Amato and did not disclose this activity. Finally, complainant alleges that Dump D'Amato's disclaimer "does not reflect its relationship with the State Democratic Committee."

The complaint contains a copy of a Dump D'Amato flyer announcing the committee's purpose and methods. The flyer does not identify any candidates other than Senator D'Amato and states that "anyone would be better than Al D'Amato." The flyer contains the disclaimer "Paid for by Dump D'Amato in '92!, Robert Ukeiley,

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Treasurer."⁴

The complaint also contains an April 7, 1992 Associated Press news release that notes that members of Dump D'Amato were stationed at polling places for the April 7, 1992 New York presidential primary. According to the article, State Party Chairman John Marino stated that the Dump D'Amato group coordinated its actions through the State Party Committee. The article also notes that then-primary candidate Robert Abrams had mobilized about 2,000 volunteers statewide to give out "Beat D'Amato" literature. Mr. Marino reportedly stated that the Abrams-led effort was separate from the Dump D'Amato effort.

Below, this office considers the possible connections between 1) Dump D'Amato and the State Party, and 2) Dump D'Amato and the Democratic Senate primary candidates, and the implications of such connections. As noted above, neither respondent committee responded to the complaint. This Office's analysis is based on the information provided in the complaint and information available on the public record.

D. Factual and Legal Analysis

1. Committee Connections

This Office examined the public record for any evidence of connections between Dump D'Amato and the State Party Committees - addresses, contributions, disbursements, paid employees, and

4. The Dump D'Amato advertisement from the November 9, 1992 issue of The Nation noted above contains the title "Dump D'Amato in '92" in four places and the disclaimer "Paid for by the Dump D' in '92 Committee and not authorized by any candidate or candidate's committee" (Attachment 1).

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coordinated party expenditures. Both committees are located in New York City but at different addresses. The Commission's contributor index identifies only one person who contributed to both committees. The State Party and Dump D'Amato disclosure reports identify no disbursements to each other. Dump D'Amato did disclose many disbursements to individuals for "consulting"; the State Party reported no disbursements to any of these individuals during 1992. Thus, there appears to be no overlap between the two committees' paid workers.

Regarding the State Party's coordinated party expenditures, it disclosed no section 441a(d) expenditures on behalf of Democratic Senate nominee Abrams. The State Party apparently authorized the Democratic Senatorial Campaign Committee ("DSCC") to spend its section 441a(d) limit (\$756,290.84); the DSCC reported spending a total of \$1,511,095.16 on behalf of its New York Senate nominee. The DSCC spent a very small portion of this total, \$16,052.03, prior to the September 15, 1992 primary on behalf of "nominee," mostly for "research." Because the DSCC apparently used the State Party's coordinated party expenditure limit, the State Party had no more U.S. Senate campaign expenditures to make that could have been coordinated with Dump D'Amato expenditures. Thus, the public record does not expose any coordination between Dump D'Amato and the State Party.

The news article in the complaint, however, reports that State Party Chairman John Marino stated that the Dump D'Amato group coordinated its actions through the State Party Committee. This Office sets out its analysis below based on possible

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connections between Dump D'Amato and the State Party Committee.

If the two committees were acting in concert, Dump D'Amato's expenditures were not independent but rather may be in-kind contributions to the State Party Committee. See 2 U.S.C. § 431(8)(A)(i) and 431(17). These contributions may have effectively allowed the State Party to influence the general election and so would count toward the State Party's section 441a(d) expenditure limit.⁵ See Advisory Opinions 1984-15 and 1985-14; MUR 3524 (Oregon Republican Party). Because the State Party appears to have authorized the DSCC to spend its entire 441a(d) limit, the in-kind contributions may constitute excessive 441a(d) expenditures on the part of the State Party on behalf of its Senate nominee in violation of section 441a(f). In addition, the State Party may have violated section 434(b) for failure to report the expenditures. Finally, all Dump D'Amato activity, including its debts, may constitute excessive and unreported in-kind contributions to the State Party in violation of sections 441a(a) and 434(b).⁶

5. The State Party did not disclose any contributions in connection with the New York Senate primary or general elections. In light of 1) the timing of the bulk of the alleged activity prior to the primary, other than the October-November 1992 Dump D'Amato advertisements noted above in part II.B; 2) the fact that the activity does not appear to have been intended to benefit a specific Democratic candidate; and 3) this Office's lack of any information regarding candidate involvement, this Office does not analyze the Dump D'Amato activity as a possible contribution to a candidate but rather as an in-kind contribution to the State Party and counting toward the latter's section 441a(d) limit.

6. As noted above, Dump D'Amato disclosed disbursements of over \$60,000 during 1992 and did not disclose any contributions to the State Party. Dump D'Amato's last report filed, the 1992 Post-General, disclosed over \$43,000 in debts.

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At this point, this Office's only evidence of possible coordination is the reported statements of the State Party chairman. However, in light of these statements and both committees' failure to respond to the complaint, there is enough of a question to justify looking into the circumstances of Dump D'Amato and the State Party. We note that coordination between a state party committee and an independent expenditure committee would constitute a significant violation of the Act.⁷ Therefore, this Office recommends that the Commission find reason to believe that the New York State Democratic Committee and Rosemary Conway, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b). This Office also recommends that the Commission find reason to believe that Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. §§ 441a(a) and 434(b). In light of the lack of evidence regarding the candidate committees, this Office makes no recommendation at this time regarding the Abrams Committee or any of the other Senate primary candidate committees.

2. Dump D'Amato Flyer

In addition to connections between the committees, the complaint alleges that the Dump D'Amato flyer contains a disclaimer that does not reflect its relationship with the State

7. In connection with the 1993 New York City mayoral election, the Giuliani campaign complained to the City Campaign Finance Board that advertisements run by the State Democratic Committee ostensibly independent from the Dinkins campaign were actually coordinated with the Dinkins campaign. The Campaign Finance Board did not rule on the complaint, but the Dinkins campaign agreed to reimburse the State Democratic Committee for more than \$226,000 worth of the latter's advertisements. New York Times, October 20, 1993 (Attachment 2).

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Party. The Act provides that whenever a person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, such communication, if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a).

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The Dump D'Amato flyer contained in the complaint expressly advocates the defeat of a clearly identified candidate, Senator Alfonse D'Amato: large letters across the top read "Dump D'Amato in '92." The flyer contains the disclaimer "Paid for by Dump D'Amato in '92!, Robert Ukeiley, Treasurer." The flyer fails to state whether it is authorized by any candidate or candidate's committee. Although the more significant issues in this matter are the possible coordination between Dump D'Amato, the State Party, and Senate primary candidate committees, the flyer presents a facial violation of the Act. Therefore, this Office recommends that the Commission find reason to believe that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. § 441d(a).⁸

3. Reporting

As noted above in section II.B, Dump D'Amato carried out

8. The Dump D'Amato advertisement from the November 9, 1992 issue of The Nation contains the disclaimer "Paid for by the Dump D' in '92 Committee and not authorized by any candidate or candidate's committee." Our investigation should determine the accuracy of this disclaimer.

activity during the general election campaign that it reported as debts to vendors on the 1992 Post-General report and ceased reporting thereafter. This Office analyzes the implicated reporting provisions.

a. reporting in general and reporting debts

Dump D'Amato's last disclosure report filed to date is the 1992 Post-General. This report disclosed numerous debts, and the Act and the Commission's regulations require that debts be continuously reported. See 2 U.S.C. § 434(b)(8); 11 C.F.R. § 104.11(a). The public record shows no 1992 Year End Report, 1993 Mid Year Report, or termination request filed by Dump D'Amato; rather, the Committee has completely stopped reporting, in violation of 2 U.S.C. §§ 434(a)(4)(A) and 434(b)(8). In addition, in light of Dump D'Amato's apparent activity during the general election campaign, it should have filed a Pre-General Report. See 2 U.S.C. § 434(a)(4)(A); 11 C.F.R. § 104.5(c)(1)(ii).⁹

b. reporting in-kind contributions

As concluded above in section II.D.1, Dump D'Amato apparently failed to report in-kind contributions it made to the New York State Democratic Committee. As explained below, the debts incurred should also have been disclosed as in-kind contributions. In FEC v. American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified, No. 88-3208 (RCL) (D.D.C.

9. The Post-General Report included the activity that should have been disclosed on the Pre-General Report prior to the election.

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July 10, 1990) ("AFSCME"), the court held that AFSCME's in-kind contributions (phone banks) took place at the time of the activity benefiting the candidate, and had to be so reported. In so doing, the court rejected AFSCME's practice of reporting the contributions later at the time it made payments to vendors in connection with the phone bank activity.

Parallel to the events in AFSCME, Dump D'Amato carried out an advertising campaign during the general election campaign but did not report the activity as contributions or expenditures. Although according to the Committee's report it made no payments to vendors in connection with the ads, the ruling in AFSCME indicates that Dump D'Amato should have reported its advertising activity as contributions at the time of the ads in addition to reporting the debts. Cf. 11 C.F.R. § 100.8(a)(2) (an agreement to make an expenditure is an expenditure as of the date such agreement or obligation is made). Therefore, Dump D'Amato's apparent failure to report its contributions to the State Party Committee includes the activity reported as debts to vendors. See this Office's recommendations above in section II.D.1 regarding Dump D'Amato.

c. alternative independent expenditure analysis

Dump D'Amato registered as an independent expenditure committee. However, Dump D'Amato disclosed no independent expenditures during 1992, see 11 C.F.R. § 104.4(a), FEC Form 3X line 24 and schedule E, and filed no 24 hour independent expenditure reports, see 2 U.S.C. § 434(c). This Office now considers alternative reporting violations should the Commission

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ultimately conclude that Dump D'Amato operated independently of the State Party.

As noted above, the Dump D'Amato activity during the 1992 general election campaign included placing ads in newspapers and magazines that it reported only as debts on schedule D of the Post-General report, such as \$1,200 to The Nation and \$3,600 to Variety. Presumably, Dump D'Amato entered into agreements to pay the vendors before the ads were run; these agreements constitute expenditures as of the time they are entered into.

Pursuant to 2 U.S.C. § 434(b)(4)(H)(iii), the Committee is required to disclose its independent expenditures, and section 434(c) requires the filing of 24 hour reports to disclose activity within 20 days before the general election. Therefore, it appears that Dump D'Amato should have reported its advertising activity as independent expenditures at the time it entered into the agreements regarding the ads rather than only reporting the cost of the ads as debts after the election. In sum, if Dump D'Amato activity is considered independent expenditures, the Committee may be liable for failure to report the activity as independent expenditures including by 24 hour reports.

This Office believes that the apparent reporting violations are directly relevant to the issues of disclosure and coordination in this matter.

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considering that some of the possible violations are not apparent from the face of the Dump D'Amato reports, and in light of the importance of ensuring that the public record reflects the Dump D'Amato activity, this Office considers the reporting issues worth pursuing. Therefore, this Office recommends that the Commission find reason to believe that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), and 434(c).

III. INVESTIGATION

With the recommended reason to believe findings, this Office intends to examine Dump D'Amato and State Party Committee communications for evidence of coordination. In light of the State Party's failure to respond to the complaint and its poor track record in responding to the Reports Analysis Division (see MUR 3248 General Counsel's Report dated March 7, 1991, page 16), and Dump D'Amato's failure to respond to the complaint and its apparently defunct status, this Office recommends that the Commission use formal discovery in this matter.

The proposed subpoena to the State Party requests all documents that pertain to Dump D'Amato, and all documents that pertain to Senator Alfonse D'Amato or his 1992 re-election campaign. This Office includes the latter request in light of the possibility that documents exist that reference Senator D'Amato

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without referencing the group Dump D'Amato per se but may still be connected to Dump D'Amato activity. Significantly, the time period for the latter request is limited to January 1, 1992 to September 15, 1992, the date of the New York Senate primary election. As noted above, the State Party authorized the DSCC to spend its entire 441a(d) limit of which the DSCC reported spending only \$16,052 of the combined \$1.5 million 441a(d) limit prior to the primary. Therefore, this Office anticipates that the State Party will not have in its possession great numbers of documents, i.e., this request should not prove overly burdensome.

The proposed subpoena to Dump D'Amato covers all of its documents, since all of its activity presumably related to the campaign against Senator D'Amato. This Office requests the Audit Division's assistance pursuant to 2 U.S.C. § 437g(a)(2) in examining the Dump D'Amato financial documents. In light of the relatively small activity of Dump D'Amato - the committee disclosed approximately \$60,000 in disbursements - this Office does not anticipate that the broadly crafted request would impose an unreasonable burden on the committee. The broad subpoena also serves the purpose of obtaining any existing documentary evidence of coordination with candidate Robert Abrams, his committee, or any of the other 1992 New York Senate primary candidates or committees. In light of the above considerations, this Office recommends that the Commission approve the attached document subpoenas and authorize a section 437g(a)(2) audit of Dump D'Amato.

Finally, this Office intends to interview State Party

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Chairman John Marino as a non-respondent witness in light of his reported statement that Dump D'Amato coordinated its actions through the State Party. This Office recommends that the Commission approve a deposition subpoena to Mr. Marino for use if formal process becomes necessary.

IV. RECOMMENDATIONS

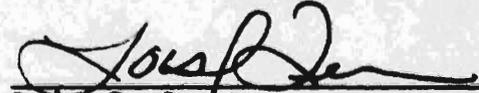
1. Find reason to believe that the New York State Democratic Committee and Rosemary Conway, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).
2. Find reason to believe that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), 434(c), 441a(a), and 441d(a).
3. Approve the attached document subpoenas to New York State Democratic Committee and Rosemary Conway, as treasurer, and the Dump D' in '92 Committee and Robert Ukeiley, as treasurer.
4. Authorize an audit of the Dump D' in '92 Committee pursuant to 2 U.S.C. § 437g(a)(2).
5. Approve a deposition subpoena to John Marino.
6. Approve the attached factual and legal analyses and the appropriate letters.

Lawrence M. Noble
General Counsel

Date

1/5/94

BY:



Lois G. Lerner
Associate General Counsel

Attachments

1. Dump D'Amato ad from The Nation
2. New York Times article
3. Document subpoenas
4. Factual and Legal Analyses

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNIE J. ROSS
COMMISSION SECRETARY

DATE: JANUARY 11, 1994

SUBJECT: MUR 3570 - FIRST GENERAL COUNSEL'S REPORT
DATED JANUARY 5, 1994.

The above-captioned document was circulated to the Commission on Thursday, January 6, 1994 at 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	<u>XXX</u>
Commissioner McDonald	_____
Commissioner McGarry	<u>XXX</u>
Commissioner Potter	<u>XXX</u>
Commissioner Thomas	_____

This matter will be placed on the meeting agenda for Tuesday, January 25, 1994.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Dump D' in '92 Committee and) **NUR 3570**
Robert Ukeiley, as treasurer;)
New York State Democratic)
Committee and Rosemary Conway,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 25, 1994, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in NUR 3570:

1. Find reason to believe that the New York State Democratic Committee and Rosemary Conway, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).
2. Find reason to believe that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. 434(a)(4)(A), 434(b), 434(c), 441a(a), and 441d(a).

(continued)

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Federal Election Commission
Certification for MUR 3570
January 25, 1994

Page 2

3. Approve the document subpoenas to New York State Democratic Committee and Rosemary Conway, as treasurer, and the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, as recommended in the General Counsel's report dated January 5, 1994.
4. Authorize an audit of the Dump D' in '92 Committee pursuant to 2 U.S.C. § 437g(a)(2).
5. Approve a deposition subpoena to John Marino as recommended in the General Counsel's report dated January 5, 1994.
6. Approve the factual and legal analyses and the appropriate letters as recommended in the General Counsel's report dated January 5, 1994.

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

Attest:

1-27-94
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

FEBRUARY 17, 1994

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dump D' in '92 Committee
c/o James J.D. Luce, Co-Treasurer
1460 Broadway
New York, NY 10036

RE: MUR 3570
Dump D' in '92 Committee and
Robert Ukeiley, Treasurer

Dear Mr. Luce:

On August 4, 1992, the Federal Election Commission notified the Dump D' in '92 Committee ("Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

Upon further review of the allegations contained in the complaint, the Commission, on January 25, 1994, found that there is reason to believe the Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), 434(c), 441a(a) and 441d(a), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

In addition to the findings, the Commission authorized an audit of the Committee pursuant to 2 U.S.C. § 437g(a)(2). The enclosed Subpoena to Produce Documents requires you to provide the Committee's records to the Commission for the audit analysis.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Subpoena to Produce Documents must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the subpoena. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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Mr. James J.D. Luce, Co-Treasurer
Page 2

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. If you intend to be represented by counsel, 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 notification or other communications from the Commission.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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

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

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

For the Commission,


Trevor Potter
Chairman

Enclosures
Subpoena
Designation of Counsel Form
Factual and Legal Analysis
Procedures

cc: Nerou (Neil) Cheng, Co-Treasurer
Robert Ukeiley, Treasurer

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3570
)

SUBPOENA TO PRODUCE DOCUMENTS

TO: Dump D' in '92 Committee
Robert Ukeiley, Treasurer
298 Fifth Avenue, Suite 285
New York, NY 10001

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas the documents listed on the attachment to this subpoena.

Notice is given that these documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 30 days of your receipt of this subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto his hand in Washington, D.C. on this 16th day of February, 1994.

For the Commission,



Trevor Potter
Chairman

ATTEST:



Marjorie W. Emmons
Secretary to the Commission

Attachment
Document Request (1 page)

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INSTRUCTIONS

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

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

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1992 to December 31, 1992.

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

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DEFINITIONS

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

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

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

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

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

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

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

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DOCUMENT REQUEST

Produce all documents in your possession that refer, relate, or in any way pertain to the Dump D' in '92 Committee, Dump D'Amato in '92 Committee and/or efforts to defeat Senator Alfonse D'Amato in 1992, including but not limited to reports, letters, envelopes, memos, internal correspondence, notes of telephone conversations, work assignments for volunteers and paid consultants, and records of oral and/or written communications.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Dump D' in '92 Committee and
Robert Ukeiley, as treasurer

MUR 3570

I. BACKGROUND

The Commission received a complaint on July 30, 1992, alleging that the Dump D'Amato in '92 Committee ("Dump D'Amato") coordinated with the New York State Democratic Committee and Rosemary Conway, as treasurer, ("State Committee") and failed to disclose this connection. The complaint contains a copy of a Dump D'Amato flyer announcing its purpose and methods. The flyer does not identify any candidates other than Senator D'Amato and states that "anyone would be better than Al D'Amato." The flyer contains the disclaimer "Paid for by Dump D'Amato in '92!, Robert Ukeiley, Treasurer."

The complaint also contains an April 7, 1992 Associated Press news release that notes that members of Dump D'Amato were stationed at polling places for the April 7, 1992 New York presidential primary. According to the article, State Committee Chairman John Marino stated that the Dump D'Amato group coordinated its actions through the State Committee.

Finally, it is alleged that Dump D'Amato's disclaimers fail to disclose the actual source of the funds for its expenditures. Dump D'Amato did not respond to the complaint.

II. LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended ("the

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Act"), defines both "contribution" and "expenditure" to include anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i), (9)(A)(i). The definition of "expenditure" also includes "a written contract, promise, or agreement to make an expenditure." 2 U.S.C. § 431(9)(A)(ii). The Commission's regulations specify that an agreement to make an expenditure is an expenditure as of the date such agreement or obligation is made. 11 C.F.R. § 100.8(a)(2). The Act also limits contributions made by persons and political committees. 2 U.S.C. § 441a(a). For committees without multicandidate status, the Act limits contributions to a candidate's authorized committee to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A).

Independent expenditures are not limited by the Act. Buckley v. Valeo, 424 U.S. 1, 39 (1976). An independent expenditure is defined as

an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, authorized committee, or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, a candidate, or any authorized committee or agent of such candidate.

2 U.S.C. § 431(17); 11 C.F.R. § 109.1(a).

Expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, his or her authorized political committees, or their agents, shall be considered contributions to such candidate. 2 U.S.C. § 441a(a)(7)(B)(i). The financing by any person of the dissemination, distribution, or republication, in whole or in

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part, of any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents, shall be considered to be such an expenditure. 2 U.S.C. § 441a(a)(7)(B)(ii). The regulations further define this cooperation or consultation as any arrangement, coordination or direction by the candidate or his or her agent prior to the publication of the communication. 11 C.F.R. § 109.1(b)(4)(i). An expenditure will be presumed to be so made when it is

(A) Based upon information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;

(B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent.

Id.

In addition, the Act provides that whenever a person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, such communication, if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a).

The Act also contains a number of reporting requirements. Generally, each political committee is required to submit reports to the Commission which disclose all contributions and expenditures. 2 U.S.C. § 434(b). Unauthorized committees must

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disclose 1) independent expenditures pursuant to section 434(b)(4)(H)(iii); 2) contributions pursuant to section 434(b)(6)(B)(i); and 3) section 441a(d) expenditures pursuant to section 434(b)(6)(B)(iv).

The Act requires that unauthorized committees file quarterly reports during a year in which a regularly scheduled election is held, and semi-annual reports during a year in which a regularly scheduled general election is not held. 2 U.S.C.

§ 434(a)(4)(A)(i), (iv). The Act also requires committees to file a pre-election report, which shall be filed no later than the 12th day before any election in which the committee makes an expenditure on behalf of a candidate, and which shall be complete as of the 20th day before the election. 2 U.S.C.

§ 434(a)(4)(A)(ii). The Commission's regulations specify that pre-election reports "shall be filed by a political committee which makes contributions or expenditures in connection with" the election. 11 C.F.R. § 104.5(c)(1)(ii). Therefore, committees must file a pre-general report where they make contributions or independent expenditures supporting or opposing a candidate during the reporting period. The contents of all these reports include, inter alia, the amount and nature of the committee's outstanding debts. 2 U.S.C. § 434(b)(8). The Commission's regulations specify that debts shall be continuously reported until extinguished. 11 C.F.R. § 104.11(a). Finally, any independent expenditure aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before an election shall be reported within 24 hours after such independent expenditure is made.

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2 U.S.C. § 434(c).

B. Dump D'Amato Committee

Respondent Dump D'Amato registered as an independent expenditure committee on February 3, 1992. The statement of organization identifies Dump D'Amato as opposing one candidate, Senator Alfonse D'Amato. On June 24, 1992, Dump D'Amato changed its name to the Dump D' in '92 Committee.¹ Dump D'Amato stated in its literature its aim to publicize negative information about Senator D'Amato in order to influence the general election: "the Democrats are too busy fighting each other ... that they cannot hit D'Amato on the sleaze issue ... Our only hope is to bring D'Amato down low enough that anyone could defeat him" (flyer attached to complaint) (emphasis in original). Dump D'Amato reported \$60,111 in disbursements during 1992, the bulk of which took place prior to the September 15, 1992 New York Democratic Senate primary election.² This activity continued into the

1. Dump D'Amato filed an amended statement of organization changing its name after the Commission notified it regarding the 2 U.S.C. § 432(e)(4) ban on the use of candidate names in the titles of unauthorized committees. The Commission notes, however, that Dump D'Amato referred to itself as "Dump D'Amato in '92" in several places in an advertisement published shortly before the general election. See infra.

2. Of Dump D'Amato's reported disbursements, \$37,171 was disclosed on the April and July Quarterly reports, and another \$14,190 was disclosed on the October Quarterly report (covering July 1 to September 30, 1992). Dump D'Amato disclosed only \$8,750 in disbursements on its Post-General report, and has to date filed no subsequent reports.

During the primary period five candidates campaigned for the Democratic Senate nomination: Robert Abrams (filed statement of candidacy on November 18, 1991), Geraldine Ferraro (May 15, 1991), Elizabeth Holtzman (August 2, 1991), Robert Mrazek (March 15, 1991; dropped out of the race prior to the election), and Al Sharpton (February 10, 1992). Robert Abrams won the primary

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general election campaign. The Commission has discovered a Dump D'Amato advertisement from the November 9, 1992 issue of The Nation. Dump D'Amato disclosed a \$1,200 debt to The Nation for "advertisement" on its 1992 Post-General Report along with several other debts owed to vendors for advertisements incurred during the reporting period that started on October 1, 1992. Overall, Dump D'Amato disclosed \$21,873 in debts incurred during this period. Thus, Dump D'Amato was active during the general election campaign as well as during the primary campaign. Dump D'Amato has not reported the repayment of the general election debts and in fact has filed no disclosure reports since the 1992 Post-General. See infra section II.E.

C. Committee Connections

The disclosure reports of Dump D'Amato and the State Committee do not shed light on connections between the committees. Both committees are located in New York City but at different addresses. The Commission has identified only one person who contributed to both committees. Dump D'Amato and State Committee disclosure reports identify no disbursements to each other. Dump D'Amato did disclose many disbursements to individuals for "consulting"; the State Committee reported no disbursements to any of these individuals during 1992. Thus, there appears to be no overlap between the two committees' paid workers. Overall, the disclosure reports do not expose any coordination between the State Committee and Dump D'Amato.

(Footnote 2 continued from previous page)
election with 37% of the vote.

The news article in the complaint, however, reports that State Committee Chairman John Marino stated that the Dump D'Amato group coordinated its actions through the State Committee. If the two committees were acting in concert, Dump D'Amato's expenditures were not independent but rather may be in-kind contributions to the State Committee. See 2 U.S.C. § 431(8)(A)(i) and 431(17). All Dump D'Amato activity, including its debts, may constitute excessive and unreported in-kind contributions to the State Committee in violation of sections 441a(a) and 434(b).³

In light of the reported statements of the State Committee chairman and Dump D'Amato's failure to respond to the complaint, there is a serious question regarding the circumstances of Dump D'Amato and the State Committee. The Commission notes that coordination between a state party committee and an independent expenditure committee would constitute a significant violation of the Act. Therefore, there is reason to believe that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. §§ 441a(a) and 434(b).

D. Dump D'Amato Flyer

In addition to connections between the committees, the complaint alleges that the Dump D'Amato flyer contains a disclaimer that does not reflect its relationship with the State Committee. The Act provides that whenever a person makes an expenditure for the purpose of financing communications expressly

3. As noted above, Dump D'Amato disclosed disbursements of over \$60,000 during 1992 and did not disclose any contributions to the State Committee. Dump D'Amato's last report filed, the 1992 Post-General, disclosed over \$43,000 in debts.

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advocating the election or defeat of a clearly identified candidate, such communication, if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee. 2 U.S.C. § 441d(a).

The Dump D'Amato flyer contained in the complaint expressly advocates the defeat of a clearly identified candidate, Senator Alfonse D'Amato: large letters across the the top read "Dump D'Amato in '92." The flyer contains the disclaimer "Paid for by Dump D'Amato in '92!, Robert Ukeiley, Treasurer." The flyer fails to state that it is not authorized by any candidate or candidate's committee. Therefore, there is reason to believe that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. § 441d(a).

B. Reporting

As noted above in section II.B, Dump D'Amato carried out activity during the general election campaign that it reported as debts to vendors on the 1992 Post-General report and ceased reporting thereafter. The following reporting provisions are implicated.

1. reporting in general and reporting debts

Dump D'Amato's last disclosure report filed to date is the 1992 Post-General. This report disclosed numerous debts, and the Act and the Commission's regulations require that debts be continuously reported. See 2 U.S.C. § 434(b)(8); 11 C.F.R. § 104.11(a). The public record shows no 1992 Year End Report,

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1993 Mid Year Report, or termination request filed by Dump D'Amato; rather, Dump D'Amato has completely stopped reporting, in violation of 2 U.S.C. §§ 434(a)(4)(A) and 434(b)(8). In addition, in light of Dump D'Amato's apparent activity during the general election campaign, it should have filed a Pre-General Report. See 2 U.S.C. § 434(a)(4)(A); 11 C.F.R. § 104.5(c)(1)(ii).⁴

2. reporting in-kind contributions

As concluded above in section II.C, Dump D'Amato apparently failed to report in-kind contributions it made to the New York State Democratic Committee. As explained below, the debts incurred should also have been disclosed as in-kind contributions. In FEC v. American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified, No. 88-3208 (RCL) (D.D.C. July 10, 1990) ("AFSCME"), the court held that AFSCME's in-kind contributions (phone banks) took place at the time of the activity benefiting the candidate, and had to be so reported. The court rejected AFSCME's practice of reporting the contributions later at the time it made payments to vendors in connection with the phone bank activity.

Parallel to the events in AFSCME, Dump D'Amato carried out an advertising campaign during the general election campaign but did not report the activity as contributions or expenditures. Although according to Dump D'Amato's report it made no payments to vendors in connection with the ads, the ruling in AFSCME indicates

4. The Post-General Report included the activity that should have been disclosed on the Pre-General Report prior to the election.

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that Dump D'Amato should have reported its advertising activity as contributions at the time of the ads in addition to reporting the debts. Cf. 11 C.F.R. § 100.8(a)(2) (an agreement to make an expenditure is an expenditure as of the date such agreement or obligation is made). Therefore, Dump D'Amato's apparent failure to report its contributions to the State Committee includes the activity reported as debts to vendors. See supra the findings in section II.C.

3. alternative independent expenditure analysis

Dump D'Amato registered as an independent expenditure committee. However, Dump D'Amato disclosed no independent expenditures during 1992, see 11 C.F.R. § 104.4(a), FEC Form 3X line 24 and schedule E, and filed no 24 hour independent expenditure reports, see 2 U.S.C. § 434(c). The Commission now considers alternative reporting violations in the event that Dump D'Amato operated independently of the State Committee.

As noted above, the Dump D'Amato activity during the 1992 general election campaign included placing ads in newspapers and magazines that it reported only as debts on schedule D of the Post-General report, such as \$1,200 to The Nation and \$3,600 to Variety. Presumably, Dump D'Amato entered into agreements to pay the vendors before the ads were run; these agreements constitute expenditures as of the time they are entered into. See 2 U.S.C. § 431(9)(A)(ii); 11 C.F.R. § 100.8(a)(2). Pursuant to 2 U.S.C. § 434(b)(4)(H)(iii), Dump D'Amato is required to disclose its independent expenditures, and section 434(c) requires the filing of 24 hour reports to disclose activity within 20 days before the

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general election. Therefore, it appears that Dump D'Amato should have reported its advertising activity as independent expenditures at the time it entered into the agreements regarding the ads rather than only reporting the cost of the ads as debts after the election. In sum, if Dump D'Amato activity is considered independent expenditures, Dump D'Amato may be liable for failure to report the activity as independent expenditures including by 24 hour reports.

Based on the above reporting analysis, there is reason to believe that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), and 434(c).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

FEBRUARY 17, 1994

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

New York State Democratic Committee
Ms. Rosemary Conway, Treasurer
60 East 42 St
Suite 1263
New York, NY 10165

RE: MUR 3570

Dear Ms. Conway:

On August 4, 1992, the Federal Election Commission notified the New York State Democratic Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

Upon further review of the allegations contained in the complaint, the Commission, on January 25, 1994, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Subpoena to Produce Documents must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the subpoena. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. If you intend to be represented by counsel, 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 notification or other communications from the Commission.

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Ms. Rosemary Conway, Treasurer
Page 2

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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

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

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

For the Commission,


Trevor Potter
Chairman

Enclosures
Subpoena
Designation of Counsel Form
Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3570
)

SUBPOENA TO PRODUCE DOCUMENTS

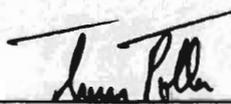
TO: New York State Democratic Committee
Rosemary Conway, Treasurer
60 East 42nd Street, Suite 1263
New York, NY 10165

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas the documents listed on the attachment to this subpoena.

Notice is given that these documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 30 days of your receipt of this subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

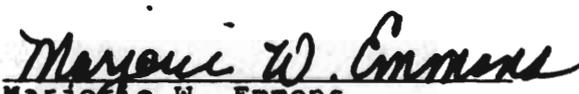
WHEREFORE, the Chairman of the Federal Election Commission has hereunto his hand in Washington, D.C. on this 16th day of February, 1994.

For the Commission,



Trevor Potter
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachment
Document Request (1 page)

95043665228

INSTRUCTIONS

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

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

Unless otherwise indicated, the discovery requests shall refer to the time period from January 1, 1992 to December 31, 1992.

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

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DEFINITIONS

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

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

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

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

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

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

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

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"Dump D'Amato Committee" shall mean the independent expenditure committee Dump D' in '92 Committee (originally titled the Dump D'Amato in '92 Committee), its treasurer Robert Ukeiley, or anyone acting on its behalf.

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DOCUMENT REQUESTS

1. Produce all documents in your possession that refer, relate, or in any way pertain to the Dump D' Committee (as defined above), including but not limited to reports, letters, envelopes, memos, internal correspondence, notes of telephone conversations, and records of oral and/or written communications.
2. Produce all documents in your possession that refer, relate, or in any way pertain to Senator Alfonse D'Amato or the D'Amato 1992 re-election campaign, for the period January 1, 1992 to September 15, 1992, including but not limited to reports, letters, envelopes, memos, internal correspondence, notes of telephone conversations, and records of oral and/or written communications.
3. For any of the documents described above in questions 1 and 2 maintained electronically, provide formats for the documents, a description of any codes/symbols used, the software used to create the electronic records, and readable computer diskettes 3 1/2" or 5 1/4" or magnetic tape if stored on tape.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: New York State Democratic Committee
and Rosemary Conway, as treasurer

MUR 3570

I. BACKGROUND

The Commission received a complaint on July 30, 1992, alleging that the New York State Democratic Committee and Rosemary Conway, as treasurer, ("State Committee") coordinated with the Dump D'Amato in '92 Committee ("Dump D'Amato") and failed to disclose this connection. The complaint contains a copy of a Dump D'Amato flyer announcing its purpose and methods. The flyer does not identify any candidates other than Senator D'Amato and states that "anyone would be better than Al D'Amato." The flyer contains the disclaimer "Paid for by Dump D'Amato in '92!, Robert Ukeiley, Treasurer."

The complaint also contains an April 7, 1992 Associated Press news release that notes that members of Dump D'Amato were stationed at polling places for the April 7, 1992 New York presidential primary. According to the article, State Committee Chairman John Marino stated that the Dump D'Amato group coordinated its actions through the State Committee.

The State Committee did not respond to the complaint.

II. LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended ("the Act"), defines both "contribution" and "expenditure" to include anything of value made by any person for the purpose of

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influencing any election for Federal office. 2 U.S.C. § 431(8)(A)(i), (9)(A)(i). The Act also limits contributions made by persons and political committees. 2 U.S.C. § 441a(a). For committees without multicandidate status, the Act limits contributions to a candidate's authorized committee to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A).

Independent expenditures are not limited by the Act. Buckley v. Valeo, 424 U.S. 1, 39 (1976). An independent expenditure is defined as

an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, authorized committee, or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, a candidate, or any authorized committee or agent of such candidate.

2 U.S.C. § 431(17); 11 C.F.R. § 109.1(a).

Expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, his or her authorized political committees, or their agents, shall be considered contributions to such candidate. 2 U.S.C.

§ 441a(a)(7)(B)(i). The financing by any person of the dissemination, distribution, or republication, in whole or in part, of any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents, shall be considered to be such an expenditure.

2 U.S.C. § 441a(a)(7)(B)(ii). The regulations further define this cooperation or consultation as any arrangement, coordination or direction by the candidate or his or her agent prior to the publication of the communication. 11 C.F.R. § 109.1(b)(4)(i). An

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expenditure will be presumed to be so made when it is

(A) Based upon information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;

(B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent.

Id.

The Act also provides that the state committee of a political party may not make any expenditure in connection with the general election of a senate candidate who is affiliated with such party which exceeds 2 cents multiplied by the voting age population of the state. The state party expenditure limit for the 1992 New York Senate election was \$756,290.84. 2 U.S.C.

§ 441a(d)(3)(A)(i). Section 441a(f) prohibits committees from making expenditures in violation of the provisions of section 441a.

B. Dump D'Amato Committee

Respondent Dump D'Amato registered as an independent expenditure committee on February 3, 1992. The statement of organization identifies Dump D'Amato as opposing one candidate, Senator Alfonse D'Amato. On June 24, 1992, Dump D'Amato changed its name to the Dump D' in '92 Committee. Dump D'Amato stated in its literature its aim to publicize negative information about Senator D'Amato in order to influence the general election: "the Democrats are too busy fighting each other ... that they cannot hit D'Amato on the sleaze issue ... Our only hope is to bring

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D'Amato down low enough that anyone could defeat him" (flyer attached to complaint) (emphasis in original). Dump D'Amato reported \$60,111 in disbursements during 1992, the bulk of which took place prior to the September 15, 1992 New York Democratic Senate primary election.¹ This activity continued into the general election campaign. The Commission has discovered a Dump D'Amato advertisement from the November 9, 1992 issue of The Nation. Dump D'Amato disclosed a \$1,200 debt to The Nation for "advertisement" on its 1992 Post-General Report along with several other debts owed to vendors for advertisements incurred during the reporting period that started on October 1, 1992. Overall, Dump D'Amato disclosed \$21,873 in debts incurred during this period. Thus, Dump D'Amato was active during the general election campaign as well as during the primary campaign.

C. Committee Connections

The disclosure reports of the State Committee and Dump D'Amato do not shed light on connections between the committees. Both committees are located in New York City but at different addresses. The Commission has identified only one person who contributed to both committees. The State Committee and Dump D'Amato disclosure reports identify no disbursements to each other. Dump D'Amato did disclose many disbursements to

1. During the primary period five candidates campaigned for the Democratic Senate nomination: Robert Abrams (filed statement of candidacy on November 18, 1991), Geraldine Ferraro (May 15, 1991), Elizabeth Holtzman (August 2, 1991), Robert Mrazek (March 15, 1991; dropped out of the race prior to the election), and Al Sharpton (February 10, 1992). Robert Abrams won the primary election with 37% of the vote.

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individuals for "consulting"; the State Committee reported no disbursements to any of these individuals during 1992. Thus, there appears to be no overlap between the two committees' paid workers.

Regarding the State Committee's coordinated party expenditures, it disclosed no section 441a(d) expenditures on behalf of Democratic Senate nominee Abrams. The State Committee apparently authorized the DSCC to spend its section 441a(d) limit (\$756,290.84); the DSCC reported spending a total of \$1,511,095.16 on behalf of its New York Senate nominee. The DSCC spent a very small portion of this total, \$16,052.03, prior to the September 15, 1992 primary on behalf of "nominee," mostly for "research." Because the DSCC apparently used the State Committee's coordinated party expenditure limit, the State Committee had no more U.S. Senate campaign expenditures to make that could have been coordinated with Dump D'Amato expenditures. Thus, the public record does not expose any coordination between Dump D'Amato and the State Committee.

The news article in the complaint, however, reports that State Committee Chairman John Marino stated that the Dump D'Amato group coordinated its actions through the State Committee. If the two committees were acting in concert, Dump D'Amato's expenditures were not independent but rather may be in-kind contributions to the State Committee. See 2 U.S.C. § 431(8)(A)(i) and 431(17). These contributions may have effectively allowed the State Committee to influence the general election and so would count

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toward the State Committee's section 441a(d) expenditure limit.² See Advisory Opinions 1984-15 and 1985-14; MUR 3524 (Oregon Republican Party). Because the State Committee appears to have authorized the DSCC to spend its entire 441a(d) limit, the in-kind contributions may constitute excessive 441a(d) expenditures on the part of the State Committee on behalf of its Senate nominee in violation of section 441a(f). In addition, the State Committee may have violated section 434(b) for failure to report the expenditures.

In light of the reported statements of the State Committee chairman and the State Committee's failure to respond to the complaint, there is a serious question regarding the circumstances of the State Committee and Dump D'Amato. The Commission notes that coordination between a state party committee and an independent expenditure committee would constitute a significant violation of the Act. Therefore, there is reason to believe that the New York State Democratic Committee and Rosemary Conway, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b).

2. The State Party did not disclose any contributions in connection with the New York Senate primary or general elections. In light of the timing of the bulk of the alleged activity prior to the primary, other than the October-November 1992 Dump D'Amato advertisements noted above in part II.B, the fact that the activity does not appear to have been intended to benefit a specific Democratic candidate, and the Commission's lack of any information regarding candidate involvement, the Commission does not analyze the Dump D'Amato activity as a possible contribution to a candidate but rather as an in-kind contribution to the State Committee and counting toward the latter's section 441a(d) limit.

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212-986-0742 (Fax)

307 Hamilton Street
Albany, New York 12210
518-462-7407
518-462-5621 (Fax)

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March 21, 1994

Mark Allen, Esq.
Federal Election Commission
Washington, D.C. 20463

MUR 3570

Dear Mr. Allen:

This responds to the Commission's subpoena in the above matter.

As a preliminary, I should confirm to you the point I mentioned in our telephone call, namely, that, to the best of our knowledge, the State Committee did not receive the original complaint in this matter. I have checked with John Marino, who was then the Committee's Chair, as well as other members of the Committee staff at the time, and none recalls having seen such a document. For this reason, I can assure you that the Committee did not intentionally fail to respond.

The complaint itself is without basis. As you will see from the enclosed affidavits, the State Committee had no relationship with the Dump D'Amato Committee to which the complaint refers. The only connection between the two is a coincidence in the use of the phrase "Dump D'Amato," which the State Committee briefly employed in an unsuccessful volunteer recruitment effort conducted on the day of the Party's presidential primary in April 1992.

The State Committee files contain no documents reflecting communications between the State Committee and the independent Dump D'Amato Committee. As the enclosed affidavits show, in early 1992, a person named Jim Luce approached a State Committee volunteer about a Dump D'Amato group. This volunteer reported as much to the State Chair, Mr. Marino, who directed that Mr. Luce should not be contacted. Mr. Marino recalls also that, on a second occasion, a different person claiming to represent a Dump D'Amato group requested a meeting with him but that he declined to meet. To the best of the

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State Committee's knowledge, no other contacts of any kind took place between the State Committee and an independent Dump D'Amato effort.

In consequence, with respect to the Commission's subpoena, the Committee has no documents relating to the Dump D'Amato Committee. The documents in the Committee's possession relating to its own use of the phrase "Dump D'Amato" are enclosed. Apart from the enclosures, I am advised that the State Committee has no documents concerning Senator D'Amato's reelection effort except insofar as newsclippings may refer to him.

I trust that this fully satisfies the Commission's inquiries on this subject, and is sufficient to conclude the Commission's investigation. If you have any questions, please feel free to call me at 212-373-3263.

Thank you for your consideration.

Respectfully,


Gerard E. Harper
Counsel

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AFFIDAVIT OF JOHN MARINO

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

JOHN MARINO, being sworn, says:

1. I was the Chair of the New York State Democratic Committee in 1992 and am personally familiar with the circumstances to which the Republican State Committee's complaint in this matter refers. I make this affidavit to show that no basis exists to warrant the Commission's interest in those circumstances.

2. The State Committee had no connection to the Dump D'Amato Committee to which the complaint refers. Neither I nor, to my knowledge, any authorized representative of the State Committee ever had any communication with the Dump D'Amato Committee (or any successor or affiliate of that committee) regarding the activities of the respective committees. Neither I nor, to my knowledge, anyone else at the State Committee had any knowledge regarding the activities of the Dump D'Amato Committee. I can state categorically that the State Committee did not coordinate, consult with, foster, suggest or otherwise have any relationship to the Dump D'Amato Committee or its activities. Indeed, except as set forth in the next two paragraphs, I know of no contact at all between persons involved in the respective committees.

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3. In the early Spring of 1992, I spoke with Al Gordon, who was then a State Committee volunteer and is now Chair of the State Committee, to solicit his ideas on organizing volunteers to appear at polling places on the day of the New York presidential primary. In this conversation, Mr. Gordon mentioned a telephone call he had received from a person named Jim Luce, who, Mr. Gordon said, claimed some affiliation with a group devoted to the defeat of Senator D'Amato. I did not (and to this day, do not) know Mr. Luce. I rejected Mr. Gordon's suggestion that we contact Mr. Luce to recruit volunteers, and I emphatically instructed my staff and volunteers not to do so. To my knowledge, no one affiliated with the State Committee ever spoke with Mr. Luce except Mr. Gordon, and, so far as I know, Mr. Gordon did not speak to Mr. Luce after his conversation with me. Even now, I do not know whether Mr. Luce is or was affiliated with the Dump D'Amato Committee to which the complaint refers.

4. At points during 1992 -- I do not recall when -- I received messages that persons representing a Dump D'Amato group wished to speak with me. I do not recall any names, though I do not believe that the names were either Luce or Ukeiley (who is identified in the FEC analysis as treasurer of Dump D'Amato). I am certain that I declined to meet or otherwise communicate with any such individuals. Again, I do not know whether these persons are or were affiliated with the Dump D'Amato Committee to which the

complaint refers, only that the persons claimed to be with some Dump D'Amato group.

5. The circumstances alleged in the complaint -- and specifically the State Committee's use of the phrase "Dump D'Amato" -- is the product of a pure coincidence. In remarks I had made from time to time in and before 1992, I had used the phrase "Dump D'Amato" without any knowledge that others had formed a committee of that name. In connection with the presidential primary in New York on April 7, 1992, the State Committee organized an effort to place volunteers at polling places throughout the State. We announced this effort in press release (Ex. A) issued the day before the primary, which was picked up on certain of the wire services (Ex. B). Consistent with comments I had made in the past, the State Committee used the phrase "Dump D'Amato" in this effort. This effort was undertaken solely by the State Committee without any communication or coordination, direct or indirect, with the Dump D'Amato Committee. The volunteers were recruited solely by State Committee personnel from State Committee volunteer lists, and the few expenses we incurred were paid solely from State Committee funds out of the State Committee's federal account.

6. The scope of our plans for this volunteer effort greatly exceeded our execution of them. We originally planned to have hundreds of volunteers throughout

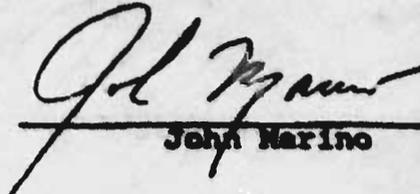
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the State with posters, bumper stickers, and palm cards, all of which would bear the phrase "Dump D'Amato." To this end, we ordered approximately 400 posters and 100,000 palm cards, each saying "Dump D'Amato," and also designed a "Dump D'Amato" bumper sticker (which was never ordered). I asked both Mr. Gordon and another volunteer to prepare proposals for coordinating such an effort, and I recall reviewing both his memo and a separate "Field Plan" prepared by another volunteer.

7. In the event, to be blunt, the entire effort was a flop. A combination of poor weather, insufficient organization, and lack of volunteers greatly reduced the scope of our effort. According to my recollection and others who were involved with whom I have checked, we had fewer than twenty-five volunteers at no more than ten sites, all in New York City and all recruited solely from State Committee lists. Consequently, the State Committee used only a tiny portion of the posters and palm cards we had ordered -- to the best of my knowledge based on conversations with former staff, maybe ten posters and a few hundred palm cards. Our total costs were under \$1000 (Ex. C) and were reported as part of a much larger printing bill on our FEC reports (Ex. D). The excess posters and palm cards were not otherwise used and were discarded after the April 7 primary.

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8. In short, the State Committee's very modest effort had nothing to do with the independent Dump D'Amato Committee.


John Marino

Signed and sworn before me
this 24 day of March 1994


Notary Public

CHERI A. ROBERTS
Notary Public, State of New York
No. 00-123456
Qualified in Essex County
Commission Expires March 1995

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John A. Marino
 Chair

FOR IMMEDIATE RELEASE:
 April 6, 1992

Contact: Beth Cope
 (212) 986-2955

NEW YORK DEMOCRATS SAY DUMP D'AMATO

Judith Hope
 First Vice Chair

Herman D. Farrell, Jr.
 Vice Chair

Marge Harrison
 Vice Chair

6 Maurice Hinchey
 Vice Chair

7 Jonann Hanson
 Vice Chair

2 Dennis Rivera
 Vice Chair

5 Peter Stein
 Secretary

6 Tim-Hen McCoy
 Assistant Secretary

3 Rosemary Conway
 Treasurer

4 William Goodenow
 Assistant Treasurer

0 Theodore C. Sovosen
 Advisory Committee Chair

5 Gerard E. Harper
 Counsel and Law Chair

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The "Dump D'Amato" campaign will highlight the following facts:

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Since the Senator took office in 1981, the gap between taxpayer dollars sent to Washington and the funding New York State receives in federal programs and services has grown ten times, from \$2.7 billion to \$27.2 billion.



60 East 42nd Street, Suite 1263
 New York, New York 10165
 212-986-2955
 212-986-0742 (Fax)

607 Hamilton Street
 Albany, New York 12210
 518-462-7407
 518-462-5621 (Fax)

-2-

John A. Marino
 Chair

--Senator D'Amato blames sick, poor people and those who have lost their jobs for the nation's economic problems.

The Senator supports the Bush Administration's strategy to use welfare as a political issue that will divert attention from the real problems that threaten the nation: the national recession, the soaring national debt, the savings and loan scandal and increasing global competition.

"New Yorkers want and deserve a Senator they can be proud of," said New York State Democratic Party Chairman John A. Marino. "They want a Senator who will stop being a major apologist for the Reagan and Bush policies; they want someone who will spend his or her time fighting for New York, not fighting to clear his name."

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04-06-92 1559EDT

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r p AM-NY--D'Amato-Democrats 04-06 0235

^AM-NY--D'Amato-Democrats,0204<

^Democrats Campaign Against D'Amato<

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D'Amato is up for re-election this November.

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Marino said the Dump D'Amato group is coordinating its actions through the state Democratic Committee and will send out 300 volunteers to polling places.

Zenia Mucha, a spokeswoman for D'Amato, dismissed the effort as an "irrelevant sideshow."

Also, state Attorney General Robert Abrams, who vying for the Democratic nomination to run against D'Amato, said he has mobilized about 2,000 volunteers in 51 counties statewide to give out "Beat D'Amato" literature.

Marino said the Abrams-led effort is separate from the Dump D'Amato group.

Also running for the Democratic nomination are former U.S. Representative Geraldine Ferraro, New York City Comptroller Elizabeth Holtzman, U.S. Representative Robert Mrazek and civil rights activist Al Sharpton.

AP-DS-04-06-92 1559EDT<

95043665242

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press, inc.**

Exhibit C

ACT. 023130

Phone (315) 733-9246
1501 BROAD STREET

Democratic Committee
10 E. 42nd Street
Suite 1263
New York, NY

FED : FEDERAL

TERMS: NET 30 DAYS
Shipment F.O.B. our Plant, Utica, N.Y.

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OUR FOLIO NUMBER	CUSTOMER ORDER NO.	QUANTITY	DESCRIPTION	CHARGES
92 13 2-2915		93,200	TITLE: DOMP D'AMATO 92' PAPER: 7pt. White Offset Stock	\$ 272.00
			Set up, Prep, and Mechanical	\$ 48.00
			Customer Charges & Revisions	\$ 33.00
			2,000 Copies To Utica NY N/C	
			2,500 Copies UPS TO SYRACUSE, NY	\$ 3.02
			2,500 Copies UPS TO BUFFALO, NY	\$ 3.18
			2,500 Copies UPS TO ITHACA, NY	\$ 3.02
			5,000 Copies UPS TO ROCHESTER, NY	\$ 4.05
			7,000 Copies UPS TO SCHEMCTADY, NY	\$ 4.94
			45,600 Copies D-C TRUCK TO NYC	\$ 32.00
				\$ 403.21
			26,100 Copies VIA J. Bud Gigliotti N/C	
			(8009) 8.25% Tax	\$ 33.21
			TOTAL	\$ 436.42

95043665200

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\$40,114.04

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Rm 1263
New York, NY 10165

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LINE	OUR FOLIO NUMBER	CUSTOMER ORDER NO.	QUANTITY	DESCRIPTION	CHARGES
992	1-2472		420	THE SUPER STICKER	\$ 60.00
73				Set Up - Only On Hold	
95043665251				TITLE: KOSIUSKO 210 - D'AMENO 210 - D'AMICO/MIRO	\$ 580.00
				PG SIZE: 13 x 20 PAPER: Columbia Board INK: Royal Blue & Red PACK: Cartons DEL: P.O.D. Utica, NY	
				JPS TO NEW YORK, NY	\$ 15.00
					\$ 655.00
				LESS:	\$-150.00
					\$ 505.00
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SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1 FOR LINE NUMBER 210

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NAME OF COMMITTEE (In Full)

NEW YORK STATE DEMOCRATIC COMMITTEE

95043665252

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
ASN INC. 36-01 43RD AVENUE LONG ISLAND CITY, NY 11101	PRINTING Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/2/93	1000.00
SHERATON NEW YORK P.O. BOX 811 NEW YORK, NY 10101	DNC CONVENTION EXPENSE Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	2/17/93	11544.94
CITY IMPRINT 121 VARICK ST. NEW YORK, NY 10013	PRINTING Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	1/5/93	10576.03
ZALB S. KOFF GRAPHICS, INC 75 VARICK ST. NEW YORK, NY 10013	PRINTING Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	1/15/93	23674.28
DODGE GRAPHIC PRESS INC. 1501 BROAD ST. UTICA, NY 13501	PRINTING Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	3/17/93	40114.04
FORT ORANGE PRESS P.O. BOX 828 ALBANY, NY 12201	PRINTING Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/7/93	3669.03
BORDON & SCHWENKMEYER Int. 550 NORTH CONTINENTAL BLVD. EL SEGUNDO, CA 90245	TELEMARKET FUNDRAISING EXPENSES FOR COLLECTION OF FEDERAL FUNDS Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6/30/93	239855.45
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

330433.77

TOTAL This Period (last page this line number only)

330433.77

AFFIDAVIT OF ALFRED GORDON

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

ALFRED GORDON, being sworn, says:

1. I am now Chair of the New York State Democratic Committee. In 1992, I was otherwise employed but occasionally volunteered to assist the State Committee on assorted activities in my spare time.

2. At some point in the first quarter of 1992, I received a call from a person named Jim Luce. I did not and do not know Mr. Luce and, to this day, as far as I know, I have never met him in person and do not know his business or political affiliations. The principal subject of Mr. Luce's call concerned a matter unrelated to the State Committee or any political campaign or candidate. In the course of the call, however, apparently aware of my involvement with the Democratic Party, Mr. Luce told me that he was associated in some way with a group interested in defeating Senator D'Amato. While I do not recall precisely what he said on the subject, I remember getting the impression that Mr. Luce or his group was seeking volunteers for a campaign against the Senator. I recall also that Mr. Luce used the phrase "Dump D'Amato" to describe his group. As best I recall, I told Mr. Luce only that I would pass on this information to persons at the State Committee.

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9 5 0 4 3 6 6 5 2 5 4

3. I did not know then, nor do I know now, whether Mr. Luce was involved with a political action committee or engaged in raising or spending money to defeat Senator D'Amato. To my memory, the above-mentioned call is the one and only time I ever spoke to Mr. Luce or anyone else claiming association with a Dump D'Amato group. I do not know whether Mr. Luce was or is affiliated with the Dump D'Amato Committee to which the complaint here refers. Of this I am certain: neither I nor (as far as I know) anyone else at the State Committee ever communicated with Mr. Luce or anyone known to be affiliated with the Dump D'Amato group regarding the State Committee's activities in 1992 or regarding the activities of the Dump D'Amato Committee.

4. After I spoke to Mr. Luce, John Marino, then Chair of the State Committee, asked me to attend a meeting to plan a "grass roots" effort to recruit volunteers on the day of the New York presidential primary. In connection with that meeting, I prepared a memo of proposed steps to take in organizing that effort (Ex. A). Among the steps I proposed was contact with Mr. Luce's group. I described my call with the Mr. Luce to Mr. Marino, who responded that the State Committee should not have any contact with Mr. Luce and who so instructed the staff and volunteers engaged in the effort. To my knowledge, everyone complied.

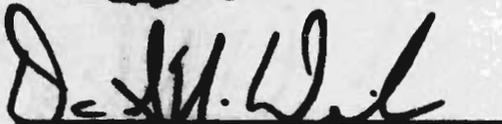
5. I should add that very few of the steps in my proposal were actually pursued. The State Committee pre-

pared and printed a "Dump D'Amato" palm card, which was distributed at a handful of sites on primary day. The State Committee did not buy a "900" telephone number, nor contact most of the people I suggested in my memo. I personally did nothing except outline my ideas for Mr. Marino. I recall learning that the entire effort was unsuccessful, largely owing to a lack of volunteers available to assist in the effort.

6. In sum, to my knowledge, the State Committee had no contact with the Dump D'Amato Committee.


Alfred Gordon

Signed and sworn before me
this 24 day of March 1994


Notary Public

DAVID N. WEINRAUB
Notary Public, State of New York
No. 41-488733
Qualified in Queens County
Commission Expires April 28, 1994

9 5 0 4 3 6 6 5 2 5 5

March 25, 1992

TO: JH
FROM: AG
RE: April 7th Operation

I think it is important to start assigning tasks in order to develop clear areas of responsibilities if we are to have a successful April 7th operation. The first issue would be to have someone coordinate the operation. These should be non-state committee employees who can give their evenings and weekends between now and April 7th. My suggestion for a team is Harry Giannoulis, Chris Lapetina and Emily Saltzman. This would be a good test for these guys.

After identifying overall coordinators we need to develop a checklist of needs and assign people to get them done:

1. Preparation of palm card - Emily Saltzman.
2. Printing of palm card -
3. 900 phone number followup - Gene Ingoglia & Tom DeJesu
4. Volunteer recruitment - Giannoulis, Lapetina, Kimball
 - a. New York City reps - Kathy Behrens
 - b. Constituency groups - Emily Saltzman
 - c. County Chairs -
 - d. U.S. Senate candidates -
 - e. Jim Luce's Dump D'Amato group -
 - f. Albany volunteers - Ken Mackintosh
 - g. Clinton & Brown campaigns -
 - h. Unions -
 - i. Outside NYC:
 - Buffalo
 - Rochester
 - Syracuse
 - Binghamton
 - Albany
 - Utica
 - MHV
 - Westchester
 - Long Island

9 5 0 4 3 6 6 5 2 5 6

5. Press activities - we need someone to help you develop a press strategy which would include a release, setting up interviews around the state, getting local leaders to talk about it, etc.

6. Targeting of polling places.

Let's talk.

95043665257

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1501 BROAD STREET

Democratic Committee
60 E. 42nd Street
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9/13				TITLE: KENNEDY 210 - DRAWING 210 - DRAWING/WRING	\$ 580.00
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9/13				JMS TO NEW YORK, NY	\$ 15.00
9/13					\$ 655.00
9/13				LESS	\$ 150.00
9/13					\$ 505.00
9/13				(8009) 8.25% Tax	\$ 41.66
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I think it is important to start assigning tasks in order to develop clear areas of responsibilities if we are to have a successful April 7th operation. The first issue would be to have someone coordinate the operation. These should be non-state committee employees who can give their evenings and weekends between now and April 7th. My suggestion for a team is Harry Giannoulis, Chris Lapetina and Emily Saltzman. This would be a good test for these guys.

After identifying overall coordinators we need to develop a checklist of needs and assign people to get them done:

1. Preparation of palm card - Emily Saltzman.
2. Printing of palm card -
3. 900 phone number followup - Gene Ingoglia & Tom DeJesu
4. Volunteer recruitment - Giannoulis, Lapetina, Kimball
 - a. New York City reps - Kathy Behrens
 - b. Constituency groups - Emily Saltzman
 - c. County Chairs -
 - d. U.S. Senate candidates -
 - e. Jim Luce's Dump D'Amato group -
 - f. Albany volunteers - Ken Mackintosh
 - g. Clinton & Brown campaigns -
 - h. Unions -
 - i. Outside NYC:
 - Buffalo
 - Rochester
 - Syracuse
 - Binghamton
 - Albany
 - Utica
 - MHV
 - Westchester
 - Long Island

95043665264

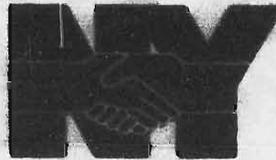
5. Press activities - we need someone to help you develop a press strategy which would include a release, setting up interviews around the state, getting local leaders to talk about it, etc.

6. Targeting of polling places.

Let's talk.

95043665265

95043665267



FRIENDS OF
MARIO M. CUOMO
COMMITTEE, INC.
60 EAST 42ND ST., SUITE 1805
NEW YORK, NY 10015
PHONE (212) 981-2340

EDWARD DEWITT - Business Leader
MONTGOMERY, N.Y.

Peter Kulkjin - City Councilman
Newburgh

Joe DeSerafini - City Councilman
MIDDLEBOWN, N.Y.

Record
MEMORANDUM

To: Beth

From: HG

Distribution of Lit.

Elizabeth Rougeux 2500 pieces
114 Fountain Street
Syracuse, New York 13202

Margaret Ray 2500 pieces
127 Kenefick Street
Buffalo, New York 14220

Ray Borg 2500 pieces
100 Teton Court
Rtca, New York 14850

Warren County Democratic Committee 5000 pieces
c/o Kathy Smith
65 West Broad
Rochester, New York 14614

Dan Perkins 7000 pieces
30 Terry Avenue
Schenectady, New York 12303

95043665268

FIELD PLAN

The Field Plan for the DUMP D'AMATO effort on April 7th has two main goals: get press attention and recruit volunteers for our effort. The targeted precincts in Manhattan fall into two categories: press precincts and targeted precincts.

1. Press Precincts

We will establish four to six press precincts for April 7th. They are:

1. P.S. 6 81st and Madison
2. P.S. 199 70th Between Broadway & West End
3. P.S. 75 96th and West End
4. P.S. 183 419 East 66th Street
5. 445 West 59th Street
6. P.S. 41, 116 West 11th Street

Each of these precincts will have a site coordinator and four shifts of five people each. The shifts are:

1. 7:00 a.m. - 11:00 a.m.
2. 11:00 a.m. - 3:00 p.m.
3. 3:00 p.m. - 6:00 p.m.
4. 6:00 p.m. - 9:00 p.m.

The site coordinator will be responsible for going to the State Committee headquarters on Monday to pick up the following materials:

- Palm Cards
- Volunteer Lists
- Dump D'Amato signs
- Dump D'Amato sandwich boards

Each site coordinator will receive an index card with the precinct voting site address and the volunteers names and phone numbers for each shift. It is the site coordinator's responsibility to call and verify that the volunteers will show up.

At the end of the day, the site coordinators will return to the state committee with the volunteer sheets and any remaining literature.

2. Targeted Precincts

These precincts will be selected based upon their turnout in democratic primaries. We will rank all the precincts based on turnout and fill in volunteers and coordinators.

9 5 0 4 3 6 6 5 2 6 6 9

These precincts will have site coordinators and operate during two shifts: 7:00 - 10:00 a.m. and 5:30 - 9:00 p.m. Each shift should have three volunteers who will handout the palm cards, hold signs and recruit volunteers. The site coordinators will get a list of volunteers to call to confirm their participation.

If people call the State Committee Monday or Tuesday wanting to volunteer, we will fit them in to slots in targeted precincts. We should identify at least twenty people to be site coordinators on April 7th.

3. Roving Demonstration Team

We should also plan to have a band of 5 - 10 people who will be following the Presidential candidates (and any other noteworthy activities taking place on Primary day) to get in the press. They will have signs, literature, balloons, hats, etc.

4. Regional Field Operation

Outside of Manhattan, coordinators should follow a modified version of the press and targeted precincts plan selecting at least one location for the press and others for maximum exposure to voters.

Each region will have a localized press release.

5. Other Activities

Several women's organizations have agreed to hand out our palm cards and discuss our plan for April 7th on their buses, trains etc. going to the pro-choice march in Washington this weekend.

We should plan to hand out palm cards and recruit volunteers at any campaign events this weekend as well.

95043665270



60 East 42nd Street, Suite 1263
New York, New York 10165
212-986-2955
212-986-0742 (Fax)

307 Hamilton Street
Albany, New York 12210
518-462-7407
518-462-5621 (Fax)

NEW YORK DEMOCRATS SAY DUMP D'AMATO

John A. Marino
Chair

On April 7, New Yorkers from Montauk to Niagara Falls will be asked to lend their support to a statewide grassroots campaign that will bring about the defeat of Senator Alphonse D'Amato in the general election in November.

Judith Hope
First Vice Chair

As part of the effort, volunteers will be on hand at polling places throughout the state distributing literature, organizing demonstrations and signing up new volunteers.

Herman D. Farrell, Jr.
Vice Chair

Marge Harrison
Vice Chair

The "Dump D'Amato" campaign will highlight the following facts:

Maurice Hinchey
Vice Chair

Joanne Hanson
Vice Chair

--Senator D'Amato used his influence to help political cronies and campaign contributors:

Dennis Rivera
Vice Chair

Peter Stein
Secretary

The Senator was reprimanded by the Senate Ethics Committee for conducting the business of his office in an improper and inappropriate manner. He subsequently spent \$461,000 of taxpayer money for a statewide mailing in which he lied to millions of New Yorkers, telling us that the Senate Ethics Committee found he did "nothing wrong." This is just one example of the Senator's blatant abuse of power.

Tu-Hua McCoy
Assistant Secretary

Rosemary Conway
Treasurer

William Greenwalt
Assistant Treasurer

Theodore C. Sorensen
Advisory Committee Chair

--Senator D'Amato failed to protect New York from devastating federal budget cuts:

Gerard E. Harper
Counsel and Law Chair

Since the Senator took office in 1981, the gap between taxpayer dollars sent to Washington and the funding New York State receives in federal programs and services has grown ten times, from \$2.7 billion to \$27.2 billion.

-MORE-



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New York, New York 10165
212-986-2955
212-986-0742 (Fax)

307 Hamilton Street
Albany, New York 12210
518-462-7407
518-462-5621 (Fax)

-2-

John A. Marino
Chair

Judith Hope
First Vice Chair

Herman D. Farrell, Jr.
Vice Chair

Marge Harrison
Vice Chair

Maurice Hinchey
Vice Chair

Jonas Hanson
Vice Chair

Dennis Rivera
Vice Chair

Peter Stein
Secretary

Tan-Hua McCoy
Assistant Secretary

Rosemary Conway
Treasurer

William Greenwalt
Assistant Treasurer

Theodore C. Sorensen
Advisory Committee Chair

Gerard E. Harper
Counsel and Law Chair

--Senator D'Amato blames sick, poor people and those who have lost their jobs for the nation's economic problems.

The Senator supports the Bush Administration's strategy to use welfare as a political issue that will divert attention from the real problems that threaten the nation: the national recession, the soaring national debt, the savings and loan scandal and increasing global competition.

"New Yorkers want and deserve a Senator they can be proud of," said New York State Democratic Party Chairman John Marino. "They want a Senator who will stop being a major apologist for the Reagan and Bush policies; they want someone who will spend his or her time fighting for New York, not fighting to clear his name.

"This grassroots effort will ensure that New Yorkers will not have to endure another term of Al D'Amato, something New Yorkers simply cannot afford."

FOR A BETTER NEW YORK. DUMP D'AMATO

Dump ~~memo~~ memo

we need it to say somewhere on all
printed materials: "paid for by the NEW
York State Democratic Committee."

Also- please remove "MARINO" from all materials

9 5 0 4 3 6 6 5 2 / 4
Also- all bumper stickers should be : white background
with the red + blue words
(you sent us one of them)

We do not have a proof for the
Bumper stickers

Beth
Re: Palm Card

It should look like this

(no'92)
DUMP ← Same
D'AMATO ← size

New York State deserves
a senator we can
be proud of.

If you etc.....

Please try to get 50k or
more if possible.

I'll talk to ya

Chris

95043665275

FACSIMILE COVER SHEET

TO: Mario Manella

FROM: Bob Cope

DATE: 3/30/92

CONSISTING OF: 2 PAGES, INCLUDING COVER SHEET

If you do not receive all of these pages, please call
212-986-2955 as soon as possible.

95043665276

3/27/92

Beth Cope

please proof
read

memo

DUMP '92 D'AMATO
DUMP D'AMATO

STATE

New York ^{STATE} deserves a Senator

me ~~it~~ they can be proud of.

If you would like to volunteer ^{or} ~~and~~ contribute to the
DUMP D'AMATO effort in 1992 call 212-986-2955

Paid for by the New York State Democratic Committee

95043665277

Please Call me
Back!

to
New York State
Democratic
Committee

ATT: BETH COPE

UNONDAGA COUNTY
DUMP D'AMATO IN '92

Home

Business

NANCY MC CARTY
Syracuse Common Councilor at Large
323 Genesee Park Drive
Syracuse, N.Y. 13224



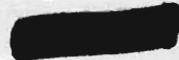
446-5253

MARK D. STANCZYK
County Legislature Minority Leader
228 Brattle Road
Syracuse, N.Y. 13203



422-8133

EDWARD J. SZUCESNIAK
County Chair
8020 Plinius Way
Liverpool, n.Y. 13090



422 0345

9 5 0 4 3 6 6 5 2 7 8

RECEIVED
F.E.C.
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

94 MAR 25 AM 9:22

In the Matter of)
New York Democratic Party and)
Rosemary Conway, as treasurer)
Dump D' in '92 Committee and Robert)
Ukeiley, as treasurer)

MUR 3570

SENSITIVE

COMPREHENSIVE INVESTIGATIVE REPORT #1

On January 25, 1994, the Commission found reason to believe that the New York Democratic Party and Rosemary Conway, as treasurer, ("State Committee") violated 2 U.S.C. §§ 434(b) and 441a(f), and that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, ("Dump D' Committee") violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), 434(c), 441a(a), and 441d(a). Also on that date, the Commission approved Orders to Submit Answers and Subpoenas for Documents to both committees, and approved a section 437g(a)(2) audit of the Dump D' Committee. In light of the possibility that the Dump D' Committee is no longer be present at its 1992 address,¹ this Office sent copies of the subpoena to the home addresses of the treasurer and the two co-treasurers. Two of these copies were returned and have been re-mailed to different addresses.

The State Committee responded to their subpoena on March 21, 1994. Upon our receipt and review of all the responses, this

1. As noted in the First General Counsel's Report in this matter, the Dump D' Committee has not filed a disclosure report since the 1992 Post-General.

95043665279

Office will forward the Dump D' Committee documents to the Audit Division and consider further investigation.

Lawrence M. Noble
General Counsel

Date 3/24/94

BY: 
Lois G. Lerner
Associate General Counsel

Staff assigned: Mark Allen

95043665200





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: *for [unclear]* MARJORIE W. EMMONS / DEIDRE H. DANIEL *DMD*
SECRETARY OF THE COMMISSION

DATE: MARCH 28, 1994

SUBJECT: MUR 3570 - COMPREHENSIVE INVESTIGATIVE REPORT #1
DATED MARCH 24, 1994.

The above-captioned matter was received in the Commission Secretariat at 9:22 a.m. on Friday, March 25, 1994 and circulated on a 24-hour no-objection basis at 12:00 p.m. on Friday, March 25, 1994.

There were no objections to the above-captioned matter.

95043665281

OGC 886



N. CHENG & CO.
Certified Public Accountants

RECEIVED
FEDERAL ELECTION
COMMISSION

MAIL ROOM
225 West 57th Street, 4th Floor

New York, NY 10019
Tel. (212) 386-1100 - FAX (212) 386-0129

April 6, 1994

Mr. Mark Allen
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

54 APR 11 PM 4:00

Re: MUR 3570
Dump D' in '92 Committee

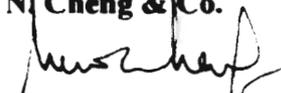
Dear Mr. Allen :

Per our telephone conversation earlier this week, this is to inform you in writing of the following facts :

- I volunteered to help the Committee with the accounting only. I told Mr. James Luce that I am not familiar with the rules and the requirements pertaining to the situation. I was assured that the attorneys involved would take care of all such matters. I assisted them in setting up the books and reviewed their bank reconciliation. I did not write the checks nor did I have check signing authorities.
- I do not have any of their books and records. The person most likely to have the financial documents would be Mr. Luce.
- I received no compensation and the time I spent there was very limited.

If you have additional questions, please do not hesitate to call.

Very truly yours ;
N. Cheng & Co.


Nerou (Neil) Cheng

9 5 0 4 3 6 5 2 8 2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APRIL 21, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dump D' in '92 Committee
c/o James J.D. Luce, Co-Treasurer
30 E. 31st Street
New York, NY 10016

RE: MUR 3570
Dump D' in '92 Committee

Dear Mr. Luce:

On March 10, 1994, the Office of the General Counsel of the Federal Election Commission sent you a notification that the Commission found reason to believe the Dump D' in '92 Committee had violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), 434(c), 441a(a), and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended. Included with this notification was a Subpoena to Produce Documents. The return receipt was signed on your behalf on or around March 17, 1994. The response to this subpoena was due thirty days from the date of your receipt of the notification, on April 18, 1994. To date, no response has been received.

Pursuant to 2 U.S.C. § 437d, the Commission has the authority to file suit in federal district court to enforce the subpoena, and the Office of the General Counsel may recommend that the Commission do so if compliance with the subpoena is not forthcoming.

Please contact me upon receipt of this letter, at
(202) 219-3400.

Sincerely,

Mark Allen
Attorney

95043665283

OGC 1342

KLIMASKI, MILLER & SMITH, P.C.
Attorneys at Law

May 16 10:02 AM '94

Douglas R. Smith*
Lynn I. Miller*
James R. Klimaski*
Jordan B. Yeager* ‡

Paralegal
Sandra L. Shepherd

1899 L Street, N.W.
Suite 1250
Washington, D.C. 20036-4804
(202) 296-5600
Fax (202) 296-5601

May 11, 1994

MUR 3570

Mark Allen, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: Robert Ukeiley; "Dump D' in '92 Committee"

Dear Mr. Allen:

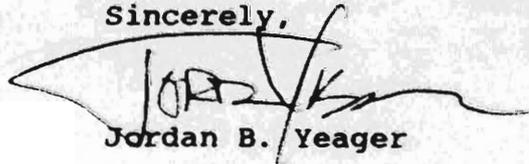
As I indicated to you over the phone today, I have been retained by Robert Ukeiley.

Once again, I want to assure you that we intend to fully comply with your request for documents. We will also be happy to sit down with you for an informal discussion.

We have requested documents from the FEC's Public Documents Office, which we expect to receive in approximately ten days. As soon as we have had an opportunity to review these records, we will make every effort to comply with your request in a speedy fashion. We can then discuss arrangements for an interview.

If, in the meantime, I can be of any assistance, please do not hesitate to contact me.

Sincerely,



Jordan B. Yeager

95043665284

* Also admitted in Maryland
‡ Also admitted in Virginia

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE SERVICES
May 16 8 17 AM '94

KIJMASKI, MILLER & SMITH, P.C.

Attorneys at Law

Douglas R. Smith
Lynn L. Miller
James B. Elmquist
Jordan B. Yeager

Paralegal
Sandra L. Shepherd

1899 L Street, N.W.
Suite 1250
Washington, D.C. 20046-3804
(202) 296 5600
Fax (202) 296 4501

June 17, 1994

JUN 20 7 52 AM '94

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Mark Allen, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: Robert Ukeiley; "Dump D' in '92 Committee"; MUR 3570

Dear Mr. Allen:

This is to update you on our efforts to compile documents for production and to respond to the complaint.

Unfortunately, my schedule and my client's recent move to New York for the Summer have delayed our efforts. I was out of town eight days in the last two weeks, and I am chief co-counsel in a twenty-two defendant criminal jury trial which will begin on Monday the 20th of June. This trial is likely to last until the 27th or 28th of June.

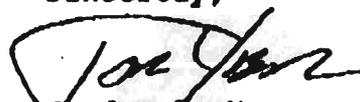
Nonetheless, we are making every effort to provide you with our response in as speedy a fashion as is possible.

By the middle of next week I expect to receive a few more documents that my client has just been able to locate in New York. As soon as I receive those and as soon as I have a spare moment from my jury trial I will be finalizing our response.

It is my sincere hope that we will have our response done by Wednesday the 29th of June.

I apologize for the delay and appreciate your patience.

Sincerely,


Jordan B. Yeager

* Also admitted to Maryland
* Also admitted to Virginia

95043665285

KLIMASKI, MILLER & SMITH, P.C.

Attorneys at Law

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Jul 1 12 36 PM '94

Douglas R. Smith *
Lynn I. Miller *
James R. Klimaski *
Jordan B. Yeager * ‡

Paralegal
Sandra L. Shepherd

July 1, 1994

1899 L Street, N.W.
Suite 1250
Washington, D.C. 20036-3804
(202) 296-5600
Fax (202) 296-5661

Mark Allen, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: Robert Ukeiley;
MUR 3570;
"Dump D' in '92! Committee";

Dear Mr. Allen:

As you know, we represent Robert Ukeiley, whom you have requested documents from in connection with an investigation into the activities of the Dump D' in 92! Committee.

As this letter will make clear, Mr. Ukeiley had a short-lived association with the Dump D' in '92! Committee, had a very brief tenure as Treasurer, and is not responsible for any wrongdoing that may have taken place.

Mr. Ukeiley is a young man who graduated from Muhlenberg College in the Spring of 1990. He studied History and Government. After travelling abroad and holding a few temporary jobs, Mr. Ukeiley, answered a December 27, 1991, classified ad in The Village Voice for positions with the "Dump D'Amato Committee". **Exhibit 1.**

On January 2, 1992, James Luce "hired" Mr. Ukeiley as an unpaid volunteer and gave him the title, "Finance Manager".¹ Within the first two weeks that Mr. Ukeiley was associated with the Committee, it was decided that the organization should file with the Federal Election Commission and that Mr. Ukeiley would serve as the Treasurer. On January 28, 1992, the Committee filed a "Statement of Organization" (FEC Form 1) with the Commission, which Mr. Ukeiley signed as Treasurer and which Jeremy Berkovits signed as Vice Treasurer. **Exhibit 2.**

¹ Mr. Ukeiley worked unpaid until January 27, 1992, when he began earning \$50.00 per week. This was raised to \$100 per week in February and to \$230.76 per week in April. Throughout his tenure with Mr. Luce, Mr. Ukeiley worked forty hour work-weeks.

* Also admitted in Maryland

‡ Also admitted in Virginia

95043665286

On the following day, January 29, 1992, Mr. Ukeiley wrote a letter to Mr. Luce, resigning as Treasurer, effective February 13, 1992. **Exhibit 3.** Mr. Ukeiley resigned as Treasurer because he did not have the experience, understanding or resources required to effectively serve in that role. Mr. Ukeiley was never bonded. He had no training as an accountant, and was only able to perform his functions as Finance Manager with the help of Neil Cheng, a Certified Public Accountant and friend of Mr. Luce. Mr. Ukeiley had never before had a position of responsibility with an FEC registered organization and he had no familiarity with the Commission's filing and reporting requirements.

After the January 28, 1992, Statement of Organization, Mr. Ukeiley did not sign any further filings as Treasurer. As Mr. Ukeiley's attached exhibits show, on all later filings and documents someone other than Mr. Ukeiley is identified as Treasurer:

* On a pamphlet dated March 22, 1992, the Treasurers are identified as Neil Cheng, C.P.A. and Betty Millard. **Exhibit 4.**

* On the Statement of Organization (FEC Form 1) filed on April 13, 1992, James Luce and Neil Cheng signed as Treasurers. **Exhibit 5.**

* On the Report of Receipts and Disbursements (FEC Form 3X) filed April 15, 1992, and covering the period from January 2, 1992, until March 31, 1992, James Luce and Neil Cheng signed as Treasurers. **Exhibit 6.**

* On the April 25, 1992, revision of the Committee's letterhead, Neil Cheng and Jim Luce are identified as Treasurers. **Exhibit 7.**

* On the Statement of Organization (FEC Form 1) filed on May 21, 1992, James Luce and Neil Cheng signed as Treasurers. **Exhibit 8.**

* On the June 2, 1992, revision of the Committee's letterhead, Neil Cheng, C.P.A. is identified as Co-Treasurer. **Exhibit 9.**

* Neil Cheng and James Luce signed the Committee's June 15, 1992, Statement of Organization (FEC Form 1) as Treasurers. **Exhibit 10.**

* Neil Cheng is identified as Treasurer on the Committee's June 8, 1992, revised letterhead. **Exhibit 11.**

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* On July 24, 1992, James Luce signed as Treasurer on the Committee's FEC Form 3X, which covered the period from April 1, 1992 until June 30, 1992. **Exhibit 12.**

* James Luce wrote a letter to the Commission on August 28, 1992, identifying himself as Co-Treasurer. **Exhibit 13.**

* FEC Form 3X, filed October 15, 1992, and covering the period from July 1, 1992 until September 30, 1992, also identifies James Luce as the Treasurer. **Exhibit 14.**

* James Luce again signed as Treasurer on the December 2, 1992, FEC Form 3X, which covers the period from October 1, 1992, until November 22, 1992. **Exhibit 15.**

Despite the fact that Mr. Ukeiley had resigned as Treasurer and despite the fact that other individuals - specifically James Luce and Neil Cheng - filed all reports after January 28, 1992, the Commission continued to address correspondence to Mr. Ukeiley as Treasurer. Mr. Ukeiley notified the Commission of their continuing error in this regard, but the error was never corrected.

On June 5, 1992, Mr. Ukeiley completely resigned from the staff of the Committee. **Exhibit 16.** He left the Committee because of disputes with Mr. Luce and Mr. Ukeiley was later forced to file a legal claim against Mr. Luce to collect unpaid salary.

Mr. Ukeiley is not implicated in any of the allegations raised in the complaint. Quite simply, there is no evidence that any of the activities alleged in the complaint occurred before February 13, 1992, which is when Mr. Ukeiley's resignation as Treasurer took effect. **Exhibit 2.**

Mr. Ukeiley did not hold the duties and responsibilities of Treasurer after February 13, 1992. Upon his resignation there was a vacancy in the position of Treasurer. According to 11 C.F.R. § 102.7, during such a vacancy the duties and responsibilities of the Treasurer are assumed by the person designated on the Committee's Statement of Organization as assistant treasurer. On the Dump D' in 92! Committee's January 28, 1992, Statement of Organization, Jeremy Berkovits is designated as the assistant treasurer. **Exhibit 3.** After February 13, 1992, therefore, Mr. Berkovits assumed the duties and responsibilities of the Treasurer.

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A revised Statement of Organization was then filed on April 13, 1992, which designated James Luce and Neil Cheng as Co-Treasurers. Exhibit 5. Mr. Luce and Mr. Cheng thereby assumed the duties and responsibilities of Treasurer.

Mr. Ukeiley, therefore, is not responsible for any of the alleged reporting violations², because each of these alleged violations occurred after Mr. Ukeiley's February 13, 1992, resignation. Mr. Ukeiley did not have the duties and responsibilities of Treasurer, and thus he did not have responsibility for the compilation and completion of the Committee's reports.

Furthermore, Mr. Ukeiley is not responsible for any of the alleged connections between the Dump D' in '92 Committee and the New York State Democratic Committee.³ Not only do these allegations concern reported events occurring after February 13, 1994, but the reporting itself is so cursory and unsubstantiated as to be completely unreliable. Mr. Ukeiley played no role in any coordination of activities with the State Committee, and to the best of his knowledge, no such coordination took place. Mr. Ukeiley never participated in any communications with anyone associated with the State Committee.

The only remaining allegation⁴ - that a certain flyer failed to state that it was not authorized by any candidate or candidate's committee - also cannot form the basis of any findings against Mr. Ukeiley. There is no evidence as to when this flyer was edited or published. This flyer very well may have been published after Mr. Ukeiley resigned as Treasurer.⁵

Even if the flyer had been published during Mr. Ukeiley's tenure as Treasurer, Mr. Ukeiley should still be free from any accusations of wrong-doing. As previously stated, Mr. Ukeiley was a novice as Treasurer. He had no training in the requirements of the Act, he had no prior experience performing under the Act, and he had no meaningful guidance on how to comply with the Act. Federal Election Comm'n v. Gus Savage for Congress,

²See Part II. E., concerning 2 U.S.C. §§ 434(a)(4)(A), 434(b), 434(c).

³See Part II. C., concerning 2 U.S.C. §§ 431(8)(A)(i), 431(17), 441a(a), 434(b).

⁴See Part II. D., concerning 2 U.S.C. § 441d(a).

⁵Mr. Luce often demonstrated a disregard for the truth, sending out over 10,000 pieces of campaign literature with Betty Mallard identified as Treasurer even though Ms. Mallard clearly told Mr. Luce that she did not want to be Treasurer.

95043665289

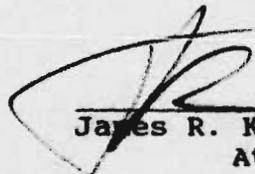
606 F. Supp. 541 (D.C. Ill. 1985) (finding no liability where the Treasurer lacked sophistication in the ways of reporting under the Act).

In all that he did, Mr. Ukeiley used his best efforts to bring the Committee into conformity with the requirements of the Act. See 2 U.S.C. §§ 432(i), 11 C.F.R. §§ 102.9(d), 104.7. Mr. Ukeiley did not knowingly or wilfully fail to include the required information on the flyer in question. 2 U.S.C. § 437g(d); AFL-CIO v. Federal Election Comm'n, 628 F.2d 97 (D.C. Cir.), cert. denied, 449 U.S. 984 (1980).

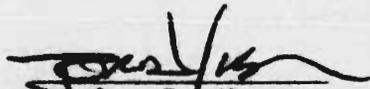
Because Mr. Ukeiley used his best efforts to comply with the Act and because the available evidence indicates that any wrongdoing occurred after Mr. Ukeiley resigned as Treasurer, we ask that you dismiss any pending proceedings against Mr. Ukeiley.

As we have indicated to you previously, Mr. Ukeiley would be willing to meet with you to discuss these matters further. If you would like to set up such a meeting or if we can be of any further assistance, please do not hesitate to contact us.

Sincerely,



James R. Klimaski



Jordan B. Yeager

Attorneys for Robert Ukeiley

95043665290

9 5 0 4 3 6 6 5 2 9 1

Exhibit 1

WORLD PROFESSIONAL TRAINING IN PROFESSIONAL TEMP COURSE

WORLD PROFESSIONAL TRAINING IN PROFESSIONAL TEMP COURSE

COLLEGE STUDENT

ADVERTISING SALES REPRESENTATIVE

DRIVERS NEEDED

DRIVERS NEW CABS CENTRAL LOCATION

DRIVERS TAXI EARN \$4500 WK

DRIVERS TAXI EARN \$4500 WK

ENTERTAINMENT FIELD

TELEPHONE SALES REPRESENTATIVE

RECEPTIONIST/TYPIST

HELP WANTED

SEE CATEGORIES 410-462

RECEPTIONIST/TYPIST

NOW HIRING AT

SOUND by SINGER

- ASST. EXEC SECY TO PRESIDENT
- RECEPTIONISTS & CASHIERS
- HIGH END AUDIO/VIDEO SALES
- AUDIO/VIDEO ACCESSORY SALES
- CUSTOM INSTALLATION SALES
- AUDIO/VIDEO INSTALLER & SERVICE TECHS
- STOCK (P/T & P/T)

Please apply in person, by December 20, 1981, San Diego Office - Sound by Singer Entertainment Office, 144 W. 4th St., San Diego, CA 92101, 619-591-7000

A NOTE TO OUR READERS:

ON SALE MONDAY

To help you get a jump on the holidays, The Village Voice will be at newsstands

MONDAY, DEC. 23rd & MONDAY, DEC. 30th

A NOTE TO OUR ADVERTISERS:

EARLY CLOSE

Deadlines for the issue on sale December 23rd:

All Classified Line Ads: Friday, Dec. 20th, 7PM
 All Classified Display Ads: Friday, Dec. 20th, 4PM
 Happy Holidays!



DOING JOBS

WE NEED

EXPERIENCED

RECEPTIONISTS

CALL US TODAY

619-591-7000

RESPIRE WORKERS

EXPERIENCED

CALL US TODAY

619-591-7000

RETAIL

EXPERIENCED

CALL US TODAY

619-591-7000

ACRMO

COUNSELOR

EXPERIENCED

CALL US TODAY

619-591-7000

BARBERS W/30

EXPERIENCED

CALL US TODAY

619-591-7000

BARTENDERS

EXPERIENCED

CALL US TODAY

619-591-7000

TELEPHONE SALES

EXPERIENCED

CALL US TODAY

619-591-7000

CONTINUED ON

PAGE 183

95043665292

95043665293

Exhibit 2

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1 (a) NAME OF COMMITTEE IN FULL CONTRIBUTOR'S DESIGNATION
D'Amato in '92!

(b) Number and Street Address (Check if address is changed)
298 Fifth Avenue, Suite 285

(c) City, State and ZIP Code
New York, N.Y. 10001

2 DATE **January 2, 1992**

3 FEC IDENTIFICATION NUMBER
13-3640602 FEB-3 AM 9-28

4 IS THIS STATEMENT AN AMENDMENT?
 YES NO

5 TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- Name of Candidate _____ Candidate Party Affiliation _____ Office Sought _____ State/District _____
- X (c) This committee supports/opposes only one candidate **Alfonse D'Amato** and is NOT an authorized committee.
 (name of candidate)
- (d) This committee is a _____ committee of the _____ Party.
 (National, State or subordinate) (Democratic, Republican, etc.)
- (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
None	N.A.	N.A.

Type of Connected Organization
 Corporation Corporation with Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7 Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records

Full Name	Mailing Address	Title or Position
James Luce	298 Fifth Avenue #285, NY, NY 10001	President
Michael Rogers	298 Fifth Avenue #285, NY, NY 10001	Vice-Pres.

8 Treasurer: List the name and address (phone number - optional) of the treasurer of the committee and the name and address of any designated agent (e.g. assistant treasurer)

Full Name	Mailing Address	Title or Position
Robert McKeiley	298 Fifth Avenue #285, NY, NY 10001	Treasurer
Jeremy Berkovits	298 5th Ave. #285, NY, NY 10001	Vice-Treas.

9 Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Manufacturers Hanover Bank	140 Broadway, NY, NY 10036

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER SIGNATURE OF TREASURER DATE

Robert McKeiley *Robert McKeiley* 1/28/92

NOTE: SUBMITTAL OF THIS STATEMENT IS MANDATORY. FAILURE TO FILE THIS STATEMENT WILL SUBJECT THE PERSON SIGNING IT TO THE PENALTIES OF 2 U.S.C. 1911g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 30 DAYS.

For further information contact
 Federal Election Commission
 Washington, D.C. 20542-9535

FEC FORM 1
 (revised 8/87)

95043665204
72037334691

9 5 0 4 3 6 6 5 2 9 6

Exhibit 3

Jan. 29, 1992

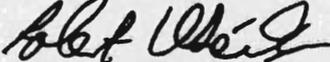
Robert Ukeiley
807 Harmon Cove Towers
Secaucus, N.J. 07094

Jim Luce
Campaign Manager
Dump D'Amato in '92
298 5th Ave. Suite 285
N.Y., N.Y. 10001-4592

Dear Jim:

I am announcing my resignation as treasurer of Dump D'Amato in '92. This is effective at close of business Thursday, February 13, 1992. As discussed in our meeting yesterday with our legal and accountating advisers, It is not prudent for a person in my financial position to be treasurer of a election campaign.

Sincerely,


Robert Ukeiley

cc;file

95043665297

9 5 0 4 3 6 6 5 2 9 8

Exhibit 4

Directory

To support stronger ethics in government,
please contribute to the following important organizations:

Ethics and
Public Policy Center
1030 15th Street, N.W.
Washington, D.C. 20005
(202) 682-1200

Ethics Resource Center
600 N.H. Avenue, N.W.,
Suite 400
Washington, D.C. 20037
(202) 333-3419

Government
Accountability Project
25 East Street, N.W.
Washington, D.C. 20001
(202) 408-0034

Please let them know you support
Dump D'Amato in '92!

**These groups have not officially endorsed
Dump D'Amato in '92!*

Layout & design by Ed Flynn
© 1992 Dump D'Amato in '92!

Dump D'Amato in '92!

Whether the issue is censorship, hip, choice, civil liberties, education, our environment, housing & jobs, labor, peace, the Religious Right, the Supreme Court or universal health care, Alfonse D'Amato has voted against us. He has helped create an America we can no longer even recognize.

Dump D'Amato in '92! is an independent grassroots educational association registered with the FEC which uses radio and TV spots, as well as tabling and even a door-to-door canvass to bring home this message: for the sake of us all, *we must Dump D'Amato in '92!*

TO HELP, CALL 212/719-1992

To: **DUMP D'AMATO IN '92!**
298 Fifth Avenue, Suite 285
New York, N.Y. 10001-4592

Enclosed is my contribution of:

\$30 \$50 \$100
 \$500 \$1,000 \$ other

I want to volunteer my services!

OK to use my name as a supporter!

Name: _____

Address: _____

Phone: (____) _____

Please make checks payable to
"DUMP D'AMATO IN '92!"

Paid for by *Dump D'Amato in '92!*,
Neil Cheng, C.P.A. & Betty Millard, Treasurers

Ethics & Alfonse D'Amato

By Joseph Meyerson

Printed on recycled paper
3rd edition, March 22, 1992

9 6 2 5 9 9 3 7 0 5 9

D'Amato: "I'm Cleared"

Al D'Amato has been going around saying that the recent investigation by the Senate Ethics Committee and the NY State Investigation Commission have proved that he's done nothing wrong.

In fact, he's bought TV time to spread the news. He's even sent letters at taxpayer expense to celebrate his "victory."

Unfortunately, it's not that simple. The Ethics Committee rebuked D'Amato for conducting the business of his office in an improper and inappropriate manner. His "victory" was avoiding official censure by the Ethics Committee, which the *N.Y. Times* calls "notoriously lenient."

How does Al D'Amato conduct his business?

Well, his brother Armand, a lawyer and lobbyist, sent mail to the Navy about a client's potential \$100 million defense contract — on Al's stationary, and with Al's signature. The contract was awarded

Armand D'Amato's client. Al said he didn't know what Armand had done.

The NY State Investigation Commission found "no criminal wrongdoing" in Al D'Amato's role in arranging the publicly financed purchase of Roosevelt Raceway by private investors. Armand was the track's legal counsel, and the track's owners were also contributors to Al's campaign.

Investigation Continues

The Senate Ethics Committee was unable to address certain allegations because they are still under criminal investigation. In February of 1991, prosecutors in the Brooklyn U.S. Attorney's office sent a detailed memo to higher-ups in the Justice Department asking permission to go ahead and begin the prosecution of Armand D'Amato. There has still been no official reply — after a whole year.

Interestingly enough, the Brooklyn U.S. Attorney, Andrew Maloney, was appointed by Al D'Amato and continues to socialize with him. Maloney says he's recused himself from the investigation, and insists his relationship with D'Amato has no effect on his subordinates' efforts.

Whose Senator Is He?

Al D'Amato was a powerful advocate of Puerto Rico at HUD. During the late 80's Puerto Rico got about seven times the amount of housing rehabilitation funds than it would have received according to "fair share" formulas based on population. New York State, on the other hand, got only 5% of the money - out of a "fair share" of 14%.

D'Amato has many campaign contributors in Puerto Rico. One of these, Eduardo Lopez Ballori, was indicted for giving \$32,000 to D'Amato's campaign committee under 17 different names. *The legal limit is \$2,000 per person.*

Let's Dump D'Amato

Al D'Amato would have us believe that his ethics are above reproach. In fact, Al D'Amato's ethics are nothing but reproachful. We don't want Al D'Amato to buy himself another election, as he did in 1986. He spent over \$12 million to win re-election — one of the most expensive campaigns in history.

Al D'Amato's popularity is at an all-time low. According to the latest N.Y. Observer poll, *only 38% of the people surveyed rated D'Amato's performance as "favorable,"* and in the latest Marist Institute poll, his approval rating was only 34%. Also in the Marist poll, 72% of the people agreed that New York State is "going in the wrong direction."

We don't need any more so-called "leadership" to take us in the wrong direction. Alfonse D'Amato has shown over and over again that he is not the kind of person New York needs in the U.S. Senate. We deserve much, much better. *Let's Dump D'Amato in '92!*

JOSEPH MEYERSON is a volunteer for Dump D'Amato in '92, an FEC-registered grassroots association dedicated to unseating Alfonse D'Amato. Meyerson majored in Political Science at Rutgers University.

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Exhibit 5

STATE OF NEW YORK

NAME OF CANDIDATE **NAME OF PARTY**

Alfonse D'Amato in '92 **Alfonse D'Amato**

ADDRESS **PHONE NUMBER**

290 5th Ave. Suite 285 **10001 92 APR 21 AM 11:46**

New York, New York **10001**

TYPE OF COMMITTEE (check one) **HAND DELIVERED**

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	MAILING ADDRESS
Alfonse D'Amato			

- (c) This committee supports/opposes only one candidate, **Alfonse D'Amato**, and is NOT an authorized committee (name of candidate)
- (d) This committee is a _____ committee of the _____ Party (National, State, or subcommittee) (Democratic, Republican, etc.)
- (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

Name of Any Associated Organization or Political Committee	Mailing Address and ZIP Code	Relationship

Type of Committee Organization
 Corporation Corporation with Capital Stock Labor Organization Membership Organization Public Association Cooperative

7. Contribution of Records: (List by name, address (phone number - optional) and position of the person in position in the record.)

Full Name	Mailing Address	Title or Position
Robert Uselley	290 5th Ave. Suite 285 N.Y., N.Y. 10001	Vice-Treasurer
Nerou (Neil) Cheng	290 5th Ave. Suite 285 N.Y., N.Y. 10001	Treasurer
James Lyce	290 5th Ave Suite 285 N.Y. N.Y. 10001	CO-Treasurer

8. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, or has safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Manufacturers Hanover Bank	1460 Broadway N.Y., N.Y. 10036

9. Signature: I have examined this statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER'S	SIGNATURE OF TREASURER	DATE
JAMES A. LYCE	<i>James Lyce</i>	4/13/92

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:
 Federal Election Commission
 Toll-free 800-424-9630
 Local 202-376-9120

FEC FORM 1
 (revised 4/87)

92000100675 95043665302

P D'AMATO IN '92
1th Ave., Suite 308
Yonk. N.Y. 10001

Federal Election Commission
999 "E" Street N.W.
Washington, D.C. 20003



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9 2 0 0 1 0 0 6 7 6

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95043665305

Exhibit 6

Apr 18 11 49 AM '92

USE PREVIOUS EDITION
TYPE REPORT

1. NAME OF COMMITTEE (or CANDIDATE)
Dump D'Amato in '92

ADDRESS (number and street) Check if different than previously reported
298 5th Ave, Suite 285
CTRY, STATE and ZIP CODE
New York, New York 10001-4592

2. FEC IDENTIFICATION NUMBER
C00259515

3 This committee qualified as a non-federally financed committee DURING THIS Reporting Period on _____ (Date)

4. TYPE OF REPORT

- (a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non-election Year Only)
 Termination Report
- (b) Is this Report an Amendment? YES NO

- Monthly Report Due On**
- | | | |
|--------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20 | <input type="checkbox"/> October 20 |
| <input type="checkbox"/> March 20 | <input type="checkbox"/> July 20 | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20 | <input type="checkbox"/> August 20 | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20 | <input type="checkbox"/> September 20 | <input type="checkbox"/> January 31 |
- Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____
- Thirtieth day report following the General Election on _____
in the State of _____

SUMMARY

5. Covering Period 1/2/92 through 3/31/92

6. (a) Cash on Hand January 1, 1992 _____

(b) Cash on Hand at Beginning of Reporting Period _____

(c) Total Receipts (from Line 18) _____

(d) Subtotal (add Lines 6(a) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 30) _____

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) _____

9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) \$ _____

10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) \$ _____

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a)	\$ 0	\$ 0
6. (b)	\$ 0	\$ 0
6. (c)	\$ 11,900 ⁰⁰	\$ 11,900 ⁰⁰
6. (d)	\$ 11,900 ⁰⁰	\$ 11,900 ⁰⁰
7.	\$ 11,236 ⁵⁷	\$ 11,236 ⁵⁷
8.	\$ 663 ⁸¹	\$ 663 ⁸¹

For further information contact
Federal Election Commission
990 E Street, NW
Washington, DC 20543
Tel. Free 800-424-6530
Local 202-376-3120

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer: JAMES J. D. LUCE None
Signature of Treasurer: [Signature] [Signature] Date: April 15, 1992

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Return to the penalties of 2 U.S.C. § 4370.

95043665306
9200100971

**DETAILS SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS
PAGE 2, FDC FORM 28**

[Printed]

NAME OF COMMITTEE	REPORT COVERING PERIOD	
	FROM	TO
<u>Dump D'Acosta in '92</u>	<u>11/1/92</u>	<u>7/31/92</u>
	Column A Total This Period	Column B Calendar Year
I. Receipts		
11 Contributions (other than loans) From:		
a Individual Persons Other Than Political Committees		
i Itemized (use Schedule A)	5,133 ⁰⁰	5,133 ⁰⁰
ii Unitemized	6,767 ⁴¹	6,767 ⁴¹
iii Total (add i and ii) >	11,900 ⁴¹	11,900 ⁴¹
b Political Party Committees	0	0
c Other Political Committees (such as PACs)	0	0
d Total Contributions (add a ii, b and c) >	11,900 ⁴¹	11,900 ⁴¹
12 Transfers From Affiliated/Other Party Committees	0	0
13 All Loans Received	0	0
14 Loan Repayments Received	0	0
15 Offsets To Operating Expenditures (Refrunds, Rebates, etc.)	0	0
16 Refunds of Contributions Made to Federal Candidates and Other Political Committees	0	0
17 Other Federal Receipts (Dividends, Interest, etc.)	0	0
18 Transfers from Nonfederal Account for Joint Activity	0	0
19 Total Receipts (add 11d, 12, 13, 14, 15, 16, 17, and 18) >	11,900 ⁴¹	11,900 ⁴¹
20 Total Federal Receipts (subtract line 18 from line 19) >	11,900 ⁴¹	11,900 ⁴¹
II. Disbursements		
21 Operating Expenditures:		
a Shared Federal/Non-Federal Activity (from Schedule H4)		
i Federal Share	0	0
ii Non-Federal Share	0	0
b Other Federal Operating Expenditures	11,236 ⁵⁷	11,236 ⁵⁷
c Total Operating Expenditures (Add a i, ii, and b) >	11,236 ⁵⁷	11,236 ⁵⁷
22 Transfers to Affiliated/Other Party Committees	0	0
23 Contributions to Federal Candidates/Committees and Other Political Committees	0	0
24 Independent Expenditures (use Schedule E)	0	0
25 Coordinated Expenditures Made by Party Committees (2 U.S.C. 4414(d)) (use Schedule F)	0	0
26 Loan Repayments Made	0	0
27 Loans Made	0	0
28 Refunds of Contributions To:		
a Individuals/Persons Other Than Political Committees	0	0
b Political Party Committees	0	0
c Other Political Committees (such as PACs)	0	0
d Total Contribution Refunds (Add a, b and c) >	0	0
29 Other Disbursements	0	0
30 Total Disbursements (add 21c, 22, 23, 24, 25, 26, 27, 28d and 29) >	11,236 ⁵⁷	11,236 ⁵⁷
31 Total Federal Disbursements (subtract line 21 a ii from line 30) >	11,236 ⁵⁷	11,236 ⁵⁷
III. Net Contributions/Operating Expenditures		
32 Total Contributions (other than loans)(from line 11d)	11,900 ⁴¹	11,900 ⁴¹
33 Total Contribution Refunds (from line 28d)	0	0
34 Net Contributions (other than loans)(subtract line 33 from line 32)	11,900 ⁴¹	11,900 ⁴¹
35 Total Federal Operating Expenditures (add 21 a i and 21 b) >	11,236 ⁵⁷	11,236 ⁵⁷
36 Offsets to Operating Expenditures (from line 15)	0	0

95043665307
0100972

9 5 0 4 3 6 6 5 3 0 8

Exhibit 7



SUPPORTERS

Steve Allen
Entertainer/Author

Ed Amer
Actor/Activist

Bernard Bellush
ADA/New York

Jello Biafra
Entertainer/Activist

Marie Lucie Brutus
AIDS Action Council

Blair Clark
*Former Editor,
The Nation*

Norman Darsen
*Former President,
A.C.L.U.*

Mark Green
*Consumer Affairs Dir.,
City of New York*

Russell Hemenway
*National Comm. for
an Effective Congress*

Robert Levinson, Esq.
*Proshner, Rose, Goetz
& Mendelsohn*

Stanley Lowell, Esq.
*Fink, Weinberger, Friedman,
Berman & Lowell*

Edward P. Morgan
*Former Correspondent,
ABC Television*

Edward Morrison, Esq.
Morrison & DeRoos

Andrew Norman
The Norman Foundation

Hon. Suzi Oppenheimer
*36th District
(Westchester County)*

Hon. Richard Ottinger
*Pace University
Law School*

Libby Post
Gay Activist

David E. Schwab II

Diane Welsh
*President,
NOW/New York City*

Richard Yao, Esq.
*Fundamentalists
Anonymous (FA)*

TREASURERS

Neil Cheng, CPA
Jim Luce

DIRECTORS

Joshua Abrams
Direct Mail Division

Artemis Anninos
Special Gifts Division

Jeremy Berkovits
V.I.P. Gifts Division

Steven Bourke
Contributor Follow-up

Ray Duggan
Canvass Division

Wayne Jones, Esq.
Organizational Gifts

Robert Ubbelley
Comptroller

Gordon White
Special Events Division

John Yearley
House Parties Division

rev. April 25 1992

95043665309

95043665310

Exhibit 8

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

(a) Name of Candidate or Full Name of Candidate Dump D'Amato in '92!	(b) Date May 21, 1992
(c) Street and Street Address 298 5th Ave. Suite 285	(d) Federal Identification Number C00259835
(e) City, State and ZIP Code New York, New York 10001	(f) Is this statement an authorized statement? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

3 TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
 - (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | | | | |
|-------------------|-----------------------------|---------------|----------------|
| Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|-------------------|-----------------------------|---------------|----------------|
- (c) This committee ~~supports~~ **opposes** only one candidate Alfonse D'Amato and is NOT an authorized committee. (name of candidate)
 - (d) This committee is a _____ committee of the _____ Party. (National, State or subnational) (Democratic, Republican, etc.)
 - (e) This committee is a separate segregated fund.
 - (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

7. Type of Organized Organization

Corporation Corporation with Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Robert Ukeiley	298 5th Ave. Suite 285 N.Y., N.Y. 10001	Vice-Treasurer
Nerou (Neil) Cheng	298 5th Ave. Suite 285 N.Y., N.Y. 10001	Co-Treasurer
James Luce	298 Fifth Avenue, #285, NY, NY 10001	CO-Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
First National Bank of Rhinebeck	Kingston, N.Y. 12401
Manufacturers Hanover Bank	1460 Broadway N.Y., N.Y. 10036

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER 3	SIGNATURE OF TREASURER	DATE
JAMES D. LUKE	<i>[Signature]</i>	MAY 21, 1992

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this statement to the penalties of 2 U.S.C. § 437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:
 Federal Election Commission
 Phone 800-426-9530
 202-376-3120

FEC FORM 1
 (revised 4/82)

9 5 0 4 3 6 6 5 3 1 1
2 0 3 7 5 2 3 7 4 8

JMP

MATO

2

2

F. E. C.
999 "E" St. N.W.
Washington D.C. 20543

95043665313

Exhibit 9



Mr. Ted Liebowitz
Worldwide Communications
350

MANAGER
Jim Luce

SUPPORTERS
Steve Allen
Entertainer/Author

Ed Aarar
Actor/Activist

Bernard Bellush
Former President,
ADAR New York

Jelle Blaha
Entertainer/Activist

Suzy Berczak
President, Nassau
Right To Choose PAC

Maria Lucia Brusca
AIDS Action Council

Arthur Chalosse
President,
CWA, Local 1180

Blair Clark
Former Editor,
The Nation

Norman Darsan
Former President,
A.C.L.U.

Glenn Gray
Native Women's
Political Caucus

Jean Firestone
Arts Administrator/
Independent Producer

Mark Green
Consumer Affairs Dir.,
City of New York

Russell Hemanway
President,
National Comm. for
an Effective Congress

Geoff Herzog
Coordinator,
New York CISPES

Peggy Kerry
Catholics For
Free Choice

Robert Levinsohn, Esq.
Prosecutor, Rose, Goetz
& Mendelsohn

Stanley Lower, Esq.
Fink, Weinberger,
Friedman, Berman
& Lowell

Elizabeth McCormack
Rockefeller Family
And Associates

Hon. Richard Maass
Former Mayor,
White Plains

Edward P. Margolis
Former Correspondent,
ABC Television

Edward Morrison, Esq.
Morrison & DeRosa

Stewart Moss
Activist/Philanthropist

Andrew Norman
The Norman Foundation

Hon. Suzi Oppenheimer
State Senator, 38th District
(Westchester County)

Hon. Richard Otinger
Professor, Pace
University Law School

Jan Pierce
President, District 1
Communication Workers
Of America

Libby Post
Gay & Lesbian Activist

Joseph Rosenblatt
Rosenblatt & Wacht

Polly Rothstein
President,
Westchester Coalition
For Legal Abortion

David E. Schwab, Esq.
Schwab, Goldberg,
Pitts & Danney

Lily Stone
Singer/Actress

James Webb
President, New York
Coalition Of Black
Trade Unions

Diane Welsh
President,
NOW New York City

Leona White
President, New York
Coalition Of
Labor Union Women

Nancy Yanofsky
Director, Pro-Choice
Resource Center

William Zabel, Esq.
Schulte, Roth & Zabel

CO-TREASURERS
Neil Cheng, CPA

partial listing only;
institutional listings
for ID purposes only

rev. June 2, 1992

9 5 0 4 3 6 6 5 3 1 4

9 5 0 4 3 6 6 5 3 1 5

Exhibit 10

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. NAME OF COMMITTEE OR FUND Dump D' in '92:	7. FILE NUMBER JAMES LUCE 1992 C00299515
2. Number and Street Address 298 5th Ave. Suite 285	8. IF THIS COMMITTEE IS A FEEDBACK COMMITTEE <input type="checkbox"/> YES <input type="checkbox"/> NO
3. City, State and ZIP Code New York, New York 10001	9. IF A FEEDBACK COMMITTEE (See instructions) <input type="checkbox"/> YES <input type="checkbox"/> NO

5. TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
 - (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|-------------------|-----------------------------|---------------|----------------|
|-------------------|-----------------------------|---------------|----------------|
- (c) This committee supports/opposes only one candidate Alfonse D'Amato and is NOT an authorized committee. (name of candidate)
 - (d) This committee is a _____ committee of the _____ Party. (National, State or subordinate) (Democratic, Republican, etc.)
 - (e) This committee is a separate segregated fund.
 - (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

Type of Connected Organization

- Corporation Corporation with Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Artemis Anninos	298 5th Ave. Suite 285 N.Y., N.Y. 10001	President

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
Nerou (Neil) Cheng	298 Fifth Ave. #285 NY, NY 10001	Co-Treasurer
James Luce	298 Fifth Avenue, #285, NY, NY 10001	CO-Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Manufacturers Hanover Bank	1460 Broadway N.Y., N.Y. 10036

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER'S JAMES A. LUKE, Nilou Niu Cople	SIGNATURE OF TREASURER 	DATE June 15, 1992
---	----------------------------	-----------------------

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact
 Federal Election Commission
 Toll-free 800-424-9530
 Local 202-376-3120

FEC FORM 1
(revised 4/87)

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95043665319

Exhibit 11



298 Fifth Avenue, Suite 285 • New York, N.Y. 10001-4592 • 212/719-1992

92

MANAGER

Jim Luce

SUPPORTERS

Steve Allen
Entertainer/Author

Ed Asner
Actor/Activist

Bernard Bellush
Former President,
ADANew York

Jello Biafra
Entertainer/Activist

Suzy Bartzak
President, Nassau
Right To Choose PAC

Maria Luce Brutus
AIDS Action Council

Arthur Chelotes
President,
CWR, Local 1180

Blair Clark
Former Editor,
The Nation

Norman Dorsen
Former President,
ACLU

Paul Elson
Chairman,
New York League Of
Conservation Voters

Jean Firestone
Arts Administrator/
Independent Producer

Gloria Gray
National Women's
Political Caucus

Mark Green
Consumer Affairs Dir.,
City of New York

Russell Hemanway
President,
National Comm. for
an Effective Congress

Geoff Herzog
Coordinator,
New York CISPES

Peggy Kerry
Catholics For
Free Choice

Robert Levinsohn, Esq
Prosecutor, Rose, Goetz
& Mendelsohn

Stanley Lowell, Esq
Fink, Weinberger,
Friedman, Berman
& Lowell

Elizabeth McCormack
Rochester Family
And Associates

Hon. Richard Maass
Former Mayor,
White Plains

Dear Robert,

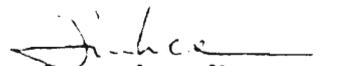
June 30, 1992

I am pleased to be able to send you this check for \$178.21 today (4/13-4/19/92). I realize that your leaving was accompanied by much heated conversation. Now that things have settled back down, I just wanted you to know that in spite of everything I do appreciate the work you did in setting up the books for the Association.

I especially appreciate the role you served as Vice-Treasurer, Finance Manager, Comptroller, Bookkeeper and signature on our account. The decisions you made to delay payroll week after week, as approved at our Weekly Board Meetings, must have been hard ones indeed.

As I promised to you, we will continue to issue you a check each and every time we meet payroll, until the sum still owed you (\$1,247.47) is paid in full. I as much as you hope that that will be rapidly.

Sincerely,


Campaign Manager

Edward P. Morgan
Former Correspondent,
ABC Television

Edward Morrison, Esq.
Morrison & DeRosa

Steven Mott
Activist/Philanthropist

Andrew Norman
The Norman Foundation

Hon. Suzi Oppenheimer
State Senator, 33rd District
(Westchester County)

Hon. Richard Oringer
Professor, Pace
University Law School

Jen Pierce
President, District 1
Communication Workers
Of America

Libby Post
Gay & Lesbian Activist

William Rastbaum, M.D.
President,
Physicians For
Abortion Rights

Joseph Rosenblatt
Rosenblatt & Wacht

Polly Rothstein
President,
Westchester Coalition
For Legal Abortion

David E. Schwab II, Esq.
Schwab, Goldberg,
Price & Danner

Ely Stone
Singer/Actress

James Webb
President, New York
Coalition Of Black
Trade Unionists

Diane Welch
President,
NOW/New York City

Leona White
President, New York
Coalition Of
Labor Union Women

Nancy Yanolsky
Director, Pro-Choice
Resource Center

William Zabel, Esq.
Schulte, Roth & Zabel

CO-TREASURER
Neil Cheng, CPA

partial listing only,
institutional listings
for ID purposes only

rev June 8, 1992

95043665320

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Exhibit 12

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

FEDERAL ELECTION COMMISSION
1975

USE PNC MARKING LABEL ON TYPE OR PRINT

1. NAME OF COMMITTEE (in full)
DUMP D' IN '92

ADDRESS (number and street) Check if different than previously reported
298 Fifth Avenue, Suite 285

CITY, STATE AND ZIP CODE
New York, N.Y. 10001

Jul 27 10 05 AM '92

2. FEC IDENTIFICATION NUMBER
00259515

3. This committee qualified as a multicandidate committee DURING THIS Reporting Period on (Date)

4. TYPE OF REPORT

- (a) April 15 Quarterly Report Monthly Report (See List)
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report
- Monthly Report (See List):
 February 20 June 20 (August 20
 March 20 July 20 November 20
 April 20 August 20 December 20
 May 20 September 20 January 31
- Twelfth day report preceding (Type of Election)
- election on _____ in the State of _____
- Thirtieth day report following the General Election on _____
- in the State of _____

(b) Is this Report an Amendment? YES NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>4/1/92</u> through <u>6/30/92</u>		
6. (a) Cash on Hand January 1, 19 <u>92</u>	[REDACTED]	\$ 0
(b) Cash on Hand at Beginning of Reporting Period	\$ 663. ⁹⁴	[REDACTED]
(c) Total Receipts (from Line 19)	\$ 25,367. ⁹²	\$ 31,268. ³⁵
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 26,031. ⁸⁶	\$ 31,268. ³⁵
7. Total Disbursements (from Line 30)	\$ 25,935. ²⁰	\$ 31,171. ³⁰
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 46. ⁶⁶	\$ 46. ⁵²
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 999 E Street NW Washington DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

JAMES LUCE

Signature of Treasurer

James Luce

Date

7/24/92

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 437g.

FEC FORM 3X

(revised 1/91)

**DETAILED SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS
PAGE 2, FEC FORM 278**

NAME OF COMMITTEE: <u>CLUMP D'IN '92'</u>		REPORT COVERED PERIOD FROM <u>4/1/92</u> TO <u>1/1/93</u>	
		COLUMN A Total This Period	COLUMN B Calendar Year
I. Receipts			
11	Contributions (other than loans) From:		
a	Individual Persons Other Than Political Committees:		
	• Itemized (use Schedule A)	7,583.12	12,716.12
	• Unitemized	14,704.85	21,552.26
	• Total (add i and ii) >	22,287.97	34,268.38
b	Political Party Committees	0	0
c	Other Political Committees (such as PACs)	2,000.00	2,000.00
d	Total Contributions (add a, b and c) >	24,287.97	36,268.38
12	Transfers From Affiliated/Other Party Committees	0	0
13	All Loans Received	1,000.00	1,000.00
14	Loan Repayments Received	0	0
15	Offsets To Operating Expenditures (Refunds, Rebates, etc.)	0	0
16	Refunds of Contributions Made to Federal Candidates and Other Political Committees	0	0
17	Other Federal Receipts (Dividends, Interest, etc.)	0	0
18	Transfers from Nonfederal Account for Joint Activity	0	0
19	Total Receipts (add 11d, 12, 13, 14, 15, 16, 17, and 18) >	25,287.97	37,268.38
20	Total Federal Receipts (subtract line 18 from line 19) >	25,287.97	37,268.38
II. Disbursements			
21	Operating Expenditures:		
a	Shared Federal/Non-Federal Activity (from Schedule M4):		
	i. Federal Share	0	0
	ii. Non-Federal Share	0	0
b	Other Federal Operating Expenditures	25,935.29	37,171.86
c	Total Operating Expenditures (Add a.i, a.ii, and b) >	25,935.29	37,171.86
22	Transfers to Affiliated/Other Party Committees	0	0
23	Contributions to Federal Candidates/Committees and Other Political Committees	0	0
24	Independent Expenditures (use Schedule E)	0	0
25	Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F)	0	0
26	Loan Repayments Made	0	0
27	Loans Made	0	0
28	Refunds of Contributions To:		
	a. Individuals/Persons Other Than Political Committees	0	0
	b. Political Party Committees	0	0
	c. Other Political Committees (such as P.C.s)	0	0
	d. Total Contribution Refunds (Add a, b and c) >	0	0
29	Other Disbursements	0	0
30	Total Disbursements (add 21c, 22, 23, 24, 25, 26, 27, 28d, and 29) >	25,935.29	37,171.86
31	Total Federal Disbursements (subtract line 21 a.i from line 30) >	25,935.29	37,171.86
III. Net Contributions/Operating Expenditures			
32	Total Contributions (other than loans) (from line 11d)	24,287.97	36,268.38
33	Total Contribution Refunds (from line 28d)	0	0
34	Net Contributions (other than loans) (subtract line 33 from line 32)	24,287.97	36,268.38
35	Total Federal Operating Expenditures (add 21 c, and 21 b) >	25,935.29	37,171.86
36	Offsets to Operating Expenditures (from line 15)	0	0
37	Net Operating Expenditures (subtract line 36 from line 35) >	25,935.29	37,171.86

9 5 0 4 3 6 6 5 3 2 4

Exhibit 13

DUMP
DAMATO

245 Eighth Ave., Suite 205 • New York, N.Y. 10011 •

RECEIVED
COMMISSION
MAIL ROOM

SECRETARY
SENATE
SENATE
2 SET 7 AM: 20
HAND
HAND
COVERED
COVERED

SEP 16 11 51 AM '92

August 28, 1992

VIA CERTIFIED MAIL

Mr. Jack MacDonald
Reports Analyst
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

RECEIVED
DELIVERED
7 11 21

re: ID #C-00259515
ref: April Quarterly Report
(1/2/92- 3/31/92)

Dear Mr. MacDonald:

We are in receipt of your correspondence dated August 4, 1992. We apologize for any confusion the term "Commission" may have created. The proper term, and the term used in subsequent filing, is "Consulting Fees."

We thank you for your cooperation in this matter. I may be reached at 212-719-1992 if you have any questions.

Sincerely yours,


James J.D. Luce
Co-Treasurer

P.S. Please be informed of our new mailing address: 245 Eighth Avenue, Suite 357, New York, NY 10011-1607.

95043665325
9200001516

95043665326

901817

DUMP D'AMATO IN '92!
240 SOUTH AVE. SUITE 207
NEW YORK, N.Y. 10008

Jack McDonald
Reports Analyst Division
Federal Election Commission
Washington DC 20463



76. 07 15 11 91 05

POSTAGE
PAID
NEW YORK, NY

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Exhibit 14

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC NUMBER LABELS
SEE INSTRUCTIONS
TYPE ON FRONT

NAME OF COMMITTEE (in full)
Dump D' in 1992!

ADDRESS (number and street) Check if different than previously reported
245 Eighth Ave Suite 285

CITY STATE AND ZIP CODE
New York NY 10001

FEC IDENTIFICATION NUMBER
C00254515

This committee was first organized on _____
and commenced operation on _____
during this reporting period.

4. TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year-End Report
- July 31 Mid-Year Report (Non-election Year Only)
- Termination Report

Is this Report an Amendment? YES NO

95043665320
22037105356

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>7/1/92</u> through <u>9/30/92</u>		
6	a. Cash on hand January 1, '92		\$ 0
	b. Cash on hand at Beginning of Reporting Period	\$ 46.52	
	c. Total Receipts from Line 13	\$ 16,314.00	\$ 53,582.38
	d. Subtotal (add Lines 6-b and 6-c for Column A and Lines 6-a and 6-c for Column B)	\$ 16,360.52	\$ 53,582.38
	e. Total Disbursements from Line 30	\$ 14,190.67	\$ 51,412.53
8	Cash on hand at Close of Reporting Period (subtract Line 7 from Line 6-d)	\$ 2,169.85	\$ 2,169.85
9	Debits and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	\$ 0	
10	Debits and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	\$ 27,047.37	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Name or Print Name of Treasurer: JAMES J. A. LUCE

Signature of Treasurer: [Handwritten Signature]

Oct 15, 1992

DETAILED SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS PAGE 2, FEC FORM 28

FORM 1187

NAME OF COMMITTEE	ELECTORAL PERIOD	
Dump D' in '92	FROM 7/1/92	TO 9/30/92
	COLUMN A Total This Period	COLUMN B Calendar Year
I. Receipts		
11 Contributions other than loans From:		
a Individual Persons Other Than Political Committees	6,450.00	14,166.12
Refund Use Schedule A	4,694.00	11,236.26
Unreimbursed		
Total	16,144.00	50,412.38
(add line 11 >		
b Political Party Committees	0.00	0.00
c Other Political Committees such as PACs	50.00	2,000.00
d Total Contributions	16,194.00	52,412.38
(add a = b and c >		
12 Transfers from Affiliated Other Party Committees	0.00	0.00
13 All Loans Received	110.00	1,110.00
14 Loan Repayments Received	0.00	0.00
15 Offsets To Operating Expenditures Refunds Rebates etc	100.00	100.00
16 Refunds of Contributions Made to Federal Candidates and Other Political Committees	0.00	0.00
17 Other Federal Receipts Dividends Interest etc	0.00	0.00
18 Transfers from Nonfederal Account for Joint Activity	0.00	0.00
19 Total Receipts	16,314.00	53,582.38
(add line 11 12 13 14 15 16 17 and 18 >		
20 Total Federal Receipts	16,314.00	53,582.38
(subtract line 18 from line 19 >		
II. Disbursements		
21 Operating Expenditures		
a Shared Federal/Non-Federal Activity (from Schedule H4)	0.00	0.00
Federal Share	0.00	0.00
Non-Federal Share	0.00	0.00
b Other Federal Operating Expenditures	13,080.67	50,303.53
c Total Operating Expenditures	13,080.67	50,303.53
(Add b1 a2 and b3 >		
22 Transfers to Affiliated Other Party Committees	0.00	0.00
23 Contributions to Federal Candidates Committees and Other Political Committees	0.00	0.00
24 Independent Expenditures (Use Schedule E)	0.00	0.00
25 Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (Use Schedule F)	0.00	0.00
26 Loan Repayments Made	1,110.00	1,110.00
27 Loans Made	0.00	0.00
28 Refunds of Contributions To:		
a Individual Persons Other Than Political Committees	0.00	0.00
b Political Party Committees	0.00	0.00
c Other Political Committees such as PACs	0.00	0.00
d Total Contribution Refunds	0.00	0.00
(Add a b and c >		
29 Other Disbursements	0.00	0.00
30 Total Disbursements	14,190.67	51,413.53
(add line 21 22 23 24 25 26 27 28d and 29 >		
31 Total Federal Disbursements	14,190.67	51,413.53
(subtract line 28d from line 30 >		
III. Net Contributions Operating Expenditures		
32 Total Contributions other than loans from line 11c	16,144.00	52,412.38
33 Total Contribution Refunds from line 28d	0.00	0.00
34 Net Contributions other than loans (subtract line 33 from 32)	16,144.00	52,412.38
35 Total Receipts (add line 19 and 20)	16,314.00	53,582.38
36 Total Disbursements (add line 30 and 31)	14,190.67	51,413.53
37 Total Federal Disbursements (subtract line 36 from 35)	2,123.33	2,168.85

0504366537105337

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Exhibit 15

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MARKING LABEL
TYPE ON FRONT

NAME OF COMMITTEE (in full)
Dump D' in '92!

ADDRESS (number and street) (Check if different than previously reported)
245 Eighth Ave Suite 357

CITY, STATE AND ZIP CODE
New York NY 10011

FEC IDENTIFICATION NUMBER
CC0259515

PERIOD FOR WHICH THIS REPORT IS MADE
DURING THIS Reporting Period

4. TYPE OF REPORT

- Annual or Quarterly Report
- Change of Name
- Other
- Termination Report
- Other Report or Amendment

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
Covering Period 10/1/92 through 11/22/92		
a. Cash on hand January 1, 1992		\$ \emptyset
b. Cash on hand at Beginning of Reporting Period	\$ 24,169.85	
Total Receipts from Line 10	\$ 6,522.²⁵	\$ 60,104.⁰³
Total Disbursements from Line 11	\$ 8,642.¹⁰	\$ 60,104.⁰³
Total Disbursements from Line 12	\$ 8,750.¹⁰	\$ 60,162.⁰³
c. Cash on hand at Close of Reporting Period, subject to line 13 and 14	\$ -58.⁰⁰	\$ -58.⁰⁰
Total and Obligations Owed TO the Committee (Itemize on Schedule C and/or Schedule D)	\$ \emptyset	
Total and Obligations Owed BY the Committee (Itemize on Schedule C and/or Schedule D)	\$ 43,087.⁰⁴	

Signature of Treasurer
JAMES D. WICE

Signature of Candidate
James D. Wice

Date
Dec 2, 1992

**DETAILED SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS
PAGE 2, FEC FORM 28**

11/22/92

NAME OF COMMITTEE Jump D	REPORT COVERING PERIOD	
	FROM 11/1/92	TO 11/22/92
	COLUMN A Total This Period	COLUMN B Calendar Year
I Receipts		
1. Contributions other than cash from:		
a. Individual Persons Other Than Political Committees (Use Schedule A)	1,900.00	21,066.12
b. Political Party Committees (Use Schedule A)	4,622.00	35,206.20
c. Total Contributions	6,522.00	56,272.32
2. Transfers From Affiliated Political Committees	0.00	0.00
3. Loans Received	0.00	0.00
4. Loan Repayments Received	0.00	0.00
5. Refunds To Emerging Expenditures, Refunds, Refuses, etc.	0.00	0.00
6. Refunds of Contributions Made to Federal Candidates and Other Political Committees	0.00	0.00
7. Other Federal Receipts (Use Schedule A)	0.00	0.00
8. Transfers from Non-Federal Candidates and Activities	0.00	0.00
9. Total Receipts	6,522.00	56,272.32
10. Total Federal Receipts	6,522.00	56,272.32
II Disbursements		
11. Operating Expenditures:		
a. Shared Federal/Non-Federal Activity from Schedule H:		
Federal Share	0.00	0.00
Non-Federal Share	0.00	0.00
b. Other Federal Operating Expenditures	8,750.10	59,552.63
c. Total Operating Expenditures	8,750.10	59,552.63
12. Transfers to Affiliated Other Party Committees	0.00	0.00
13. Contributions to Federal Candidates, Committees and Other Political Committees	0.00	0.00
14. Independent Expenditures (Use Schedule E)	0.00	0.00
15. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d) Use Schedule F)	0.00	0.00
16. Loan Repayments Made	0.00	0.00
17. Loans Made	0.00	0.00
18. Refunds of Contributions:		
a. Individual Persons Other Than Political Committees	0.00	0.00
b. Political Party Committees	0.00	0.00
c. Other Political Committees (such as PACs)	0.00	0.00
d. Total Contributions Refunds	0.00	0.00
19. Total Disbursements	8,750.10	60,552.63
20. Total Federal Disbursements	8,750.10	60,552.63
III Net Contributions Operating Expenditures		
21. Total Receipts (Total of I.1 through I.10)	6,522.00	56,272.32
22. Total Disbursements (Total of II.1 through II.20)	8,750.10	60,552.63
23. Net Contributions Operating Expenditures	(2,228.10)	(4,280.31)

95013665337

9 5 0 4 3 6 6 5 3 3 4

Exhibit 16

June 5, 1992

Robert Ukeiley
807 Harmon Cove Towers
Secaucus, N.J. 07094

Jim Luce
Campaign Manager
Dump D'Amato in '92!
298 5th Ave. Suite 285
New York, N.Y. 10001

Dear Jim,

I am announcing my resignation as Vice-Treasurer of Dump D'Amato in '92! as well as as Finance Manager and Comptroller. This goes into effect at the close of business today, Friday June 5th.

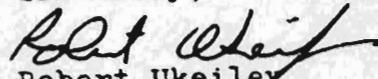
I understand that our finances are tight. We are now 9 weeks behind in payroll. Therefore, technically the campaign is running on what should be my personal money. When you as campaign manger take this money and spend it on unnecessary expenses and for personal benefit, I can no longer tolerate being here.

I expect our agreement at my exit interview will be kept.

Good luck with the campaign and your future endeavors.

cc: Artemis Anninos
Neil Cheng

Sincerely,


Robert Ukeiley

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
New York Democratic Party and)
Rosemary Conway, as treasurer)
Dump D' in '92 Committee and James)
Luce, as treasurer)

JUL 14 11 55 AM '95

MUR 3570

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 25, 1994, the Commission found reason to believe that the New York Democratic Party and Rosemary Conway, as treasurer, ("State Committee") violated 2 U.S.C. §§ 434(b) and 441a(f), and that the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, ("Dump D' Committee") violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), 434(c), 441a(a), and 441d(a).¹ In light of the circumstances set out below, this Office now recommends that the Commission take no further action regarding respondents and close the file in this matter.

II. ANALYSIS

The main issue in this matter is the alleged coordination between the Dump D' Committee, an ostensibly independent committee, and the State Committee. The complaint included a news article reporting a statement by State Committee Chairman John Marino that the Dump D'Amato group coordinated its actions through the State Committee. This matter also involves numerous reporting

1. The Dump D' Committee initially registered with the Commission as Dump D'Amato in '92. The Committee filed an amended statement of organization in June 1992 changing its name after the Reports Analysis Division ("RAD") sent the Committee an RFAI regarding the 2 U.S.C. § 432(e)(4) ban on the use of candidate names in the titles of unauthorized committees.

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issues, such as that resulting from the Dump D' Committee's failure to file any 24 hour independent expenditure reports for its print media advertisements prior to the 1992 General Election. See 2 U.S.C. § 434(c); First General Counsel's Report dated January 5, 1994, pages 14-16.

A. State Committee

The State Committee responded to the Commission's subpoena, stating that they had no responsive documents regarding the Dump D' Committee. Attachment 1. The Committee does acknowledge limited contact with James Luce, the individual who appears to have organized the Dump D' Committee, but denied coordination. Then-State Committee Chairman John Marino states in an affidavit that "Dump D'Amato" was also the name of a State Committee project for the April 7, 1992 presidential primary polling stations. Attachment 1, page 5. The State Committee provided documents regarding its "Dump D'Amato" effort, including a palm card, a press release, and a field plan. Attachment 1, pages 31, 33 and 39. Mr. Marino states that the State Committee "did not coordinate, consult with, foster, suggest or otherwise have any relationship to" the Dump D' Committee. Mr. Marino does, however, acknowledge that James Luce called the State Committee in early 1992. Attachment 1, pages 3-4.

Current State Committee Chairman Alfred Gordon, who served as a volunteer in 1992, states in an affidavit that he received a telephone call from James Luce in early 1992 seeking volunteers for an anti-D'Amato effort; Mr. Gordon said he would pass on the information to the State Party. Attachment 1, page 15. Mr.

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Gordon says he did not know that Mr. Luce was involved with a political committee or engaged in raising or spending money to defeat Senator D'Amato. Mr. Gordon states that this was his only contact with James Luce or other Dump D' Committee personnel, and he knows of no other State Party contact with Mr. Luce or Dump D'. Attachment 1, page 16. The State Committee provided a copy of a memorandum dated March 25, 1992 from Alfred Gordon to John Marino regarding the planning of the April 7, 1992 "Dump D'Amato" effort that lists "Jim Luce's Dump D'Amato group" under "Volunteer recruitment." Attachment 1, page 18. According to both affidavits, John Marino told Alfred Gordon not to have any contact with James Luce. Attachment 1, pages 4 and 16. Mr. Gordon states that he so instructed staff and volunteers. Both Messrs. Marino and Gordon state that the State Committee's "Dump D'Amato" effort on April 7, 1992 was "a flop" and that the State Committee did not contact most of the people on the memorandum list. Attachment 1, pages 6 and 17.

B. Dump D' Committee

As noted above, the Dump D' Committee has filed no disclosure reports since the 1992 Post-General. In light of this fact, this Office sent copies of the reason to believe notification and the document subpoena to named treasurer Robert Ukeiley and "co-treasurers" James Luce and Nerou Cheng. Messrs. Ukeiley and Cheng ultimately responded.

Robert Ukeiley responded that he was hired by James Luce on January 2, 1992 after answering an ad in the Village Voice but resigned as treasurer by letter dated January 29, 1992.

Attachment 2, page 1. Mr. Ukeiley stayed on as "vice-treasurer" and resigned entirely from Dump D' by letter dated June 5, 1992.² Attachment 2, page 49. While at the Committee, Mr. Ukeiley signed the original statement of organization, but all the disclosure reports were signed by James Luce. The only other documents provided by Mr. Ukeiley were Dump D' stationery and solicitations, e.g., Attachment 2, pages 14 and 23.

Co-treasurer Nerou Cheng responded that he assisted Dump D' in setting up the books but never signed checks and has no Committee documents. Attachment 3, page 1. Mr. Cheng states that "the person most likely to have the financial documents would be Mr. Luce." Mr. Cheng did provide a copy of an article from a Kingston, New York newspaper regarding Dump D' and James Luce. Attachment 3, page 2. This article identified Mr. Luce as "campaign manager" of Dump D'.

Because Dump D' never amended its statement of organization to name another lead treasurer, and because RAD treats co-treasurers and assistant treasurers as not superseding earlier-named treasurers, Robert Ukeiley remained the named treasurer. For example, Dump D's amended statements of organization named Messrs. Luce and Cheng as co-treasurers. In light of Mr. Ukeiley's limited role and ultimate resignation from the Dump D' Committee, and James Luce's significant role including signing disclosure reports, this Office considers Mr. Luce to be acting as the Committee treasurer, and this Office's

2. Mr. Ukeiley was identified as vice-treasurer on the Committee's April 1992 amended statement of organization.

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recommendation infra reflects this conclusion.

Thus, this Office focused its subpoena compliance efforts on locating James Luce. Both Robert Ukeiley and Nerou Cheng stated that they do not know Mr. Luce's whereabouts. This Office attempted to contact the other individuals identified on Dump D' statements of organization; one such individual, Michael Rogers, who was listed as Dump D' Vice President on the initial statement of organization, stated to staff of this Office that he did not know Mr. Luce's whereabouts.

In March 1994, this Office re-sent the notification letter and subpoena to James Luce at another New York City address. We received a return receipt card signed by a woman apparently unrelated to the Dump D' Committee. Staff of this Office contacted the woman, who did not acknowledge signing the card, but stated that Mr. Luce went to her church and that she saw him regularly. She did not have an address or phone number for him. This Office believes that she forwarded the notification and subpoena to Mr. Luce, who never responded.

Staff of this Office later visited this address, a building part of which is a church, and located a phone number listed for Mr. Luce. This Office never received an answer at the number, which appeared to be either a mobile phone or a phone that forwarded calls to a mobile phone. Later, the number was disconnected.

In addition, staff of this Office contacted James Luce's parents, who did not provide information as to his whereabouts. Attempts at locating Mr. Luce in several states also proved

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unsuccessful. This Office also obtained information from the State of New York Department of State regarding the Fundamentalists Anonymous group, an organization in which Mr. Luce served as Secretary and Treasurer as recently as 1991. No address for Mr. Luce appears in the information.

Recently, from drivers license and credit information, this Office obtained a recent address for Mr. Luce at an apartment building in Queens, New York. However, this Office did not have an apartment number, and the building owner told staff of this Office that no James Luce lived in the building. In a final attempt to locate Mr. Luce while conserving this Office's resources, on April 7, 1995, this Office sent the notification and subpoena to the United States Marshals Service to serve the Dump D' subpoena on James Luce at the apartment building. By facsimile dated July 5, 1995, the Marshals Service informed this Office that it was unable to locate Mr. Luce. Attachment 4.

C. Conclusion

This Office has taken extensive measures to locate James Luce, but feels that this matter does not warrant the significant additional resources necessary to serve the subpoena and compel a response. There is no sign of ongoing activity by Dump D' or Mr. Luce, and the State Committee connection is speculative. Therefore, this Office recommends that the Commission take no further action regarding the New York Democratic Party and Rosemary Conway, as treasurer, and the Dump D' in '92 Committee and James Luce, as treasurer, and close the file. This Office will admonish both the State Committee and the Dump D' Committee.

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This Office will attempt to notify the Dump D' Committee and James Luce in care of Mr. Luce's church. This Office will also copy the letter to counsel for former treasurer Robert Ukeiley.

III. RECOMMENDATIONS

1. Take no further action regarding the New York Democratic Party and Rosemary Conway, as treasurer.
2. Take no further action regarding the Dump D' in '92 Committee and James Luce, as treasurer.
3. Close the file.
4. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date

7/14/95

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. State Committee response
2. Robert Ukeiley response
3. Nerou Cheng response
4. U.S. Marshals Service letter

Staff assigned: Mark Allen

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
New York Democratic Party and) MUR 3570
Rosemary Conway, as treasurer;)
Dump D' in '92 Committee and James)
Luce, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 19, 1995 the Commission decided by a vote of 6-0 to take the following actions in MUR 3570:

1. Take no further action regarding the New York Democratic Party and Rosemary Conway, as treasurer.
2. Take no further action regarding the Dump D' in '92 Committee and James Luce, as treasurer.
3. Close the file.

(continued)

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4. Approve the appropriate letters, as recommended in the General Counsel's Report dated July 14, 1995.

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

Attest:

7-19-95
Date

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

Received in the Secretariat: Fri., July 14, 1995 11:55 a.m.
Circulated to the Commission: Fri., July 14, 1995 4:00 p.m.
Deadline for vote: Wed., July 19, 1995 4:00 p.m.

lrd

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 25, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

New York Republican State Committee
William D. Powers, Chairman
315 State Street
Albany, NY 12210

RE: MUR 3570

Dear Mr. Powers:

This is in reference to the complaint you filed with the Federal Election Commission on July 30, 1992, concerning possible coordination between the New York State Democratic Committee and the Dump D'Amato in '92 Committee.

Based on that complaint, on January 25, 1994, the Commission found that there was reason to believe the Dump D' in '92 Committee and Robert Ukeiley, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), 434(c), 441a(a), and 441d(a), and that the New York State Democratic Committee and Rosemary Conway, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action in this matter and closed the file in this matter on July 19, 1995. See the enclosed General Counsel's Report dated July 14, 1995. This matter will become part of the public record within 30 days. The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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William D. Powers
Page 2

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Mark Allen

Mark Allen
Attorney

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 25, 1995

James Luce
c/o Madison Avenue Baptist Church
30 E. 31st Street
New York, NY 10016

RE: MUR 3570
Dump D' in '92 Committee and
James Luce, Treasurer

Dear Mr. Luce:

On February 17, 1994, you were notified that the Federal Election Commission found reason to believe that the Dump D' in '92 Committee ("Committee") and Robert Ukeiley, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b), 434(c), 441a(a), and 441d(a). Since that time, the Commission has determined that you were acting as treasurer in place of Mr. Ukeiley. After considering the circumstances of the matter, the Commission determined on July 19, 1995, to take no further action against the Committee and you, as treasurer, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds you that coordination between an independent expenditure committee and a state party committee would result in the former's expenditures constituting contributions to the state party committee. If Dump D' in '92 coordinated its activity with the New York State Democratic Party, then Dump D's expenditures would have constituted excessive contributions in violation of 2 U.S.C. § 441a(a) and the failure to report the contributions would have been a violation of 2 U.S.C. § 434(b). If the Committee in fact operated independently of the New York State Democratic Committee, then it appears that Dump D' failed to file any 24 hour independent expenditure reports for its print media advertisements prior to

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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James Luce
Page 2

the 1992 general election, in violation of 2 U.S.C. § 434(c). In addition, the Committee filed no disclosure reports after the 1992 post-general election report, in apparent violation of the requirement that committees continuously report debts. See 2 U.S.C. §§ 434(a)(4)(A) and 434(b)(8). The Committee should take steps to ensure that this activity does not occur in the future.

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,



Mark Allen
Attorney

cc: James R. Klimaski, Esq.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 25, 1995

Gerard E. Harper, Esq.
1285 Avenue of the Americas
New York, NY 10019

RE: MUR 3570
New York State Democratic
Committee and Rosemary Conway,
as treasurer

Dear Mr. Harper:

On February 17, 1994, the New York State Democratic Committee and Rosemary Conway, as treasurer, ("the Committee") were notified that the Federal Election Commission found reason to believe that they violated 2 U.S.C. §§ 434(b) and 441a(f). On March 21, 1994, you submitted a response to the Commission's subpoena. After considering the circumstances of the matter, the Commission determined on July 19, 1995, to take no further action against the Committee, and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds you that coordination between a state party committee and an independent expenditure committee would result in the latter's expenditures constituting contributions to the state party committee. If the New York State Democratic Committee coordinated its activity with Dump D' in '92, the Committee's receipt of excessive contributions would have been a violation of 2 U.S.C. § 441a(f) and the failure to report the receipt of such contributions would have been a violation of 2 U.S.C. § 434(b). The Committee should take steps to ensure that this activity does not occur in the future.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

95043665349

Gerard E. Harper, Esq.
Page 2

If you have any questions, please contact me at
(202) 219-3400.

Sincerely,

Mark Allen

Mark Allen
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE END OF MUR # 3570

DATE FILMED 8/25/95 CAMERA NO. 1

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