



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3594

DATE FILMED 8-30-94 CAMERA NO. 2

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AUG 25 11 52 AM '92

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

MUR 3594

Complaint and request for investigation filed by:
Peter Blute For Congress Committee
657 South St.
Shrewsbury, Mass. 01545
(508)842-1964
(508)798-0200

On July 28, 1992 the Boston Globe reported that the Lionett for Congress campaign had received substantial corporate fundraising support from Insurance companies.

[SEE ATTACHED ARTICLE-Exhibit A]

This complaint involves the use of corporate assets and the advance of something of value to a Federal candidate by a corporation in violation of Sec. 441b of the Federal Election Laws.

This complaint is filed against Mr. David Lionett of 5 Candlewood Place, Worcester, Mass.; Citizens for Dave Lionett of 57 Whitman Rd., Worcester, Mass.; The Lionett Congressional Committee of 5 Candlewood Place, Worcester, Mass.; Northwestern Mutual Life Insurance Company at 720 East Wisconsin Ave, Milwaukee, Wisconsin(414-271-1444); Northwestern Group Marketing Services at 1 Bullfinch Place, Boston, Mass.(617-523-1323) Berkshire Life Insurance Company at 700 South St., Pittsfield, Mass.; Financial Marketing Group at 226 Park Ave, Worcester, Mass. (508-757-5675); Mr. Thomas Fadden (414-299-5044); Mr. Len Stecklein, Executive Vice President of Northwestern Mutual Life Insurance Company (414-271-1444).

FACTS:

1) On information and belief The Lionett Campaign on or about August 12, 1991 received a computer diskette from Mr. Thomas Fadden, the Operations Research Specialist of Northwestern Mutual Life Insurance Company at the request of Mr. Len Stecklein, Executive Vice President of the same company. The computer list contains the " names and business addresses for Northwestern Mutual Life agents and includes the production volume figures for the 90-91 agents' year." [SEE ATTACHED LETTER-Exhibit B]

2) On information and belief on or about November, 1991, a letter on the corporate stationery of Northwestern Group

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RECEIVED
FEDERAL ELECTION COMMISSION
AUG 26 AM 10:45

Marketing Services was sent out to a broad group (Dear Colleague) soliciting money for the Lionett Campaign for Congress. The letter asked for money, mentioned specific issues of concern to the Insurance industry, and included an envelope which was to be returned to Mr. Charles Diamond who wrote and signed the letter. The letter contained no disclaimer or Authorization notice as required by federal law.

[SEE ATTACHED LETTER- Exhibit C]

3) On information and belief on or about November 15, 1991, a letter on the corporate stationery of the Berkshire Life Insurance Company was sent out to a broad group (Dear Fellow Life Underwriters) soliciting money for the Lionett campaign for Congress. The letter asked for money, mentioned specific issues of concern to the Insurance Industry and was written and signed by Mr. Robert Evans. The letter asked that money be sent to the Lionett Campaign through Mr. Evans. The Letter contained no disclaimer or Authorization notice as required by federal law.

[SEE ATTACHED LETTER-Exhibit D]

COMPLAINTS:

1) The Northwestern Mutual Life Company Diskette given to the Lionett Campaign is a substantial corporate asset. It not only included the names and addresses of all the Northwestern agents across the country but it also included their production figures from which can be extrapolated the income of the individual. Such information, which would not be readily available to the public, constitutes a tremendous value in light of it's intended use. As a fundraising tool in political campaigns the ability to estimate the income of prospective donors is very valuable information. In particular this information greatly assists in the ability to make direct mail or personal solicitations.

We believe the diskette, given to the Lionett Campaign by a corporation, clearly violates Federal Election Commission Law specifically 2 U.S.C. Sec. 441b which outlines the prohibition of corporate contributions and expenditures as defined by Sec. 441b(b)2 to include "any direct or indirect payment...advance...or any services or anything of value". By giving the Lionett Campaign this valuable corporate asset of the Northwestern Mutual Life Company, the corporation has made an advance of something of value to a federal candidate. The FEC has long held that mailing lists constitute something of value. This mailing list with production figures certainly is of substantial value and cannot be given to a candidate.

We also file a complaint against Mr. Len Stecklein, Executive Vice President of Northwestern Mutual Life Company who requested the corporate asset for Mr. Lionett's campaign and Mr.

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Thomas Fadden, Operations Research specialist of Northwestern Mutual Life who provided the corporate asset to the Lionett campaign. We believe this violates FEC Code of Federal regulations Sec. 114.2 (d) which states:

{No officer or director of any corporation...shall consent to any contribution or expenditure by the corporation... prohibited by this section}

2) There is reason to believe that the use of corporate stationery, envelopes and presumably postage by Mr. Charles Diamond of Northwestern Group Marketing Services, to send a solicitation, written on corporate stationery, for money on behalf of and at the request of the Lionett campaign constitutes a corporate contribution to a federal candidate and violates Sec. 441b which outlines the prohibition of corporate contributions and expenditures.

Other potential violations include; (A) If Northwest Mutual paid for the letter, it violates the law. (B) If Mr. Diamond paid for it would have to have been reported as a contribution in kind. It has not been. (C) If Lionett paid for it, it would have to have a disclaimer or Authorization notice on the letter as required by federal law. It does not.

3) There is reason to believe that the use of corporate stationery, envelopes, and presumably postage by Mr. Robert Evans of Berkshire Life Insurance Company, to send a solicitation, written on corporate stationery, for money on behalf of and at the request of the Lionett campaign constitutes a corporate contribution to a federal candidate and violates Sec. 441b which outlines the prohibition of corporate contributions and expenditures.

Other potential violations include; (A) If Berkshire Life Insurance Company paid for the letter, it violates the law. (B) If Mr. Evans paid for it, it would have to have been reported as a contribution in kind. It has not been. (C) If Lionett paid for it, it would have to have a disclaimer or Authorization notice on the letter as required by federal law. It does not.

4) There is reason to believe that the Lionett Campaign and or Mr. Lionett violated FEC regulations by asking for and receiving corporate contributions and expenditures as prohibited in FEC Sec. 441b and as defined in Sec. 441b(b)2.

REQUEST FOR COMMISSION ACTION:

1) We request that the FEC take these matters under review and commence an investigation of the corporate fund raising activity of the Lionett committee and the respondents.

2) We request that the FEC determine whether the mailing list diskette given to the Lionett campaign by a corporation constitutes a corporate contribution within the meaning of 2

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U.S.C. Sec. 441b.

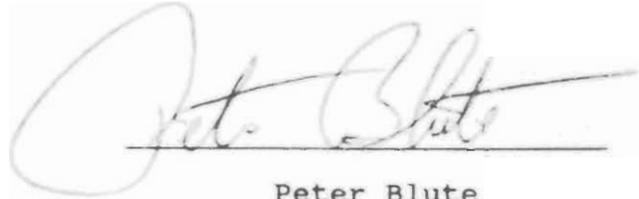
3) We request that the FEC determine whether the solicitations on corporate stationery constitutes a corporate contribution in violation of 2 U.S.C. Sec. 441b.

4) We request that the FEC determine whether Mr. Diamond and Mr. Evans solicitation on corporate letterhead without an Authorization notice or disclaimer violates federal law.

5) We request that the FEC determine whether candidate Lionett's request of Mr. Diamond and Mr. Evans for the solicitations on corporate letterhead constitutes a violation of federal law.

6) We request that the FEC determine whether Mr. Lionett's asking for the computer diskette from Northwestern Mutual Life and Mr. Stecklein and Mr. Fadden giving the list to Mr. Lionett violates federal law.

7) We request that the FEC recognize that these allegations involve solicitation for funds that are being used in an ongoing campaign for Congress and ask that the FEC make an immediate finding on these issues and upon a finding that there has been a violation of the law by any or all of the respondents the FEC enter an order prohibiting any further violations and that a civil penalty be imposed and that the FEC take other action that it deems necessary.


Peter Blute

Worcester, ss.

August 24, 1992

Then personally appeared Peter Blute before me and acknowledged the above to be true. Signed and sworn to before me.


Ernest A. Tosi
Notary Public

My commision expires February 20, 1998.

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Lionett takes bid for funds national

Congressional hopeful taps insurance industry

By Frank Phillips
GLOBE STAFF

Republican congressional candidate David Lionett, a Worcester state representative and insurance agent, has aggressively pursued financial help from the insurance industry around the country with a pitch that he will look after insurance interests in Washington.

In letters on stationery from two different insurance companies, two of Lionett's longtime associates sent "Dear colleague" appeals last November asking industry workers to contribute to his campaign.

"We in the group insurance industry need a voice in Washington," Charles R. Diamond of Northwestern Group Marketing Services said in one of the two letters. "It would be great to have a member of our NMI family serving in Washington..." Diamond wrote. "Thank you in advance for your help to support Dave in meeting our industry's biggest challenge." The NMI reference is to Lionett's employer, the Northwestern Mutual Life Insurance Co.

Lionett's campaign finance report for the first three months of 1992 shows that the candidate received 43 percent of his total itemized donations, or about \$18,000, from insurance agents around the country.

In both letters, Lionett's colleagues outline a series of industry concerns including: taxes on life insurance contracts; the move to allow banks to enter the life insurance market; "a movement toward national health insurance, which could eliminate the private insurance industry," and the "increased regulatory environment in this Congress today."

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BOSTON
GLOBE

Lionett said the letters are from individuals with whom he has worked during his 22 years in the insurance industry.

Lionett also said that, as a congressman he would fight for consumer interests in Washington just as he now battles for his customers' interests within the insurance industry.

"The fact that I represent consumers' interests to insurance companies to help them provide the best plans for their families of companies means I will be a clear voice for them in Washington," Lionett said.

Lionett was elected to the Legislature in 1990. Twenty years ago he served one term as a legislator before leaving in 1974 to make an unsuccessful bid for Congress. He has been employed since 1965 by the Milwaukee-based Northwestern Mutual Life Insurance

LIONETT, Page 19

Lionett takes request for funds nationwide

■ LIONETT

Continued from Page 17

According to his filings with the Federal Election Commission, Lionett has raised \$150,000 in the first six months of 1992.

In addition to the \$18,000 from individual insurance agents, Lionett received a \$2,000 donation from the Northwestern Mutual Life Insurance political action committee; \$2,500 from the National Association of Life Underwriters political action committee; and \$500 from the Insurance Coalition of America Political Action Committee.

His campaign said the Worcester lawmaker has already given \$1,300 of the political action committee funds to charity in order to comply with his policy of not taking more than \$1,000 from one group in the primary election.

Drawing heavily on contributions from around the country, Lionett raised \$96,139 last year for his state representative's campaign account, a huge amount for a freshman Republican who holds no significant committee job on Beacon Hill.

He did not indicate he would run for Congress until earlier this year. He can, however, legally use his state war chest in a congressional race.

About one third of the contributions listed for his state representative's campaign are from out of state.

Lionett's fund raising practices could conflict with both state and federal campaign finance laws that prohibit candidates from using corporate resources to raise funds. The laws prohibit candidates from receiving corporate contributions, including the free use of resources such as letters. Lionett said no company funds paid for the mailing.

Lionett said Northwestern Mutual Life gave him a computer disk containing names and business addresses of its agents as well as production volume figures for the previous year. But he said the disk information is generally available to the public.

Lionett's fund raising practices became the focus of some controversy last fall when he created a group called the Century Club, in which he sold memberships and featured Weld administration officials as special guests. It is illegal for appointed officials to participate in fund raising activities.

In an agreement with the state's Office of Campaign and Political Finance, the Worcester lawmaker returned about \$8,000 in donations

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92 AUG 25 AM 10:43
COMMISSION

Northwestern Mutual Life

August 12, 1991

David J. Lionett
One Bulfinch Place
Boston, MA 02114

Dear David:

Len Stecklein asked me to send you the enclosed diskette. It contains names and business addresses for NML agents and includes the production volume figures for the 90-91 agents' year.

The file with the data is called AGENTS.DAT. There is also a file called README that contains information about how the AGENTS.DAT file is organized. You should be able to import the AGENTS.DAT file into your data base management program. I was able to do this with DataEase, but I don't have access to Q&A which Len mentioned was the package you use.

If you have questions or problems, feel free to contact me.

Sincerely,



Thomas F. Fadden
Operations Research Specialist
Policyowner Services
(414) 299-5044

TF/cap/1072

92 AUG 26 AM 10:45
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OPERATIONS RESEARCH
DIVISION

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NORTHWESTERN GROUP MARKETING SERVICES

CHARLES R. DIAMOND
Group Specialist

Northwestern Benefit Associates Insurance Agency, Inc.
Jason C. Stone, CLU, General Agency
One Bulfinch Place
Boston, MA 02114
Telephone (617) 742-6200
FAX (617) 523-1323

November, 1991

Dear Colleague:

I am writing to you today to share with you my fear of the potential for our country to change to a Canadian-style Healthcare System. I am concerned because that would mean not only that the quality of healthcare would diminish, but also that many of us would simply lose our jobs. We in the group insurance industry need a voice in Washington.

Many of you know Dave Lionett, who is my associate and friend at Northwestern Mutual. A CLU, ChFC, and CFP, Dave has been a top producer with NML there since 1965. He served with distinction on the Special Agents Inc. Board and was SAI's President from 1986 to 1987.

In 1990, Dave was elected as a State Representative to the Massachusetts House. A Republican, Dave won 65% of the vote in a district that was just 14% Republican and 54% Democrat.

For years Massachusetts has been a one-party state, dominated by the Democratic majority. Now things are changing. Massachusetts elected a Republican Governor, Lt. Governor, and State Treasurer. And, Dave tells me that new voters are registering Republican by 2 to 1.

During his campaign, Dave was helped by the support of the NML family all over the country. I was proud to be part of that support team.

We need more people of Dave's calibre, who are willing to run for public office. In fact, I am encouraging Dave to consider running for United States Congress in 1992. It would be great to have a member of our NML family serving in Washington.

The importance of electing Dave to Congress is evidenced by the following facts:

- * There is a movement toward National Health Insurance, which could eliminate the private insurance industry.
- * There are constant attempts to tax the inside build-up of whole life contracts.

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92 AUG 25 AM 11:10
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OF MILWAUKEE

- * There is a general anti-business attitude and increased regulatory environment in Congress today.

While Dave has not announced his campaign for Congress, I am strongly urging him to run. I have personally contributed to Dave's campaign, so that when he runs he will have a sizeable warchest with which to get his campaign off to a fast start.

I am asking you to help as I have done. The maximum you may contribute this calendar year is \$1,000. I know that may be a lot to ask, especially in one contribution. Many of Dave's NML friends are helping with contributions of \$500, \$250, \$100, \$50, or whatever they can send.

Whatever you send will be deeply appreciated, but, please be as generous as possible. I know Dave will appreciate your help.

Please make your check payable to "Citizens for David Lionett" and return it to me in the enclosed envelope.

Thank you in advance for your help to support Dave in meeting our industry's biggest challenge.

Kindest regards,



Charles R. Diamond

Enclosure

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FINANCIAL MARKETING GROUP



Berkshire

Berkshire Life Insurance Company
228 Park Avenue
Worcester, Massachusetts 01609
(508) 757-5675

Robert E. Evans, CLU
Chartered Financial Consultant
General Agent

Representing Berkshire Equity Sales, Inc.
Pittsfield, Massachusetts (413) 499-4321

November 15, 1991

92 AUG 26 AM 10:46

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FEDERAL ELECTION COMMISSION

Dear Fellow Life Underwriter,

I am writing to you today on behalf of our colleague and good friend, Dave Lionett. Dave Lionett, CLU, CHFC, CFP has been a top producer with Northwestern Mutual Life since 1965. You may have heard him speak recently at the Worcester Association of Life Underwriters meeting.

In 1990, Dave was elected as a State Representative to the Massachusetts House. A Republican, Dave won 65% of the vote in a district that was just 12% Republican and 54% Democrat.

For years Massachusetts has been a one-party state dominated by the Democrat majority. Now things are changing. Massachusetts has elected a Republican Governor, Lt. Governor and State Treasurer.

During his campaign, Dave was helped by the support from members of the insurance industry from all over the country. I was proud to be a part of that support.

We need more people of Dave's calibre who are willing to run for public office. In fact, I am encouraging Dave to consider running for United States Congress in 1992.

The importance of Dave being elected to Congress is greatly increased when you consider the following:

- * The negative effects of the DAC tax which recently passed Congress.
- * The current efforts to repeal McCarran/Ferguson and how the Federal government regulates our industry.
- * A movement towards National Health Insurance that could eliminate private health insurance.
- * Constant attempts to tax the inside build up of whole life contracts.

(over, please)

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November 15, 1991
Page 2

- * The general anti-business and increased regulatory attitude in Congress today.
- * The move to allow banks to enter the securities and life insurance markets.

I have personally contributed to Dave's campaign, so that when he runs he will have a sizeable warchest to get his campaign off to a fast start.

I am asking you to help as I have done. The maximum you may contribute this calendar year is \$1,000. I know that may be a lot to ask, especially in one contribution. Many of Dave's friends are helping with a contribution of \$500, \$250, \$100, \$50, or whatever they can send.

Whatever you send will be deeply appreciated, but, please be as generous as possible. I know Dave will appreciate your help.

Please make your check payable to "Citizens for David Lionett" and return it to Dave in the enclosed envelope - or you can give it to me and I will personally deliver it to Dave.

Thank you in advance for your help and support.

Sincerely,

Robert E. Evans, CLU

REE:afm

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

August 27, 1992

Peter Blute
657 South Street
Shrewsbury, MA 01545

RE: MUR 3594

Dear Mr. Blute:

This letter acknowledges receipt on August 26, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by David Lionett, Citizens for David J. Lionett, and Peter J. Dawson, as treasurer, the Lionett Congressional Committee, Peter J. Dawson, as treasurer, Northwestern Mutual Life Insurance Company, Northwestern Group Marketing Services, Berkshire Life Insurance Company, Financial Marketing Group, Thomas Faden, Len Stecklein, Charles Diamond, and Robert Evans. 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 3594. 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,

A handwritten signature in cursive script that reads "Jonathan A. Bernstein".

Jonathan A. Bernstein
Assistant General Counsel

Enclosure
Procedures

94043562662



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Citizens for David J. Lionett
Peter J. Dawson, Treasurer
5 Candlewood Place
Worcester, MA 01606

RE: MUR 3594

Dear Mr. Dawson:

The Federal Election Commission received a complaint which indicates that Citizens for David J. Lionett ("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 3594. 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.

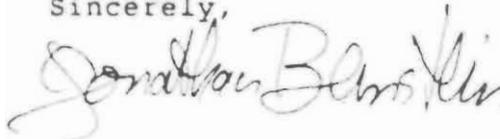
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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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Citizens for David J. Lionett
Peter J. Dawson, Treasurer
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

94043562664



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Lionett Congressional Committee
Peter J. Dawson, Treasurer
5 Candlewood Place
Worcester, MA 01606

RE: MUR 3594

Dear Mr. Dawson:

The Federal Election Commission received a complaint which indicates that the Lionett Congressional 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 3594. 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.

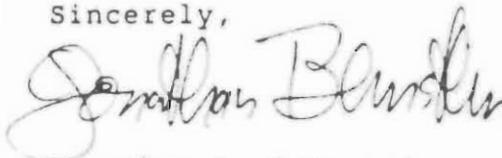
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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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Lionett Congressional Committee
Peter J. Dawson, Treasurer
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

94043562666



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Mr. David Lionett
5 Candlewood Place
Worcester, MA 01606

RE: MUR 3594

Dear Mr. Lionett:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

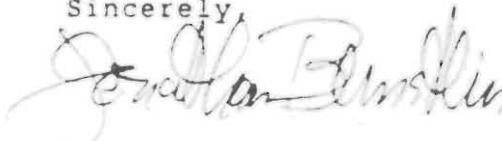
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

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David Lionett
Page 2

If you have any questions, please contact Richard M. Zanfardino, staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

94043562668



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Mr. Donald Schuenke, Chairman and CEO
Northwestern Mutual Life Insurance Company
720 East Wisconsin Avenue
Milwaukee, WI 53202

RE: MUR 3594

Dear Mr. Schuenke:

The Federal Election Commission received a complaint which indicates that Northwestern Mutual Life Insurance Company ("Company") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. 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 Company in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

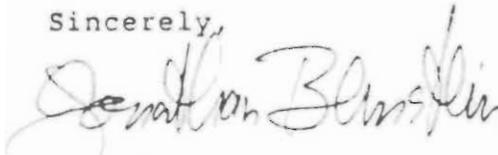
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Mr. Donald Schuenke, Chairman and CEO
Northwestern Mutual Life Insurance Company
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

24043562670



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Northwestern Group Marketing Services
c/o Mr. Charles Diamond
1 Bullfinch Place
Boston, MA 02114

RE: MUR 3594

Dear Mr. Diamond:

The Federal Election Commission received a complaint which indicates that Northwestern Group Marketing Services ("Company") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. 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 Company in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

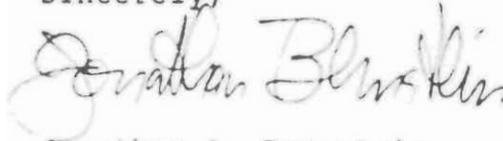
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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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Northwestern Group Marketing Services
c/o Mr. Charles Diamond
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

24043562672



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

August 27, 1992

Mr. Richard Whitehead, Chairman of the Board
Berkshire Life Insurance Company
700 South Street
Pittsfield, MA 01201

RE: MUR 3594

Dear Mr. Whitehead:

The Federal Election Commission received a complaint which indicates that Berkshire Life Insurance Company ("Company") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. 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 Company in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

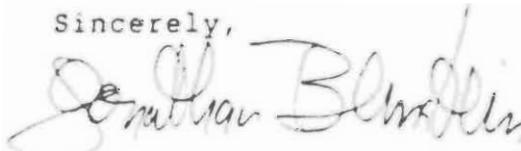
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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.

94043562673

Mr. Richard Whitehead, Chairman of the Board
Berkshire Life Insurance Company
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

24043562674



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 27, 1992

Gina Wentworth
Office Manager
Financial Marketing Group
228 Park Avenue
Worcester, MA 01609

RE: MUR 3594

Dear Ms. Wentworth:

The Federal Election Commission received a complaint which indicates that Financial Marketing Group ("Company") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. Please refer to this number in all future correspondence.

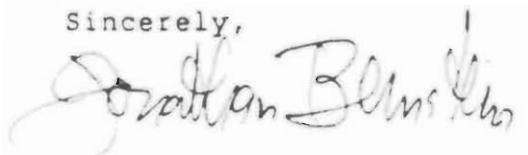
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Company in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

94043862675

Gina Wentworth
Office Manager
Financial Marketing Group
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Jonathan A. Bernstein
Assistant General Counsel

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

24043562676



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

August 27, 1992

Mr. Thomas Faden
Operations Research Specialist
Northwestern Mutual Life Insurance Company
720 East Wisconsin Avenue
Milwaukee, WI 53202

RE: MUR 3594

Dear Mr. Faden:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

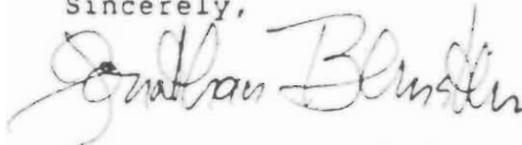
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

24043562677

Mr. Thomas Faden
Operations Research Specialist
Northwestern Mutual Life Insurance Company
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

24043562678



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Mr. Len Stecklein
Executive Vice President
Northwestern Mutual Life Insurance Company
720 East Wisconsin Avenue
Milwaukee, WI 53202

RE: MUR 3594

Dear Mr. Stecklein:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

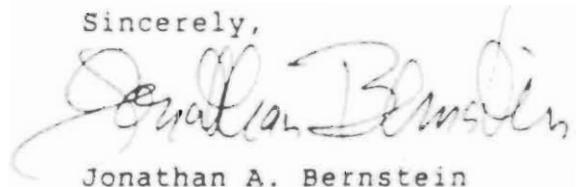
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

74043562679

Mr. Len Stecklein
Executive Vice President
Northwestern Mutual Life insurance Company
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

24043562600



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Mr. Charles Diamond
Group Specialist
Northwestern Group Marketing Services
1 Bullfinch Place
Boston, MA 02114

RE: MUR 3594

Dear Mr. Diamond:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

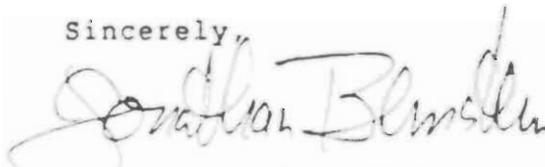
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

9404556261

Mr. Charles Diamond
Group Specialist
Northwestern Group Marketing Services
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

9404356262



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 27, 1992

Mr. Robert Evans, CLU
Berkshire Life Insurance Company
228 Park Avenue
Worcester, MA 01609

RE: MUR 3594

Dear Mr. Evans:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

94043562603

Mr. Robert Evans, CLU
Berkshire Life Insurance Company
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

94043562604

JUDITH L. PERKINS
Assistant General Counsel

Northwestern
Mutual Life

September 1, 1992

BY FEDERAL EXPRESS

Mr. Richard M. Zanfardino
Federal Election Commission
999 E Street, NW
Room 657
Washington, D.C. 20463

RE: MUR 3594

Dear Mr. Zanfardino:

We are in receipt of the notice of a complaint having been filed with the FEC. The matter has been numbered MUR 3549 by the FEC. In connection with the matter, enclosed please find the Statement of Designation of Counsel for The Northwestern Mutual Life Insurance Company, Mr. Tom Fadden and Mr. Len Stecklein. The counsel named are as follows:

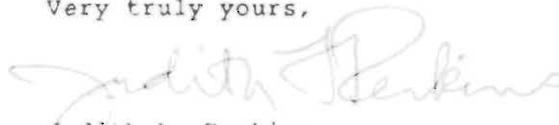
Patten, Boggs & Blow
2550 M Street NW
Washington, D.C. 20037

and

Judith L. Perkins
Assistant General Counsel
The Northwestern Mutual Life Insurance Company
720 East Wisconsin Avenue
Milwaukee, WI 53202

If you have any questions concerning the enclosed, please feel free to contact me. I can be reached at (414) 299-7354.

Very truly yours,



Judith L. Perkins
Assistant General Counsel

1007LFEDPAC/JLP:s

Encl.

cc: Jonathan A. Bernstein
Roger Ballantine
John Bremer
Tom Fadden
Len Stecklein

SEP 2 9 59 AM '92

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

92 SEP -2 PM 3:40

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE
GENERAL COUNSEL

94043562685

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3594

NAME OF COUNSEL: (1) Patton, Boggs & Blow

(2) Judith L. Perkins
Assistant General Counsel
The Northwestern Mutual
Life Insurance Company
720 E. Wisconsin Avenue

ADDRESS: 2550 M Street, NW
Washington, DC 20037
Attn: Roger Ballantine

Milwaukee, WI 53202

TELEPHONE: (202) 457-5666

(414) 299-7354

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

The Northwestern Mutual Life Insurance Company

September 1, 1992
Date

By: *John H. Bruner*
Signature
Vice President
Its: Secretary and General Counsel

RESPONDENT'S NAME: The Northwestern Mutual Life Insurance Company

ADDRESS: 720 East Wisconsin Avenue
Milwaukee, WI 53202
Attn: Judith L. Perkins, Law Department

HOME PHONE: _____

BUSINESS PHONE: (414) 299-7354

94043562666

92 SEP -2 PM 3:40

RECEIVED
STATEMENT OF DESIGNATION
OF COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3594

NAME OF COUNSEL: 1) Patton, Boggs & Blow

2) Judith L. Perkins
Assistant General Counsel
The Northwestern Mutual
Life Insurance Company
720 East Wisconsin Avenue
Milwaukee, WI 53202

ADDRESS: 2550 M Street NW
Washington, DC 20037
Attn: Roger Ballantine

TELEPHONE: (202) 457-5666

(414) 299-7354

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

9/1/72
Date

Thomas F. Fadden
Signature

RESPONDENT'S NAME: Thomas F. Fadden
Operations Research Specialist

ADDRESS: The Northwestern Mutual Life Insurance Company
720 East Wisconsin Avenue
Milwaukee, WI 53202

HOME PHONE: (414) 774-9893

BUSINESS PHONE: (414) 299-5044

92 SEP -2 PM 3:40

RECEIVED
OFFICE OF THE
COMMISSIONER
OF INSURANCE

74043562687

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3594

NAME OF COUNSEL: (1) Patton, Boggs & Blow

ADDRESS: 2550 M Street NW

Washington, DC 20037

Attn: Roger Ballantine

TELEPHONE: (202) 457-5666

2) Judith L. Perkins

Assistant General Counsel

The Northwestern Mutual

Life Insurance Company

720 E. Wisconsin Avenue

Milwaukee, WI 53202

(414) 299-7354

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

September 1, 1992
Date

By: *Leonard F. Stecklein*
Signature

RESPONDENT'S NAME: Leonard F. Stecklein

ADDRESS: Vice President -- Marketing
The Northwestern Mutual Life Insurance Company

720 East Wisconsin Avenue

Milwaukee, WI 53202

HOME PHONE: (414) 964-9018

BUSINESS PHONE: (414) 299-7165

94043562688

92 SEP -2 PM 3:40

FEDERAL RESERVE COMMISSION
OFFICE OF GENERAL COUNSEL

060 0457
RECEIVED
FEDERAL ELECTION COMMISSION

WILEY, REIN & FIELDING 92 SEP 15 PM 4:36

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

September 15, 1992

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UR

JAN WITOLD BARAN
(202) 429-7330

Helen Kim, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3594
Northwestern Benefits Associates
Insurance Agency, Inc.
Charles Diamond

24043562689

Dear Ms. Kim:

This letter follows my telephone conversation with you today and with your supervisor, Assistant General Counsel Jonathan Bernstein, yesterday. On those occasions, I advised your office that this firm represents Northwestern Benefits Associates Insurance Agency, Inc. and Charles Diamond in the above-captioned matter. Enclosed please find executed Statements of Designation of Counsel confirming our representation.

I also advised your office that I would be making a request for an extension of time within which to file a response to the complaint in this matter. Since the response is due today and we were retained yesterday, additional time is necessary to confer with our clients and prepare a response. Accordingly, I respectfully request an additional 15 days up to and including September 30, 1992.

Your favorable consideration of this request is appreciated.

Sincerely,


Jan Witold Baran

rpb
Encls.
cc: Mr. Charles Diamond
Mr. Sy Marcus

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3594

NAME OF COUNSEL: Jan Witold Baran

ADDRESS: Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

TELEPHONE: 202-429-7330

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

9/14/92
Date

Sybil [Signature] President
Signature

RESPONDENT'S NAME: Northwestern Benefits Associates
Insurance Agency, Inc.

ADDRESS: One Bulfinch Place
Boston, MA 02114

HOME PHONE: _____

BUSINESS PHONE: _____

94043562690

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3594

NAME OF COUNSEL: Jan Witold Baran

ADDRESS: Wiley, Rein & Fielding

1776 K Street, N.W.

Washington, D.C. 20006

TELEPHONE: 202-429-7330

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

9/14/92
Date

Charles R. Diamond
Signature
Vice President, Marketing

RESPONDENT'S NAME: Charles R. Diamond

ADDRESS: One Bulfinch Place

Boston, MA 02114

HOME PHONE: _____

BUSINESS PHONE: _____

24043562691



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

VIA FACSIMILE

Jan W. Baran, Esq.
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006

RE: MUR 3594
Northwestern Group
Marketing Services
Charles Diamond

Dear Mr. Baran:

Pursuant to our telephone conversation on September 15, 1992, enclosed is a copy of the notification of the complaint in the above captioned matter dated August 27, 1992. The enclosures that accompanied the notification letter have not been included, but are available upon request.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen J. Kim".

Helen J. Kim
Attorney

Enclosure
Complaint Notification Letter

94043662692



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 27, 1992

Northwestern Group Marketing Services
c/o Mr. Charles Diamond
1 Bullfinch Place
Boston, MA 02114

RE: MUR 3594

Dear Mr. Diamond:

The Federal Election Commission received a complaint which indicates that Northwestern Group Marketing Services ("Company") may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3594. 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 Company in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

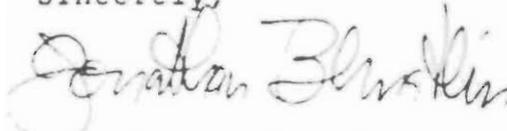
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74043562693

Northwestern Group Marketing Services
c/o Mr. Charles Diamond
Page 2

If you have any questions, please contact Richard M. Zanfardino, the staff member assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

94043562694

FINANCIAL MARKETING GROUP

RECEIVED
FEDERAL ELECTION
COMMISSION
MASSACHUSETTS

0666419



Berkshire

SEP 15 9 46 AM '92

Berkshire Life Insurance Company
228 Park Avenue
Worcester, Massachusetts 01609
(508) 757-5675

Robert E. Evans, CLU
Chartered Financial Consultant
General Agent

Representing Berkshire Equity Sales, Inc.
Pittsfield, Massachusetts (413) 499-4321

September 1, 1992

Jonathan A. Bernstein
Assistant General Counsel
Federal Election Committee
Washington, DC 20463

RE: MUR 3594

Gentlemen:

This is to follow up your August 27, 1992 inquiry which was prompted by political candidate, Peter Blute.

Please be advised that David Lionett has long been a close personal friend and fellow life underwriter (for over 20 years). I was delighted when he successfully ran as State Representative in 1990. Personally, I encouraged him to run for Congress in 1992. With that thought in mind, I invited him to speak to the local Worcester Life Underwriters Association meeting in Worcester, MA in October, 1991.

Following his appearance (and before he had announced his candidacy or even had a campaign committee), I agreed to David's request to write to the members of this local group (about 220 members) following his appearance, with the hope that they would, likewise, encourage him to run.

I furnished David with a copy of my personal stationary which indicates the name of my agency, and its affiliation with Berkshire Life Insurance Company, for whom I have served as General Agent for 25 years. This is NOT Berkshire Life Insurance Company corporate stationary, but personal stationary furnished me by my company as part of my compensation. As such, I furnished one copy to Dave Lionett for him to reproduce my letter and mail in his envelopes, with postage costs paid by him. As this cost was undoubtedly under \$50, it was not reported specifically, nor was there any need to be. In fact, a proper disclaimer card was part of the mailing.

92 SEP 15 AM 10:33

FEDERAL ELECTION
COMMISSION

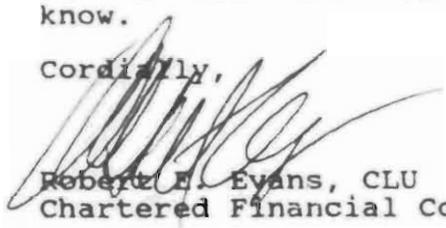
24043662695

Jonathan A. Bernstein
September 1, 1992
Page 2

Therefore, to summarize, it seems that since the mailing was to a small group of local business associates of David Lionett and myself; that since it was made before he was a candidate; that since it was sent on personal stationary (therefore, not representing any company); that since the cost fell under any state mandate of \$50.; and that since a disclaimer card was sent with the mailing; that any allegations by Mr. Peter Blute are based solely on political ambition and not on fact.

If I can be of further assistance, please let me know.

Cordially,



Robert E. Evans, CLU
Chartered Financial Consultant

REE/jah

24043562696

060 6422

Berkshire Life Insurance Company - 700 South Street - Pittsfield, Massachusetts 01201 - (413) 499-4321



Berkshire

Mr. Jonathan A. Bernstein
Assistant General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 3594

Dear Mr. Bernstein:

This is in response to your letter of August 27, 1992, on the above subject matter. The first that we heard of any letter was when Mr. Blute sent me a courtesy copy of a Draft Complaint that he eventually filed with your agency. That document was received in Pittsfield on Tuesday, August 25, 1992.

We have absolutely no knowledge of any endorsement by Berkshire Life Insurance Company of any political candidate, and to the best of my knowledge, there has been none. The Evans letter is not a Berkshire Life product and has absolutely nothing to do with Berkshire, except for the fact that our logo appears thereon because Mr. Evans is a General Agent of Berkshire Life.

I believe that Mr. Evans' letter of September 1, 1992, to you fully explains his involvement in this matter, and as you can see, the company has had and will have no involvement in this matter.

If there is anything further I can do for you, please let me know.

Sincerely,

David L. Kalib, CLU
Vice President, General Counsel & Secretary

tlc

September 10, 1992

cc: R. Evans

RECEIVED
FEDERAL ELECTION COMMISSION
SEP 15 11 10 AM '92

RECEIVED
FEDERAL ELECTION COMMISSION
SEP 15 9 44 AM '92

94043562697

FINANCIAL MARKETING GROUP

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

062-6423



Berkshire

SEP 15 9 43 AM '92

Berkshire Life Insurance Company
228 Park Avenue
Worcester, Massachusetts 01609
(508) 757-5675

Robert E. Evans, CLU
Chartered Financial Consultant
General Agent

Representing Berkshire Equity Sales, Inc.
Pittsfield, Massachusetts (413) 499-4321

92 SEP 15 AM 10:36

RECEIVED
FEDERAL ELECTION
COMMISSION

September 1, 1992

Jonathan A. Bernstein
Assistance General Counsel
Federal Election Committee
Washington, DC 20463

Re: MUR 3594

Gentlemen:

I have had no involvement in, nor knowledge of any solicitation by Financial Marketing Group, or Berkshire Life Insurance Company for David Lionett or any other candidate for public office.

Sincerely,

Gina Wentworth

94043562698

060 6433

Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01609
(508) 795-0593

RECEIVED
FEDERAL ELECTION
COMMISSION
SEP 14 1 51 PM '92

September 9, 1992

CERTIFIED MAIL R/R/R

Jonathon A. Bernstein
Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 3594
Citizens for David J. Lionett
C00265868

Dear Mr. Bernstein:

I enclose at this time a statement of designation of counsel
in connection with the above-referred to MUR.

Very truly yours,



Peter J. Dawson

PJD/srm
Enclosure

94043562699

92 SEP 15 AM 10:57
FEDERAL ELECTION COMMISSION

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3594

NAME OF COUNSEL: Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01608

TELEPHONE: (508) 795-0593

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

9-9-92
Date

Pt J Dawson
Signature

RESPONDENT'S NAME: The Lionett Congressional Committee

ADDRESS: 5 Candlewood Place
Worcester, MA 01606

PHONE: (508) 753-7411

24043562700

Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01609
(508) 795-0593

0606432
FEDERAL ELECTION
COMMISSION

SEP 14 1 52 PM '92

September 9, 1992

CERTIFIED MAIL R/R/R

Jonathon A. Bernstein
Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 3594
Citizens for David J. Lionett
C00265868

Dear Mr. Bernstein:

I enclose at this time a statement of designation of counsel
in connection with the above-referred to MUR.

Very truly yours,



Peter J. Dawson

PJD/srm
Enclosure

94043562701

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FEDERAL ELECTION
COMMISSION

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3594

NAME OF COUNSEL: Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01608

TELEPHONE: (508) 795-0593

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

9-9-92
Date


Signature

RESPONDENT'S NAME: Peter J. Dawson

ADDRESS: 56 Elm Street, #3
Worcester, MA 01608

HOME PHONE: (508) 795-0593

BUSINESS PHONE: (508) 799-0541

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Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01609
(508) 795-0593

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FEDERAL ELECTION
COMMISSION
HAWK ROOM

SEP 14 1 52 PM '92

September 9, 1992

CERTIFIED MAIL R/R/R

Jonathon A. Bernstein
Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 3594
Citizens for David J. Lionett
C00265868

Dear Mr. Bernstein:

This letter is in response to your letter of August 27, 1992 in connection with the above matter.

The Citizens for David J. Lionett political committee was established in May, 1990 to support the state legislative campaign of David J. Lionett, pursuant to Massachusetts law.

The various allegations made in the complaint by Peter I. Blute all relate to activities which occurred in the late summer and fall of 1991 involving only this state committee. The "diskette" in question was provided by David J. Lionett personally to this state committee. The other allegations involving "corporate stationery" all involved solicitations for contributions to this state committee.

During this time period, David J. Lionett was merely contemplating a congressional campaign. During the time periods of the alleged violations, Mr. Lionett was only "testing the waters" for a potential run for Congress.

A Statement of Organization was filed for The Lionett Congressional Committee (not Citizens for David J. Lionett) in late December, 1991. Mr. Lionett officially announced his candidacy in late April, 1992.

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Jonathon A. Bernstein
September 9, 1992
Page 2

The Citizens for David J. Lionett filed a Statement of Organization on May 8, 1992 registering the committee at the federal level as an affiliated committee of The Lionett Congressional Committee. The sole reason the state committee was registered at the federal level was to allow it to transfer \$6,000 to The Lionett Congressional Committee. The Citizens for David J. Lionett filed a termination report which was accepted by the Federal Election Commission as a valid termination by letter of Rubin Kelly, Reports Analyst, a copy of which is attached hereto as Exhibit A.

Based on the limited federal existence of the Citizens for David J. Lionett and its subsequent termination, I respectfully request that this state committee be dismissed as to all alleged offenses set forth in the complaint.

Very truly yours,



Peter J. Dawson, Attorney
for Citizens for David J. Lionett

Enclosure

94043562704

OCC 6413

Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01609
(508) 795-0593

September 14, 1992

VIA TELECOPIER

(202) 219-3923

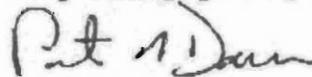
Ms. Helen Kim
Office of the General Counsel
Federal Election Commission
999 E Street, NW.
Washington, DC 20463

Re: MUR 3594

Dear Ms. Kim:

This letter requests an extension of time to respond in connection with the complaints which are the subject of the above MUR to and including September 25, 1992. If you have any questions regarding this matter, I would appreciate your contacting me at the above phone number.

Very truly yours,



Peter J. Dawson

PJD/srm

24043562705



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 15, 1992

Peter J. Dawson
56 Elm Street
#3
Worcester, Massachusetts 01609

RE: MUR 3594
Citizens for David J.
Lionett, Lionett
Congressional Committee,
and Peter J. Dawson, as
treasurer

Dear Mr. Dawson:

This is in response to your letter via facsimile dated September 14, 1992, which we received on the same date, requesting an extension until September 25, 1992 to respond to the complaint in the above captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on September 25, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen J. Kim", with a long horizontal flourish extending to the right.

Helen J. Kim
Attorney

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06C 6428

PATTON, BOGGS & BLOW
2550 M STREET, N.W.
WASHINGTON, D.C. 20037-1350
(202) 457-6000
FACSIMILE 457-6315
TRT TELEX 197780

250 WEST PRATT STREET
BALTIMORE, MARYLAND 21201
(301) 859-5800

500 NCB BUILDING
101 WEST FRIENDLY AVENUE
GREENSBORO, NORTH CAROLINA 27401
(919) 273-1733

100 RALEIGH FEDERAL SAVINGS
BANK BUILDING
RALEIGH, NORTH CAROLINA 27602
(919) 832-4111

SUITE 1975
1660 LINCOLN STREET
DENVER, COLORADO 80264
(303) 830-1776

501 BRICKELL KEY DRIVE
CORPORATE CENTRE I
MIAMI, FLORIDA 33137
(305) 375-8484

WRITERS CHECK OKAL
(202) 457-6094

September 15, 1992

VIA HAND DELIVERY

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

Re: MUR 3594

Dear Mr. Bernstein:

As you know, our law firm Patton, Boggs and Blow is designated counsel to Northwestern Mutual Life Insurance Company, Leonard F. Stecklein and Thomas Fadden, in the above referenced matter. Henceforth, I will be lead counsel in this matter.

This letter confirms a September 11, 1992 conversation between my associate, Wayne Firestone, and staff attorney Helen Kim, in the Commission's Office of General Counsel. I was unable to reach you by phone prior to leaving town for a funeral, and I asked that Mr. Firestone be contacted to seek a short extension in our filing deadline in the above-referenced matter.

Mr. Firestone informed me that Ms. Kim agreed to extend our filing deadline ten days, to September 25, 1992, subject to the Commission's approval.

I thank you for your consideration in this matter.

Sincerely,



Katharine R. Boyce

cc: Richard M. Zanfardino
Helen Kim

94043562707

FEDERAL ELECTION COMMISSION
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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 16, 1992

Katharine R. Boyce
Patton, Boggs & Blow
2550 M Street, N.W.
Washington, D.C. 20037

RE: MUR 3594
Northwestern Mutual Life
Insurance Company
Leonard F. Stecklein
Thomas F. Fadden

Dear Ms. Boyce:

This is in response to your letter dated September 15, 1992, which we received on that same date, requesting an extension until September 25, 1992 to respond to the complaint in the above captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on September 25, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Helen J. Kim
Attorney

24043562708

PATTON, BOGGS & BLOW

2550 M STREET, N.W.
WASHINGTON, D.C. 20037
(202) 457-6000

TRT TELEX 197780
TELECOPIER 457 6315

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WRITER'S DIRECT DIAL

(202) 457-6094

September 25, 1992

Jonathan A. Bernstein, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3594

Dear Mr. Bernstein:

24243562709
This letter responds to allegations against our clients, The Northwestern Mutual Life Insurance Company ("Northwestern Mutual" or the "Company") and two of its employees, Leonard F. Stecklein and Thomas F. Fadden, in the above-referenced matter raised in the complaint filed on August 25, 1992 by the Peter Blute For Congress Committee (the "Blute Complaint"). Our clients recognize the importance of resolving this matter forthrightly and expeditiously, and cooperating fully with the Commission.

Northwestern Mutual is a policy holder-owned insurance company based in Milwaukee, Wisconsin, which Company was founded on March 2, 1857. Many employees contribute to the Company's separate segregated fund, The Northwestern Mutual Life Insurance Company Federal Political Action Committee (#C00197095) ("NML FEDPAC"). The Company has a written policy, however, that no Company funds or services may be contributed to political candidates or parties. In part due to this policy, the Company has a good record of responsible corporate political activities. Neither the NML FEDPAC nor any other corporate activities have ever run afoul of the Federal Election Campaign Act (the "Act") or its implementing regulations.

Upon receipt of the Commission's notice of this matter on September 1, 1992, Northwestern Mutual's Law Department began an internal investigation which included interviews and file reviews of all employees named in the underlying Blute Complaint. Further, since that date, the subject matter of the Blute Complaint has received the serious attention of Northwestern Mutual's upper management and has been presented to and discussed with Northwestern Mutual's board of directors.

A request for an extension to respond on September 25, 1992 was granted. Below is a summary of the response with regard to the computer data. This summary will be followed by a more detailed explanation of both the computer data as well as the use of corporate stationery.

I. Summary of Response

Northwestern Mutual has written corporate policy that prohibits Company funds and services from being contributed to political candidates, political parties, or their respective committees. This policy is communicated to employees in the Company's Guidelines on Business Conduct and is monitored by annual questionnaires sent to, completed and signed by Company management employees.

The alleged conduct by the Company and/or its employees is specifically forbidden by the above Company policy. Only after a change in Company policy approved by the board of directors could an officer, director or employee authorize use of the Company's data for political purposes.

Use of the Company's computer data was not authorized or ratified by the Company. Nevertheless, Leonard Stecklein, then Vice President - Policy Owner Services of the Company, did consent to such use of Company computer data by providing it to David Lionett, an independent contractor insurance agent and a candidate for Congress. In effect, Mr. Stecklein acted as a volunteer in providing the data. He did so, however, with the belief that: (1) the information was generally available; (2) Mr. Lionett was entitled to the information as an insurance agent under contract to sell the products of Northwestern Mutual as an independent contractor under contract to Jason C. Stone, a General Agent of Northwestern Mutual in Boston, Massachusetts; and (3) providing the information in the diskette format was not significantly different than providing it via hard copy as it appeared in manuals prepared annually.

Mr. Stecklein was totally unaware that his consent to provide the computer data to Mr. Lionett might contravene Company policy prohibiting the contribution of Company funds or services to a political candidate. He was aware of the Company's policy on release of confidential information and satisfied himself that he was not releasing any Company data that would be considered confidential under that policy. See discussion at p. 4 of this response. Mr. Stecklein would never have provided the computer data to Mr. Lionett if he had known that Company policy would proscribe such conduct, or that federal election law would require that: (1) he or the Lionett campaign reimburse the Company for any increase in its overhead or operating costs for use of Company facilities and the services of a Company employee

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subordinate to him, Thomas Fadden; and (2) he might be deemed to have made an in-kind contribution to Mr. Lionett in an amount equal to the usual and normal rental charge for the list of names on the diskette.

In sum, there was no election law violation by the Company or by Mr. Fadden, who is not a Company officer or director and who merely acted under the direction of his superior, Mr. Stecklein. We request that the Commission take no action against Mr. Fadden. If any violation occurred, it was the use of corporate facilities in the form of computer data and services of a subordinate employee without reimbursement to the Company by Mr. Stecklein or the Lionett campaign. To the extent that Mr. Stecklein's conduct constituted a violation, it was purely inadvertent and certainly not knowing or willful on his part. On Mr. Stecklein's behalf, and recognizing that the Company has received no reimbursement of its costs, or any payment as a rental fee for provision of the data, Northwestern Mutual is willing to enter into conciliation discussions.

Northwestern Mutual, Mr. Stecklein, and Mr. Fadden desire to resolve this matter as expeditiously as possible, and the Company provides the following specific information from its investigation toward that end.

II. Statement of Facts

A. Unauthorized Use of Company Computer Data

David Lionett is an insurance agent under contract to Jason C. Stone, a General Agent in Boston, Massachusetts, to sell the products of Northwestern Mutual. Mr. Lionett has been a Northwestern Mutual agent since July 15, 1965. Both General Agent Stone and Agent Lionett are independent contractors with Northwestern Mutual.^{1/} Leonard Stecklein has known David Lionett for over 10 years; during this period they worked together on committees to develop methods to enhance sales and services by insurance agents generally. As then Vice President and department head of the Policy Owner Services Department of the Company, Mr. Stecklein was responsible for accommodating insurance agents' requests for information.^{2/} See Stecklein Aff. at ¶¶ 2-3. During the Summer of 1991, Mr. Lionett requested information on Northwestern Mutual agents from Mr. Stecklein.

^{1/} See discussion infra at p. 7.

^{2/} His current title is Vice President - Individual Marketing Department. He is not an Executive Vice President of Northwestern Mutual, as alleged in the Blute Complaint.

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Mr. Stecklein responded that he would look into what information was available.

Mr. Stecklein first consulted the Company policy on confidentiality to confirm his belief that the data Mr. Lionett had requested was not confidential information which Mr. Lionett was not entitled to receive as an insurance agent under contract as an independent contractor to sell the products of Northwestern Mutual. Mr. Stecklein believed the information requested by Mr. Lionett was not confidential, since similar information is widely distributed to Northwestern Mutual agents.^{3/}

In addition, Mr. Stecklein sought to determine whether the data could be collected and transmitted easily and without much expenditure of time. He contacted Thomas F. Fadden, Operations Research Specialist, who has access to computer data on all agents who sell Northwestern Mutual products. See Stecklein Aff. at ¶ 6. Mr. Fadden responded that the requested information was readily available and that it would not take much time to provide the data on diskette. See Fadden Aff. at ¶ 3. Mr. Stecklein's focus was on the incremental cost to the Company in accommodating Mr. Lionett's request, and Mr. Stecklein agreed to do so only after he concluded such costs would be negligible. See Stecklein Aff. at ¶ 5.

After satisfying himself that provision of the requested data to Lionett would be of minimal cost and, further, that it would not violate the Company's policy on confidentiality,^{4/}

^{3/} The Company distributes similar, but less comprehensive, information about agents in its annual "honor" books, entitled: "Moving Beyond," "Our Time of Opportunity" and "Sales Leaders" and in general agents directories. See Northwestern Mutual Exhs. A, B, C, D, respectively. These "honor" book publications list approximately 2,000-3,000 leading agents and their production figures. The general agent directories list business addresses for numerous agents. (Note: One copy each of these manuals is provided to the Commission with this response. Additional copies of this response contain only representative excerpts of these four manuals as Exhibits A-D.)

^{4/} The Company policy states: "Confidential information includes any information concerning the Company's employees, its agents, its policyowners, its prospective policyowners, its insureds, or its prospective insureds. Except as permitted below, access to confidential information may not be provided to any person, organization, business, or governmental body, other than a Company trustee, employee or agent having a need for such

Continued

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Mr. Stecklein instructed Mr. Fadden to provide to Mr. Lionett the requested information on Northwestern Mutual insurance agents. It did not occur to Mr. Stecklein or Mr. Fadden that the federal election laws were applicable to the providing of data or, further, that the information constituted a provision of services or anything of value to a campaign.^{5/} See Stecklein Aff. at ¶ 7; Fadden Aff. at ¶ 10.

Pursuant to Mr. Stecklein's initial instructions, on August 12, 1991, Mr. Fadden sent to Mr. Lionett a 3 1/2 inch computer diskette containing names, addresses and sales volumes for Northwestern Mutual agents. See Blute Complaint Exh. B. The diskette was not used, however, because its size was incompatible with the Lionett computer equipment. Subsequently, the Lionett campaign telephoned Mr. Stecklein and requested the information on a 5 1/4 inch diskette in a format compatible with the campaign's computer software.^{6/} As the subsequent requests could be satisfied easily and in less than an hour, Mr. Stecklein directed Mr. Fadden to convert and forward the data to the campaign.

According to Mr. Fadden, he spent a total of six (6) hours responding to Mr. Stecklein's directives to answer Mr. Lionett's request to provide on diskette the names, addresses and sales volumes of Northwestern Mutual insurance agents, totaling 7,059 in number. See Fadden Aff. at ¶ 9.

information." See Northwestern Mutual Exh. E.

^{5/} Mr. Stecklein and Mr. Fadden each responded "No" on Northwestern Mutual's 1991 Employee Disclosure Questionnaire inquiry: "During the Calendar Year 1991, did you or to your knowledge did any of your associates expend funds of NML or services of NML as a political contribution or are you aware of the expenditure of NML for such purposes other than services provided for the NML Political Action Committee, NML Federal Political Action Committee or NML Individual Political Contribution Account?" See Northwestern Mutual Exhs. F, G at 6 (question 12).

^{6/} After the initial information was sent on a 5 1/4 inch computer diskette on August 22, 1991, the campaign complained that certain field delineation information was in a format incompatible with Lionett's computer software. On September 16, 1991, a 5 1/4 inch diskette with fixed format style was sent to Steve Meyers, in care of Mr. Lionett. See Fadden Aff. at ¶¶ 4-8; Northwestern Mutual Exhs. H, I. Sometime during Summer 1992, the campaign requested and Stecklein directed Fadden to provide an updated version of the prior list.

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Whatever use Mr. Lionett or his campaign made of the computer data in question is unknown to Northwestern Mutual, Mr. Stecklein and Mr. Fadden.

Senior management at Northwestern Mutual had no knowledge of the provision of the computer data until an unsigned copy of the Blute Complaint was received by the Company by fax on August 25, 1992. On September 1, the Company received notice of MUR 3594. On September 14, an extension of time to file this response was requested, and by letter of September 16, permission was granted to respond by September 25.

On September 15, 1992, Northwestern Mutual requested the Lionett campaign to return immediately by express mail all diskettes and hard copy printouts of information from the diskettes, and to cease and desist all use of the materials. See Northwestern Mutual Exh. J. On the same date the Lionett campaign returned the diskette with a cover letter from the campaign manager confirming that the diskette constituted any and all diskettes in the possession of the campaign and that no copies or printed lists were derived from the diskette. See Northwestern Mutual Exh. K.

B. Unauthorized Use of Company Name

The Blute Complaint further alleges:

1. "There is reason to believe" that corporate stationery, envelopes and "presumably" postage were used by Charles Diamond of Northwestern Group Marketing Services; and
2. "If Northwest[ern] Mutual paid for the letter, it violates the law."

(Blute Complaint at 3)

The corporate stationery referred to in allegation 1 above contains in its letterhead the names of Northwestern Group Marketing Services and Northwestern Benefits Associates Insurance Agency, Inc. See Blute Complaint Exh. C. Northwestern Group Marketing Services is a common law service mark of Northwestern Mutual in national use for specific products and services. This logo is not a legal entity, nor is it a division or subsidiary of Northwestern Mutual. Northwestern Benefits Associates Insurance Agency, Inc. is a Massachusetts corporation which was established by Jason Stone as a legal entity separate and apart from Northwestern Mutual. See Northwestern Mutual Exh. L. The corporate shareholders of Northwestern Benefits Associates Insurance Agency, Inc. are Jason Stone and Sy Marcus. Northwestern Mutual owns no interest in Northwestern Benefits Associates Insurance Agency, Inc.

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Northwestern Mutual markets its insurance through an independent contractor system, in which 104 General Agents, including Jason Stone, contract directly with the Company. See Northwestern Mutual Exh. M.

Further, all marketing of Northwestern Mutual insurance products (as well as authorized group insurance products which are not offered for sale by Northwestern Mutual is accomplished through an independent contractor system. The Company contracts with General Agents who, in turn, contract with District Agents or Special Agents. General Agents additionally may choose to enter into an amendment to their general agent's contract for group insurance sales to sell group health insurance products of other authorized group insurance providers as well. A General Agent -- who, like Jason Stone, chooses to include a group insurance sales operation as part of its General Agency -- enters into an employment contract with a Group Specialist independent contractor like Charles Diamond.^{7/} See Northwestern Mutual Exh. O. None of these agents is an employee of Northwestern Mutual. See *Pierce v. Northwestern Mutual Life Insurance Co.*, 444 F. Supp. 1098, 1104 (D.S.C. 1978) (Northwestern Mutual Exhibit P). Northwestern Mutual does not control its General or Special Agents or their activities, political or otherwise.

The stationery referenced in the Blute Complaint appears to be corporate stationery of Northwestern Benefits Associates Insurance Agency, Inc., which contains the logo of Northwestern Group Marketing Services. Said stationery was purchased by Charles Diamond. Diamond is employed by, and, upon information and belief, may serve as an officer and director of, Northwestern Benefits Associates Insurance Agency, Inc., the corporation whose letterhead was used for Mr. Diamond's fundraising letter.

Northwestern Mutual is without knowledge regarding any of the circumstances related to the use of stationery referenced in the Blute Complaint, as it did not authorize, subsidize, or in any way participate in this fundraising activity. Although the Company's name appeared at the bottom of the stationery Mr. Diamond used, the Company did not authorize the use of its name for this political activity. In fact, such use is expressly prohibited by written company policy. Agents are authorized to use the corporate name "Northwestern Mutual Life Insurance Company" only for the sale and service of Company products.

The Company provides to its Special Agents the Agents' Manual of Information, which includes a section entitled "Conduct

^{7/} Charles Diamond additionally entered into a contract with General Agent Stone as a Special Agent independent contractor. See Northwestern Mutual Exh. N.

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of Business" warning specifically about misuse of Company stationery:

Where a letter may be deemed an advertisement of NML or its products, stationery bearing the Company's name and home office location must be used. Such stationery may be used only by NML agents when engaged in selling and servicing the Company's products.

Unauthorized use of the Company's name, logo or service marks in any manner is not permitted. In no event should an agent use Company stationery for personal or non-NML purposes. (Emphasis in original)

III. Analysis of Allegations in the Blute Complaint

The Blute Complaint alleges that Northwestern Mutual provided, or Mr. Stecklein or Mr. Fadden as an officer or director of the corporation consented to the provision of, a valuable corporate "mailing list" on diskette in violation of the Act and Commission regulations prohibiting a corporation, its officers or directors to provide to a federal candidate "any direct or indirect payment . . . advance . . . or anything of value". See Blute Complaint at 2-3. With regard to this allegation, use of Northwestern Mutual's data and services on behalf of the Lionett campaign was in no way authorized by the Company. The Complaint also may imply that Northwestern Mutual paid for a fundraising letter signed by Charles Diamond on stationery of Northwestern Group Marketing Services or Northwestern Benefits Associates Insurance Agency, Inc. This implied allegation is completely groundless. Again, use of Northwestern Mutual's name on behalf of the Lionett campaign was in no way authorized by the Company.

A. Transmission of the Company's Data

1. Transmission of the Company's Data Violated Northwestern Mutual Policy and Was Not Authorized by the Company.

Northwestern Mutual takes seriously its obligations to ensure strict compliance with the Act and Commission regulations. In the Northwestern Mutual Guidelines For Business Conduct, distributed to all Company employees, a section devoted to "Political Contributions" states:

It is the policy of this Company that Company funds and services may not be contributed to political candidates, political parties or their political com-

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mittees. (Northwestern Mutual Exhibit Q)

This policy is monitored by annual questionnaires to directors, officers, members of management and certain other key employees, referenced previously at p. 5, *supra*, which each employee must complete and return. The questionnaire specifically defines a "political contribution" to include:

any payment distribution, loan, advance, deposit or gift or money or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election. (Northwestern Mutual Exhibit F, G)(Emphasis added)

This policy was adopted by the board of directors of Northwestern Mutual and could be changed or waived only by the board. Mr. Stecklein had no authority to change or waive this corporate policy. Thus, the release and use of the Company information transmitted to Mr. Lionett for political campaign purposes was neither authorized nor ratified by Northwestern Mutual and should not be imputed to the Company.

As stated earlier, the conduct questioned in the Blute Complaint has received attention by Northwestern Mutual's senior management and by the Company's board of directors. The Company values its reputation as a good corporate citizen. To guard against problems in the future, the Company will undertake to educate its personnel more thoroughly about its Company policies against use of corporate information and facilities for political purposes.

2. The Unauthorized Use of Corporate Facilities and Services Was De Minimis.

Acknowledging that individuals have First Amendment rights to engage in political activity, the Commission regulations permit employees of corporations to engage in volunteer political activities on company time as long as they make up their time, and they reimburse the corporation for certain costs. The regulations also recognize that a corporation may place constraints on its employees' political activities. Accordingly, Commission regulations allow a corporate employee, "subject to the rules and practices of the corporation," to make occasional, isolated or incidental use of corporate facilities for individual volunteer activity in connection with a federal election, provided the employee reimburses the corporation to the extent its overhead or operating costs are increased. 11 C.F.R. § 114.9(a)(1) (Emphasis added).

While Mr. Stecklein had the right to engage in volunteer political activity, his unauthorized release of the Company's

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list of insurance agents to Mr. Lionett for campaign purposes conflicted with Northwestern Mutual policy. However the Commission may view the conduct itself, the Company is convinced and submits that Mr. Stecklein did not knowingly or willfully act in violation of the Act or Commission regulations. Mr. Stecklein simply did not have the federal election laws in mind when he agreed to provide the requested information. His volunteer activity, specifically his few telephone calls with Mr. Lionett and contacts with Mr. Fadden, were permissible as only occasional and isolated use of corporate facilities. To the extent that the Company's overhead or operational costs were increased by such use, however, the Company should have been reimbursed in accordance with 11 C.F.R. § 114.9(a)(1).

The Company has endeavored to calculate its costs as follows. The services of Company employee Mr. Fadden consisted of some computer programming and processing time, and preparing correspondence transmitting the data on diskette. Corporate facilities utilized were the computer, diskettes, telephones, and postage. For the total of six (6) hours Mr. Fadden spent on this project, the cost would be approximately \$141.18 based on his salary payments at the time. Costs for computer time, diskettes, postage and telephone charges would be approximately \$92.85. In sum, Mr. Stecklein or the Lionett campaign should have reimbursed the Company \$234.03 for its increased costs within a reasonable time.

To the extent that provision of the computer data without charge resulted in an in-kind contribution to the campaign, the value would be the usual and normal charge for such goods or services. 11 C.F.R. §§ 100.7(a)(1)(iii)(A)-(B) and AO 1984-4.

The data consisted of information on 7,059 insurance agents. According to Mr. Stecklein, the Lionett campaign wanted this data primarily because it would be in a format more usable than other formats in which the campaign possessed the same information. In other words, the primary function of the computer data, as Mr. Stecklein understood it, was to serve the campaign as a time saving device to match agents' names with business addresses via word processing. Further, the additional names of agents above and beyond those already available to Mr. Lionett in the annual manuals were necessarily for smaller, less successful agents -- not prime targets for campaign solicitations.

A sample of charges used by commercial vendors of lists to determine rental values for lists of insurance agents is attached. See Northwestern Mutual Exh. R. Even though the Northwestern Mutual list would not be as valuable to the campaign as a list of proven political contributors who are also insurance

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agents,^{8/} a median rental charge of \$50.00 per 1,000 names would be reasonable. Using this median figure, the usual and normal rental charge for the Northwestern Mutual data would be approximately \$350.00.

B. The Unauthorized Use for Political Purposes of Stationery Carrying the Company's Name Does Not Constitute a Violation by the Company.

The Blute Complaint may allege by implication that Northwestern Mutual was somehow involved in the solicitation of contributions by Charles Diamond from insurance agent "colleagues" using corporate stationery reflecting on the bottom of the page the name Northwestern Mutual Life Insurance Company. Northwestern Mutual did not authorize, subsidize, pay for, or in any way participate in the use of its corporate name or use of stationery carrying its name for this fundraising endeavor. Charles Diamond purchases at his own expense, all stationery used for official product and service activity. The letterhead in question contains the name of Northwestern Group Marketing Services and Northwestern Benefits Associates Insurance Agency, Inc. The former is merely a common law service mark and not a legal entity. The latter is a separate company incorporated by Jason Stone who is an independent contractor acting as a General Agent to Northwestern Mutual for the sale and marketing of group health insurance products which are not offered by Northwestern Mutual.

Northwestern Mutual never authorized or paid for the use of its name, logo or service mark in any manner by Mr. Diamond, Mr. Lionett, or anyone else for the political benefit of Mr. Lionett. Northwestern Mutual has endeavored to protect itself from misuse of its name and stationery, by enforcing its above quoted policy on use of corporate stationery through enforcement of its written policies against such misuse. Any unauthorized use made of the Company's name in fundraising letters sent by Mr. Diamond or Mr. Lionett was completely without the knowledge and approval of the Company, its officers or directors, or Mr. Stecklein or Mr. Fadden.

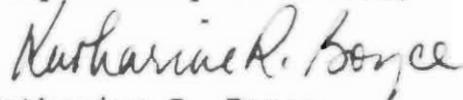
^{8/} The additional names of agents above and beyond those available in the annual manuals were those of smaller, less-successful agents -- not prime targets for campaign solicitations.

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IV. Conclusion

The Blute Complaint allegations of improper corporate contributions by Northwestern Mutual, or Mr. Stecklein and Mr. Fadden are clearly erroneous. The Company did not authorize the conduct that resulted in provision of something of value to the Lionett campaign. Mr. Fadden is not a Company officer or director and merely acted under the direction of his superior, Mr. Stecklein. With regard to Mr. Stecklein, he acted as a volunteer and, as such, made only occasional and isolated use of corporate facilities. To the extent that the Company should have been but was not reimbursed for any increase in its cost or for rental of the lists of names on diskette, we request initiation of conciliation discussions on behalf of our clients so as to close promptly the file in this matter as it relates to them.

Respectfully submitted,



Katharine R. Boyce
Counsel to
Northwestern Mutual
Life Insurance Company,
Leonard F. Stecklein and
Thomas F. Fadden

KRB/vsa
Attachments

cc: Helen Kim, Esq.

94043562720

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF:

Northwestern Mutual Life)
Company, Leonard F. Stecklein,)
and Thomas F. Fadden) MUR 3594

Respondents.

AFFIDAVIT

Leonard F. Stecklein, having been duly sworn, deposes and says:

1. I have personal knowledge of the facts contained herein and am competent to testify thereto.

2. I am presently a Vice President for Individual Product Marketing at Northwestern Mutual Life Insurance Company and previously served as Vice President - Policy Owner Services. I served in this latter capacity during the relevant time period discussed in this matter.

3. I have worked for Northwestern Mutual for twenty years, and I have known David Lionett for approximately ten years through my routine business contacts with him at the Company. Over this time period, I worked with Mr. Lionett on various committees to develop methods to enhance the sales and service capability of our insurance agents.

4. To the best of my knowledge, in Summer 1991, Mr. Lionett telephone me to ask for information that might be helpful for a Congressional race he was considering entering.

5. I told Mr. Lionett that I would see what information was available. I instructed Thomas Fadden, an Operations Research Specialist who worked directly for me, whether it would be possible to provide on computer diskette the names, business addresses, and sales volumes of agents Mr. Lionett had requested. Mr. Fadden informed me that it would

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not be difficult to prepare this information from existing computer files. I concluded that the costs to the Company in accommodating Mr. Lionett's request would be negligible.

6. At this time, I believed Mr. Lionett already had access to similar information from the Company, which widely distributes to its agents information on agents' annual production volumes and business addresses. My main consideration at the time was whether or not the information was confidential. When I determined that it was not confidential information, I agreed to provide the material to Mr. Lionett, and I delegated to Mr. Fadden the logistics of obtaining and transferring the data.

7. At no time did I believe that providing any information to Mr. Lionett would constitute a provision of services or anything of value to his campaign in violation of Company policy or any law. Consequently, I did not reference the incident in my answer to the Company's annual 1991 survey, which includes questions about political contributions.

Leonard F. Stecklein
Leonard F. Stecklein

Signed to and subscribed before me this 24 day of September, 1992.

My commission expires:

May 28, 1994

Lisa A. Rapala
Notary Public *Lisa A. Rapala*

24043562722

BEFORE THE FEDERAL ELECTION COMMISSION
OF THE UNITED STATES

IN THE MATTER OF:

Northwestern Mutual Life)
Company, Leonard F. Stecklein,) MUR 3594
and Thomas F. Fadden)

Respondents.

AFFIDAVIT

Thomas F. Fadden, having been duly sworn, deposes and says:

1. I have personal knowledge of the facts contained herein and am competent to testify thereto.
2. I work at Northwestern Mutual Life Insurance Company as an Operations Research Specialist.
3. Sometime in the Summer of 1991, my boss, Mr. Leonard Stecklein, asked me if it would be difficult to prepare a list of agents' names, business addresses, and production volumes for David Lionett. I told him this would not be difficult, and I obtained this information from the Company's data base.
4. On or about August 12, 1991, I sent the data to Mr. Lionett on a computer diskette. Shortly thereafter, I was telephoned by someone working for Mr. Lionett who explained that the diskette I sent could not be used because its size was incompatible with Lionett's computer equipment.
5. I transferred the information to a size of diskette conforming to the Lionett request and, on August 22, 1991, transferred the information to Mr. Lionett.
6. On or before September 15, 1991, I received a telephone call from Steve Meyers, who appeared to be a computer/software specialist working for the Lionett Campaign. He requested a replacement diskette with proper fixed format style delineations.

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7. On or about September 16, 1991, I sent a size and field-conforming diskette to Steve Meyers, in care of Lionett.

8. Subsequently in Summer, 1992 I received a request from Mr. Stecklein for the current version on diskette of the data previously requested by Mr. Lionett.

9. To the best of my knowledge, I estimate that I spent six hours preparing and transmitting to Mr. Lionett the diskette data.

10. During the entire time that I worked on the diskettes, I believed I was acting at the direct instruction and authorization of my boss, Mr. Stecklein. At no time did I believe that I was providing to a campaign services or anything of value in violation of Company policy or any law.

Thomas F. Fadden
Thomas F. Fadden

Signed to and subscribed before me this 24 day of September, 1992.

My commission expires:
May 22, 1994

Lori A. Rapala
Notary Public State of Wisconsin

10022177

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SENT BY:

9-25-92 : 16:07 : MIRICK, O'CONNELL-

202 219 3923:# 1/ 1

OC 6639

FEDERAL RECEIVED
ELECTION COMMISSION

92 SEP 25 PH 4: 32

Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01609
(508) 795-0593

September 25, 1992

VIA TELECOPIER

(202) 219-3923

Ms. Helen Kim
Office of the General Counsel
Federal Election Commission
999 R Street, NW.
Washington, DC 20463

Re: MUR 3594

Dear Ms. Kim:

This letter is requesting an extension of time to respond in connection with the above MUR from today through next Friday, October 2, 1992. As I explained to you on the telephone, the campaign effort was unsuccessful and we have spent most of our time wrapping up the campaign and closing down our office. These matters will be concluded this weekend and after that I will be able to focus more on responding to the FEC. Thank you for your cooperation in this matter.

Very truly yours,

Peter J. Dawson

PJD/szm

24043562725



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

September 29, 1992

Peter Dawson
56 Elm Street
#3
Worcester, Massachusetts 01609

RE: MUR 3594
Citizens for David J.
Lionett, Lionett
Congressional Committee,
and Peter J. Dawson, as
treasurer

Dear Mr. Dawson:

This is in response to your letter dated September 25, 1992, which we received on that same date, requesting an extension until October 2, 1992 to respond to the complaint in the above captioned matter. Upon an earlier request, the Office of the General Counsel extended the date the response was due to September 25, 1992. After considering the circumstances presented in your letter, this Office has again granted the requested extension. Accordingly, your response is due by the close of business on October 2, 1992.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen J. Kim". The signature is fluid and cursive, with a long horizontal stroke at the end.

Helen J. Kim
Attorney

24043562726

OGC 6689

WILEY, REIN & FIELDING

1776 K STREET, N. W.
WASHINGTON, D. C 20006
(202) 429-7000

JAN WITOLD BARAN
(202) 429-7330

September 29, 1992

FACSIMILE
(202) 429-7040
TELEX 248349 WYRNUR

RECEIVED
DIVISION
SEP 30 PM 4:54

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

Attn: Helen Kim

Re: MUR 3594 (Northwestern Benefit Associates Insurance Agency, Inc. and Charles R. Diamond)

Dear Mr. Noble:

This Response, including the attached affidavit, is submitted on behalf of Northwestern Benefit Associates Insurance Agency, Inc. and Charles R. Diamond ("Respondents") in reply to a complaint filed by Peter Blute on behalf of the Peter Blute For Congress Committee and designated Matter Under Review ("MUR") 3594. For the reasons set forth herein, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that Respondents violated any provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

THE COMPLAINT

The portion of the Complaint pertaining to our clients alleges that Mr. Diamond sent out letters "to a broad group" using company resources and facilities and not containing any statutorily

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WILEY, REIN & FIELDING

Lawrence M. Noble, Esq.
September 29, 1992
Page 2

required notices. These allegations are totally conjectural and untrue for the reasons stated below as supported by the sworn Affidavit of Charles R. Diamond (hereafter "Diamond Aff.").

FACTS

Mr. Diamond is an employee/agent of Northwestern Benefit Associates Insurance Agency. Diamond Aff. ¶ 1. In November 1991, Mr. Diamond personally purchased stationery which is used by Mr. Diamond for "personal, non-client purposes." Id. ¶3. Using this personal stationery, he wrote approximately twenty-five (25) letters soliciting donations on behalf of David Lionett. Id. ¶4. Each letter was prepared by the Lionett campaign. Id. ¶5. Each letter was accompanied by a Lionett return envelope and contribution card. Id. ¶ 6. Any contributions in response to Mr. Diamond's letter were sent directly to the Lionett campaign. Id. The total cost of the personal materials provided by Mr. Diamond to the Lionett campaign was under \$5.00. Id. ¶ 5.

DISCUSSION

This case, as it pertains to our clients, involves approximately 25 letters sent under Mr. Diamond's name on stationery purchased by him and used for his personal correspondence, and which letters were prepared by the Lionett campaign. There is no evidence of any goods or services by the Northwest Benefit Associates Agency, Inc. in connection with this

WILEY, REIN & FIELDING

Lawrence M. Noble, Esq.
September 29, 1992
Page 3

activity. In addition to Mr. Diamond's volunteer time and effort, he personally financed those materials used for the letters in the sum total of less than \$5.00. Very obviously there is no reason to believe that our clients made any sort of illegal contribution.

Furthermore, there is no reason to believe that our clients violated the so-called "disclaimer" or authorization notice requirements of the Act, 2 U.S.C. § 441d. First, on information and belief, our clients believe that such a notice was printed on the contributor card prepared by the Lionett campaign and enclosed with each letter. See Diamond Aff. ¶ 6. Unfortunately we have not been able to obtain a copy of such card for absolute confirmation. On the other hand, such absolute confirmation is unnecessary because authorization notices are required only on solicitations in the nature "of general public advertising." 2 U.S.C. § 441d. Approximately 25 personal letters hardly constitutes "general public advertising."

Accordingly, for all the above-stated reasons, the Commission should find no reason to believe that our clients violated the Act.

Respectfully submitted,


Jan Witold Baran

cc: Mr. Sy Marcus
Mr. Charles R. Diamond

94043562729

BEFORE THE FEDERAL ELECTION COMMISSION

Commonwealth of Massachusetts)
Suffolk County)

MUR 3594

AFFIDAVIT OF CHARLES R. DIAMOND

Charles R. Diamond, first being duly sworn, deposes and says:

1. I am Charles R. Diamond. I am an Employee\Agent of the Northwestern Benefit Associates Insurance Agency. I am not an employee of the Northwestern Mutual Life Insurance Company. Specifically, I operate in the area of Group Health, which is a separate Division within Northwestern Benefits.

2. I am familiar with the Complaint filed by the Peter Blute For Congress Committee with the Federal Election Commission styled Matter Under Review ("MUR") 3594 which alleges, among other things, that the Lionett Congressional Committee received corporate contributions based on my letter requesting contributions to that campaign. This complaint was based on incomplete facts and a misunderstanding of my activity.

3. As an employee of the Northwestern Benefit Associates Insurance Agency, Inc. I am able to purchase stationery with the Service Mark, Northwestern Group Marketing Service for my personal use. This is not company

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stationery and I do not use this stationery for business correspondence. Rather, I use this stationery almost exclusively for personal, non-client purposes. I purchased 1000 sheets of personal stationery from Northwestern Mutual Life at a cost of \$40, in addition to 1000 envelopes, at a cost of \$81 in the fall of 1991. I was billed for this stationery in November, 1991 on my personal statement of account which is attached.

4. Using my personal stationery, I wrote a solicitation letter on behalf of the Lionett Congressional Committee. This letter was sent to approximately twenty-five (25) individuals. While I do not remember the exact number of individuals I selected to receive this letter, I do know that it was not more than thirty (30) and not less than twenty (20).

5. Each letter was prepared by the Lionett Campaign. I provided only my personal stationery as discussed above, as well as the names of the individuals who were to receive letters. The total cost of these materials was under \$5.00.

6. Finally, each letter was accompanied by a Lionett return envelope and contribution card. Thus, to the extent that any contributions were made in response to my letter, they were sent directly to the Lionett campaign.

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The above is true and correct to the best of my knowledge.

Charles R. Diamond
Charles R. Diamond

Signed and sworn to before me
this 29 day of September, 1992.

Karen G. Scott
Notary Public

My Commission Expires: MARCH 19, 1993

94043562732

Agent's Statement of Account

Northwestern Mutual Life

CORPORATE SERVICES DEPARTMENT
PURCHASING DIVISION

TYPE	NAME	GA	DATE
1	CHARLES R DIAMOND	52364 029	11/15/91

TYPE 1
THIS STATEMENT LISTS THE CHARGES AND CREDITS YOU HAVE INCURRED DURING THE PREVIOUS PERIOD IF AN ITEM QUALIFIED FOR GENERAL AGENT'S ALLOCATION CREDITS. THE CHARGE IS SHOWN IN THE APPROPRIATE COLUMN IT WILL BE CHARGED TO YOUR GENERAL AGENT ONLY IF THE ALLOCATION CREDIT HAS BEEN EXCEEDED.

TYPE 2
THIS STATEMENT LISTS THE NET CHARGEABLE NON ALLOCATION PURCHASES BY YOUR AGENTS DURING THE PREVIOUS PERIOD IT ALSO LISTS ALL ITEMS ELIGIBLE FOR YOUR ALLOCATION CREDITS IF YOUR CREDITS ARE EXCEEDED, THE APPROPRIATE CHARGE IS SHOWN IN THE AMOUNT DUE COLUMN. PREVIOUS BALANCE ENTRIES FOR ALLOCATION COLUMNS SHOULD BE CONSIDERED AS A CREDIT.

REFERENCE NUMBER	QUANTITY SHIPPED	ITEM NUMBER	DESCRIPTION	STATIONERY ALLOCATION	AMOUNT DUE	CREDIT
	1	00-0088-14	LINKGRAMS		.25	
	1	00-0088-14	LINKGRAMS		.25	
		00-0088-22	NML LEDGER SOFTWARE		20.00	
		00-0088-22	DEPOT MAINTENANCE		2.00	
		00-0088-22	LAN ACCESS CHARGE		40.00	
029-287-155113	500	29-3908-77	LEAD LTR POL SERIES DUNS		135.00	
029-291-120412		00-8888	SERVICE CHARGE REQN		1.00	
029-291-120412	5	24-0120	GROUP HEALTH FUNDAMENTAL		25.00	
029-305-150000	1,000	29-1264-04	NGMS MEMO SHEETS IMP		12.00	
029-305-150000	2,000	50-0115-02	NGMS ENVELOPE IMPRINTED	81.00		
029-311-111323		00-8888	SERVICE CHARGE REQN		1.00	
029-311-111323	5	25-0007	SPC POL PRI EMPLOYER STD		2.50	
029-311-111323	8	30-1255	SECOND SHTS ALLOCATI PKG	20.00		
029-311-143846	1,000	50-0115-01	NGMS LETTERHEADS IMP	40.00		
					AMOUNT DUE	\$239.00

42 (S-01)

0 4 0 4 3 5 6 2 7 3 3

06C 6747

Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01609
(508) 795-0593

92 OCT -5 PM 2:40
U.S. SENATOR
COMMUNICATIONS SECTION

October 5, 1992

VIA TELECOPIER

(202) 219-3923

Ms. Helen Kim
Office of the General Counsel
Federal Election Commission
999 E Street, NW.
Washington, DC 20463

Re: MUR 3594

Dear Ms. Kim:

Due to my own personal business constraints, I was not able to request an extension of time to answer the above complaint this past Friday. This letter hereby requests an extension of time to respond in connection with the above MUR from today through this Friday, October 9, 1992. If this is a problem, please contact me at my office phone number which is (508) 799-0541. Otherwise, I will Federal Express the response to your attention such that you have it this Friday. This will also constitute a commitment that we will not seek any further extension prior to filing our first answer.

Very truly yours,

Peter J. Dawson

PJD/srm

94043562734



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 6, 1992

Peter Dawson
56 Elm Street
#3
Worcester, Massachusetts 01609

RE: MUR 3594
Citizens for David J.
Lionett, Lionett
Congressional Committee,
and Peter J. Dawson, as
treasurer

Dear Mr. Dawson:

This is in response to your letter dated October 5, 1992, which we received on that same date, requesting an extension until October 9, 1992 to respond to the complaint in the above captioned matter. Upon an earlier request, the Office of the General Counsel extended the date the response was due to September 25, 1992. Subsequently, this Office granted another request for an extension and extended the due date to October 5, 1992.

After considering the circumstances presented in your letter, this Office has again granted the requested extension. Accordingly, your response is due by the close of business on October 9, 1992. No further extensions will be granted.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen J. Kim".

Helen J. Kim
Attorney

94043562735

Peter J. Dawson
56 Elm Street, #3
Worcester, MA 01609
(508) 795-0593

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Oct 13 9 49 AM '92

October 9, 1992

VIA TELECOPIER AND
FEDERAL EXPRESS

Ms. Helen Kim
Office of the General Counsel
Federal Election Commission
999 E Street, NW.
Washington, DC 20463

Re: MUR 3594
David J. Lionett
The Lionett Congressional Committee
Peter J. Dawson, Treasurer of The Lionett Congressional
Committee

Dear Ms. Kim:

This letter is the collective response to the above named Respondents to your letter of August 27, 1992 and the complaint of Peter I. Blute attached thereto. This response addresses only those issues which the Respondents have personal knowledge and belief of. We trust the others named in the complaint will respond separately. The numbers of the answers in this response correspond to the numbers of the "Complaints" set forth in the Blute complaint.

HISTORICAL BACKGROUND

The alleged violations of The Federal Campaign Act of 1971 all occurred in August and November, 1991. The alleged violations all involve solicitations made by the Massachusetts state committee Citizens for David J. Lionett. This state committee was formed in May, 1990 to support David J. Lionett's campaign for state representative. This state committee did register as a

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LIONETT
DAWSON

Ms. Helen Kim
October 9, 1992
Page 2

federal committee in May, 1992 merely for the purpose of contributing to The Lionett Congressional Committee. The state committee terminated its federal status which termination was approved by the Federal Election Commission.

The alleged violations all occurred during a period when David J. Lionett was "testing the waters" to determine if a congressional campaign would be feasible. In December, 1991, a Statement of Organization was filed for the Lionett Congressional Committee. David J. Lionett announced his candidacy for congress in January, 1992.

ANSWERS

1. A diskette containing the names and addresses of all Northwestern Mutual Life Insurance Company ("Northwestern") agents was provided to David J. Lionett by Thomas Fadden of Northwestern on or about August 12, 1991.

This diskette contains information which is otherwise readily available to any agent or party affiliated with Northwestern. It is our understanding that the data on the diskette can be obtained upon reviewing various paper reports including the reports prepared for the annual meeting of all associated with Northwestern. These reports are widely disseminated.

By widely disseminating it to all those affiliated with Northwestern, we believe the data is no longer a corporate asset. Further, the diskette was provided to David J. Lionett, and not to the Citizens for David J. Lionett Committee.

2. The letter which Charles Diamond sent to his various colleagues in the insurance benefits industry to solicit a contribution to the Citizens for David J. Lionett Committee was on Mr. Diamond's own personal business stationery. The stationery was paid for by Mr. Diamond. The original letter was drafted with the assistance of Mr. Lionett and was typed by Mr. Diamond's assistant. The letter was provided to the Lionett staff who photocopied it, provided the envelopes, the disclaimer card, the stamps and the labor involved in mailing the letters. The total amount raised through this letter was less than \$300.00.

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Ms. Helen Kim
October 9, 1992
Page 3

The mere listing of a corporate name on stationery that belongs to Mr. Diamond does not transform what is a privately owned asset into a corporate asset. Therefore, any allegations that the law was broken by using "corporate" stationery is without merit.

Further, even if the stationery utilized was a corporate asset, we believe that this matter constitutes "individual volunteer activity" which is permissible under 11 CFR 114.9(a) since it was so isolated and incidental.

A disclaimer card was included with all solicitations indicating that the solicitations were paid for by the Citizens for David J. Lionett Committee. In speaking with Kevin Sally, Mr. Sally indicates that was an advisory opinion issued (1980-145) which indicates that the disclaimer only has to be on one piece of paper within the solicitation. Therefore, the allegation that the letter itself did not contain a disclaimer while true, does not constitute a problem.

3. The letter which Bob Evans sent to his various colleagues in the insurance benefits industry to solicit a contribution to the Citizens for David J. Lionett Committee was on Mr. Evans' own personal business stationery. Although this stationery as I understand it is provided by the Company to Mr. Evans, it is his own personal business stationery. The original letter was drafted with the assistance of Mr. Lionett and was typed by Mr. Evans assistant. The letter was provided to the Lionett staff who photocopied it, provided the envelopes, the disclaimer card, the stamps and the labor involved in mailing the various letters.

Even if the stationery utilized was a corporate asset, we believe that this matter constitutes "individual volunteer activity" which is permissible under 11 CFR 114.9(a) since it was so isolated and incidental.

A disclaimer card was included with all solicitations indicating that the solicitations were paid for by the Citizens for David J. Lionett Committee. In speaking with Kevin Sally, Mr. Sally indicates that was an advisory opinion issued (1980-145) which indicates that the disclaimer only has to be on one piece of paper within the solicitation. Therefore, the allegation that the letter itself did not contain a disclaimer while true, does not constitute a problem.

94043562738

Ms. Helen Kim
October 9, 1992
Page 4

4. For all of the reasons cited above, the undersigned does not believe that David J. Lionett participated in or solicited any funds in violation of any federal law.

Since the campaign effort failed, we are anxious to put this matter behind us. We stand ready to cooperate with you in all aspects to bring this matter to a conclusion.

If you have any questions or need further information regarding any aspect of this complaint or those items set forth herein, please be in contact with the undersigned.

Very truly yours,



Peter J. Dawson

94043562739

WILEY, REIN & FIELDING

FEB 1 1994
JAN 27 9 20 AM '94

1776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

January 25, 1994

JAN WITOLD BARAN
(202) 429-7330

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UP

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

ATTN: Helen Kim, Esq.

Re: MUR 3594 (Northwestern Benefit Associates
Insurance Agency, Inc. and Charles R. Diamond)

Dear Mr. Noble:

This is to note for the record our objections to your continued proceedings in the above-captioned matter due to the United States Court of Appeals' decision in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993). As you have noted in recent FEC filings, the Commission lacked authority to determine for itself the constitutional issues decided in NRA, so raising these matters with the Commission prior to that ruling would have been futile. Also, some of the "remedial" actions, such as purported "ratification," just occurred. However, now that the decision has been handed down and the Commission's initial response to it has been outlined, we wish to be clear that we object to any Commission action inconsistent with the NRA rationale.

Accordingly, please be advised that we object to all past and future activity in this matter attributable to the actions of the unconstitutional agency. Our objections include, but are not limited to, enforcement of rules not adopted by a constitutional agency, purported "ratification" of rules and actions, without findings or compliance with procedural steps mandated by the Administrative Procedures Act or the Federal Election Campaign Act, as well as "ratification" of actions tainted by deliberations influenced by the presence of non-executive branch personnel. Additionally, we believe that the Commission improperly reconstituted itself in response to the NRA decision and therefore its current proceedings are likewise constitutionally suspect. We expressly do not waive any objections to the present form of the Commission and suggest that continued proceedings in this matter under these circumstances are not substantially justified.

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WILEY, REIN & FIELDING

Lawrence M. Noble, Esq.
January 25, 1994
Page 2

We are confirming these objections to provide formal notice that the Commission's present make-up and/or its actions based on precedents of the judicially declared unconstitutional Commission may be invalid. While I know that you already are familiar with the issues raised in this letter -- indeed, your staff has focused on little else these past few months -- I am prepared to discuss these matters with you in more detail at your convenience. Also, I would welcome any procedural guidance you may offer on how these issues might most efficiently be pursued.

Sincerely,



Jan Witold Baran

94043562741

FEDERAL
ELECTION
COMMISSION
SECRETARIAT

JUN 30 3 55 PM '94

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of

)
) Enforcement Priority
)

GENERAL COUNSEL'S QUARTERLY REPORT

I. INTRODUCTION

This report is the second Enforcement Priority System Quarterly Report. The purpose of this Quarterly Report is to recommend that the Commission no longer pursue the identified lower priority and stale cases.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission approved criteria

By closing such cases the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 16 cases which do not warrant further pursuit relative to the other pending cases.¹ A short

1. These matters are: MUR 3920; MUR 3930; MUR 3934; MUR 3939; MUR 3942; MUR 3943; MUR 3945; MUR 3948; MUR 3953; MUR 3955; MUR 3957; MUR 3964; MUR 3965; MUR 3967; RAD 94L-22; and RAD 94L-25.

94043562742

description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-15. For the Commission's convenience, the narratives for externally-generated matters are immediately followed by the complaint and response(s) and the narratives for internally-generated matters are immediately followed by the referral.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 42 cases that

do not warrant further investment of significant Commission resources.² Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate

2. These matters are: MUR 3132; MUR 3432; MUR 3466; MUR 3470; MUR 3473; MUR 3495; MUR 3558; MUR 3575; MUR 3581; MUR 3594; MUR 3600; MUR 3625; MUR 3647; MUR 3663; MUR 3684; MUR 3698; MUR 3712; MUR 3733; MUR 3744; MUR 3749; MUR 3756; MUR 3759; MUR 3767; MUR 3776; MUR 3779; RAD 92L-26, RAD 93L-25; RAD 93L-26; RAD 93L-29; RAD 93L-31; RAD 93L-33; RAD 93L-35; RAD 93L-36; RAD 93L-38; RAD 93L-39; RAD 93NF-02; RAD 93NF-03; RAD 93NF-06; RAD 93NF-10; RAD 93NF-12; RAD 93NF-15; and RAD 93NF-20.

24043562743

narratives for these cases. However, for externally-generated matters in which the Commission has made no findings, the complaint and response(s) are attached to the report and for internally-generated matters in which the Commission has made no findings, the referral is attached. See Attachments 17-53. Because the Commission has already made findings in five of the stale cases, no additional information is being attached to this report in regard to these cases.³

24043562/4

3. These matters are: MUR 3132, MUR 3432, MUR 3466, MUR 3495, and MUR 3733.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the identified cases effective August 1, 1994. This will allow the Legal Review Team adequate time to prepare the Pre-MUR and MUR files so that the cases can appear on the public record by September 1, 1994, within 30 days of the August 1, 1994, closing date. This timeframe also will enable this Office to prepare closing letters so that the letters can be mailed on August 2, 1994. Additionally, the Press Office will need time to review the files for inclusion in one of its press releases.

III. RECOMMENDATIONS

A. Decline to open a MUR and close the file in the following matters to be effective on August 1, 1994:

- 1) RAD 92L-26
- 2) RAD 93L-25
- 3) RAD 93L-26
- 4) RAD 93L-29
- 5) RAD 93L-31
- 6) RAD 93L-33
- 7) RAD 93L-35
- 8) RAD 93L-36
- 9) RAD 93L-38
- 10) RAD 93L-39
- 11) RAD 94L-22
- 12) RAD 94L-25
- 13) RAD 93NF-02
- 14) RAD 93NF-03
- 15) RAD 93NF-06
- 16) RAD 93NF-10
- 17) RAD 93NF-12
- 18) RAD 93NF-15
- 19) RAD 93NF-20

24043562745

B. Take no action, close the file effective on August 1, 1994, and approve the appropriate letter in the following matters:

- 1) MUR 3470
- 2) MUR 3473
- 3) MUR 3558
- 4) MUR 3575
- 5) MUR 3581
- 6) MUR 3594
- 7) MUR 3600
- 8) MUR 3625
- 9) MUR 3647
- 10) MUR 3663
- 11) MUR 3684
- 12) MUR 3698
- 13) MUR 3712
- 14) MUR 3744
- 15) MUR 3749
- 16) MUR 3756
- 17) MUR 3759
- 18) MUR 3767
- 19) MUR 3776
- 20) MUR 3779
- 21) MUR 3920
- 22) MUR 3930
- 23) MUR 3934
- 24) MUR 3939
- 25) MUR 3942
- 26) MUR 3943
- 27) MUR 3945
- 28) MUR 3948
- 29) MUR 3953
- 30) MUR 3955
- 31) MUR 3957
- 32) MUR 3964
- 33) MUR 3965
- 34) MUR 3967

24043562146

C. Take no further action, close the file effective on August 1, 1994, and approve the appropriate letter in the following matters:

- 1) MUR 3132
- 2) MUR 3432
- 3) MUR 3466
- 4) MUR 3495
- 5) MUR 3733

6/30/94
Date


Lawrence M. Noble
General Counsel

24043562747

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Enforcement Priority) Agenda Document
#X94-72

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 19, 1994, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to Agenda Document #X94-72:

A. Decline to open a MUR and close the file in the following matters to be effective on August 1, 1994:

- 1) RAD 92L-26
- 2) RAD 93L-25
- 3) RAD 93L-26
- 4) RAD 93L-29
- 5) RAD 93L-31
- 6) RAD 93L-33
- 7) RAD 93L-35
- 8) RAD 93L-36
- 9) RAD 93L-38
- 10) RAD 93L-39
- 11) RAD 94L-22
- 12) RAD 94L-25
- 13) RAD 93NF-02
- 14) RAD 93NF-03
- 15) RAD 93NF-06
- 16) RAD 93NF-10
- 17) RAD 93NF-12
- 18) RAD 93NF-15
- 19) RAD 93NF-20

(continued)

24043562748

B. Take no action, close the file effective on August 1, 1994, and approve the appropriate letter in the following matters:

- 1) MUR 3470
- 2) MUR 3473
- 3) MUR 3558
- 4) MUR 3575
- 5) MUR 3581
- 6) MUR 3594
- 7) MUR 3600
- 8) MUR 3625
- 9) MUR 3647
- 10) MUR 3663
- 11) MUR 3684
- 12) MUR 3698
- 13) MUR 3712
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- 27) MUR 3945
- 28) MUR 3948
- 29) MUR 3953
- 30) MUR 3955
- 31) MUR 3957
- 32) MUR 3964
- 33) MUR 3965
- 34) MUR 3967

(continued)

24043562149

C. Take no further action, close the file effective on August 1, 1994, and approve the appropriate letter in the following matters:

- 1) MUR 3132
- 2) MUR 3432
- 3) MUR 3466
- 4) MUR 3495
- 5) MUR 3733

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

Attest:

7-20-94
Date

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

94043562750



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

August 2, 1994

Representative Peter Blute
657 South Street
Shrewsbury, MA 01545

RE: MUR 3594

Dear Mr. Blute:

On August 26, 1992, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

94043562751



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

August 2, 1994

Peter J. Dawson, Esq.
56 Elm Street, #3
Worcester, MA 01608

RE: MUR 3594
Citizens for Dave Lionett and
Peter J. Dawson, as Treasurer, and
Lionett Congressional Committee
and Peter J. Dawson, as Treasurer

Dear Mr. Dawson:

On August 27, 1992, the Federal Election Commission notified your clients, Citizens for Dave Lionett and you, as treasurer, and Lionett Congressional Committee and you, as treasurer, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

24043562752

Peter J. Dawson, Esq.
Page Two

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

74043562155



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

August 2, 1994

David Lionett
5 Candlewood Place
Worcester, MA 01606

RE: MUR 3594
David Lionett

Dear Mr. Lionett:

On August 27, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against you. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

94043562704



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

August 2, 1994

Katharine R. Boyce, Esq.
Patton, Boggs & Blow
2550 M Street, N.W.
Washington, DC 20037

RE: MUR 3594
Northwestern Mutual Life Insurance
Company, Len Stecklein and
Thomas Faden

Dear Ms. Boyce:

On August 27, 1992, the Federal Election Commission notified your clients, Northwestern Mutual Life Insurance Company, Len Stecklein and Thomas Faden, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

24043562/55

Katharine R. Boyce, Esq.
Page Two

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

cc: Judith L. Perkins, Esq.
Assistant General Counsel
Northwestern Mutual Life Insurance Company

24043562756



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 2, 1994

Jan Witold Baron, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20008

RE: MUR 3594
Northwest Benefits Associates
Insurance Agency, Inc. and
Charles Diamond

Dear Mr. Baron:

On August 27, 1992, the Federal Election Commission notified your clients, Northwest Benefits Associates Insurance Agency, Inc. and Charles Diamond, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against your clients. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

94043562757

Jan Witold Baron, Esq.
Page Two

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

24043562758



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

August 2, 1994

David L. Kalin, CLU
Vice President, General Counsel
and Secretary
Berkshire Life Insurance Company
700 South Street
Pittsfield, MA 01201

RE: MUR 3594
Berkshire Life Insurance Company

Dear Mr. Kalin:

On August 27, 1992, the Federal Election Commission notified Berkshire Life Insurance Company of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against Berkshire Life Insurance Company. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

94043562759



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

AUG 02 1994

Gina Wentworth
Financial Marketing Group
228 Park Avenue
Worcester, MA 01609

RE: MUR 3594
Gina Wentworth

Dear Ms. Wentworth:

On August 27, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against you. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

24043562700



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

August 2, 1994

Robert Evans, CLU
Berkshire Life Insurance Company
228 Park Ave.
Worcester, MA 01609

RE: MUR 3594
Robert Evans

Dear Mr. Evans:

On August 27, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against you. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on August 1, 1994.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

24043562761



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3594

DATE FILMED 8-30-94 CAMERA NO. 2

CAMERAMAN JMH

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