



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3602

DATE FILMED 1-8-92 CAMERA NO. 4

CAMERAMAN SEM.

93040924514

3 August 1992

FEC MANAGER & MRS DIXON

MUR 3602

My first letter of August 21st, was both a question & Compliant. I am now complying with the formal requirements. I Clark Robert Kerr, of 9260 E. Summer Trail, Tucson Arizona, am fileing a complaint as to the legality of President Bushs appointment of James Baker, to the position of chief of Staff, and clearly using him to run his reelection campaign. Also I am complaining about the fact, Baker will be paid by tax payers, rather than the Bush Quayle campaign.

Quayle

I am charging the Bush Quayle with a violation of the Federal Election laws. The documentation to support this charge, is a matter of the public record, (TV PRINT MEDIA).

I ALSO WANT TO KNOW IF YOUR OFFICE IS NOT ENTITLED TO ANSWER QUESTIONS ABOUT THE ELECTION PROCESS, WITHOUT GOING THRU THE ABOVE PROCESS?????

SUBSCRIBED AND SWORN BEFORE ME ON THIS DATE 1st Sept 1992

*Grace M. Donahy, Notary Public
Comm. Exp. 6/19/94*

Sincerely
Clark R. Kerr
9260 E. Summer Tr
Tucson, Az 85749

Clark R Kerr



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If any questions call 602-749-1312

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OFFICE IN FEDERAL HOUSE
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 10, 1992

Clark R. Kerr
9260 E. Summer Tr.
Tucson, AZ 85749

RE: MUR 3602

Dear Mr. Kerr:

This letter acknowledges receipt on September 3, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Bush-Quayle '92 Primary Committee, and J. Stanley Huckaby, as treasurer, and the Honorable James A. Baker, III. 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 3602. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Jonathan A. Bernstein
Assistant General Counsel

Enclosure
Procedures

93040924516



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 10, 1992

Honorable James A. Baker, III
Chief of Staff and
Assistant to the President
1600 Pennsylvania Avenue, NW
Washington, DC 20500

RE: MUR 3602

Dear Mr. Baker:

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 3602. 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.

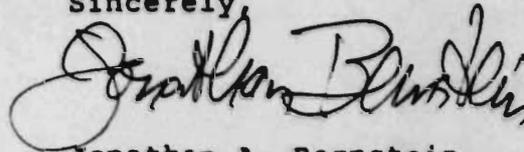
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

93040924517

Honorable James A. Baker, III
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

93040924518



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 10, 1992

Bush-Quayle '92 Primary Committee
J. Stanley Huckaby, Treasurer
1030 15th Street, NW
Washington, DC 20005

RE: MUR 3602

Dear Mr. Huckaby:

The Federal Election Commission received a complaint which indicates that the Bush-Quayle '92 Primary 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 3602. 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.

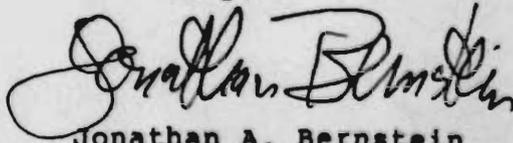
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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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Bush-Quayle '92 Primary Committee
J. Stanley Huckaby, 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,



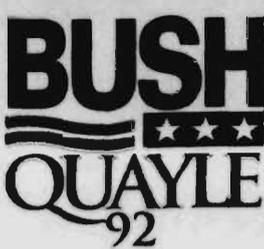
Jonathan A. Bernstein
Assistant General Counsel

Enclosures

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

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

92 SEP 25 PM 3:32

J. Stanley Huckaby
Treasurer
(202) 336-7083

September 24, 1992

VIA HAND DELIVERY

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

Re: MUR 3602 -- Bush - Quayle '92
Primary Committee, Inc. and
J. Stanley Huckaby, Treasurer

Dear Mr. Noble:

This letter constitutes the Response of Bush - Quayle '92 Primary Committee, Inc. ("Bush-Quayle 92") and its Treasurer, J. Stanley Huckaby (collectively "Respondents"), to the Complaint filed with the Federal Election Commission ("FEC" or the "Commission") by Mr. Clark R. Kerr (Complainant) of Tucson, Arizona. Respondents received the Complaint on September 11, 1992.

Complainant challenges the legality of the appointment of James A. Baker III to the position of White House Chief of Staff and Senior Counselor to the President, alleging that Mr. Baker will be charged with directing the President's campaign, and that accordingly he should be paid by Bush-Quayle 92.

Mr. Baker's appointment was announced on August 13, 1992. He assumed his position in the White House on August 23, 1992. As Chief of Staff, Mr. Baker is charged with the day-to-day operations of the White House, including Administration initiatives throughout the Executive Branch and in Congress. Robert M. Teeter continues to serve as Chairman of the President's re-election campaign, and Fred Malek continues as Campaign Manager. Like every other White House Chief of Staff, Mr. Baker exercises great influence over the President's schedule and Administration policies. These responsibilities frequently have implications for the campaign, but remain governmental functions.

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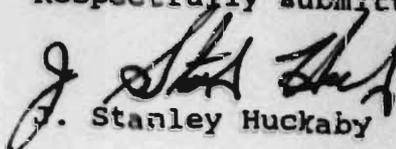
Lawrence M. Noble, Esq.
September 24, 1992
Page 2

To the extent that Secretary Baker's position requires involvement in the re-election campaign, that involvement is neither unusual nor inappropriate for a person in his position.

The only reading of the Complaint that could possibly state a claim within the Commission's jurisdiction is that Mr. Baker is performing campaign work on government time. This argument -- which implies that the United States taxpayers are not getting their money's worth out of Mr. Baker -- is simply not supportable. Any responsibilities that Mr. Baker performs that are exclusively for the campaign are in addition to his immense responsibilities as Chief of Staff. He is acting consistently with legal, political, and historical precedent of every White House Chief of Staff who has served a President seeking re-election.

Accordingly, Respondents respectfully request that the General Counsel recommend to the Commission that it find no reason to believe that a violation has occurred, and that this matter be promptly closed.

Respectfully submitted,


J. Stanley Huckaby

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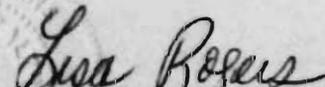
Lawrence M. Noble, Esq.
September 24, 1992
Page 3

VERIFICATION

The undersigned swears that the facts set forth in this response are true to the best of his knowledge, information, and belief.


STANLEY HUCKABY

SUBSCRIBED AND SWORN TO before me this 24 day of
September, 1992.


Notary Public

My Commission in
Virginia expires 9/30/93

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FEDERAL ELECTION
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1991
THE WHITE HOUSE
WASHINGTON

September 30, 1992

Dear Mr. Noble:

This letter constitutes the Response of the White House Office (the "Respondent") to the Complaint filed with the Federal Election Commission (the "FEC") by Mr. Clarke Kerr (the "Complainant") of Tucson, Arizona in MUR 3602. Respondent received the Complaint on September 14, 1992.

The Complainant challenges the legality of the appointment of Chief of Staff and Senior Counselor to the President James A. Baker III as an employee of the White House Office, paid from the appropriation for the White House Office. The Complainant alleges that Mr. Baker will be charged with directing the President's campaign, and that accordingly he should be paid by Bush-Quayle '92.

The appointment of the Chief of Staff was announced on August 13, 1992 and became effective on August 23, 1992. As Chief of Staff and Senior Counselor to the President, Mr. Baker is charged with the day-to-day operations of the White House. He must also oversee Administration initiatives throughout the Executive Branch and with the Congress.

As a part of these official duties, Mr. Baker must ensure that the President's policies and schedule, while a candidate, are adequately coordinated with the campaign. This responsibility may well entail consultation with the campaign concerning campaign strategy and efforts, in large part to ensure furtherance of the initiatives of the President's Administration. This responsibility of the Chief of Staff, with inseparable political and official dimensions, is a traditional function of Chiefs of Staff.

Indeed, this important dual role of the Chief of Staff (and other White House staff members) was clearly approved by the Congress when it enacted the Hatch Act. The Congress exempted White House staff members from the strictures of the Hatch Act precisely so that members of the White House staff could engage in partisan political activity. As Senator Hatch said at the time of the enactment of the Hatch Act:

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the President and members of the Cabinet . . . must necessarily go before the country and the people and explain their policies . . . It is but right and proper that they should have the full privilege of doing so, as the bill now so provides. It is also provided that persons paid from appropriations for the Executive Office, the staff of that office, are not affected by the bill, which should be the case.

Statement of Senator Hatch, 84 Cong. Rec. 9672 (1939).

The only reading of the Complaint that could possibly state a claim within the Commission's jurisdiction is that Mr. Baker is performing campaign work while being paid by the Government -- apparently a claim that the White House is making an illegal contribution to the campaign. Any such argument must fail for three important reasons.

As a legal matter, the Complainant's apparent claim does not state a claim for relief under the Federal Election Campaign Act. The Act defines "person" to exclude the Federal Government or any authority of the Federal Government. Thus, the payment of the salary of Mr. Baker by the White House Office cannot constitute a contribution to the President's re-election campaign, even if Mr. Baker did perform campaign work on Government time. See MUR 3490, First General Counsel's Report, at 4 (April 29, 1992).

In any event, such a claim is not supportable. The vast responsibilities that Mr. Baker has for overseeing the operations of the Executive Branch (including the White House) serve as the basis for his White House pay. These responsibilities, in themselves, constitute a full-time job, and any campaign-related activity that he engages in is in addition to carrying out these responsibilities. At the same time, the responsibility for managing the operations of the campaign remain with Robert M. Teeter and Fred Malek, Chairman and Campaign Manager, respectively, of the President's re-election campaign. The Chief of Staff has not supplanted Mr. Teeter and Mr. Malek.

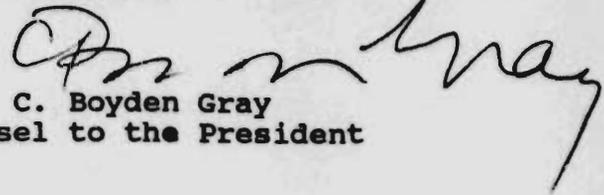
Finally, to the extent the Chief of Staff is acting in this dual role, he is acting consistently with precedent for the Chiefs of Staff who have served before him.

Accordingly, Respondent respectfully requests that the General Counsel recommend to the Commission that it find no reason to

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believe that a violation has occurred, and this matter be promptly closed.

Sincerely,



C. Boyden Gray
Counsel to the President

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

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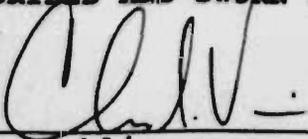
VERIFICATION

The undersigned swears that the facts set forth in this response are true to the best of his knowledge, information and belief.


C. BOYDEN GRAY

District of Columbia

SUBSCRIBED AND SWORN TO before me this 30th day of September, 1992.



Notary Public *exp. 5/14/93*

93040924527

STATEMENT OF DESIGNATION OF COUNSEL

0606743

NUR 3602

NAME OF COUNSEL: Bobby R. Burchfield, General Counsel
Richard D. Holcomb, Deputy General Counsel

ADDRESS: Bush - Quayle '92 Primary Committee, Inc.
1030 15th Street, N.W.
Washington, D.C. 20005

TELEPHONE: (202) 336 - 7110

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OFFICE
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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.

9/22/92
Date

J. Stanley Huckaby
Signature

RESPONDENT'S NAME: J. Stanley Huckaby, Treasurer

ADDRESS: Bush - Quayle '92 Primary Committee, Inc.
1030 15th Street, N.W. 20005
Washington, D.C. 20005

HOME PHONE: (703) 329 - 1615

BUSINESS PHONE: (202) 336 - 7300

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Tucson, AZ
Oct 14, 1992

OGC 6992

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FEDERAL ELECTION COMMISSION
OFFICE OF THE CHIEF COUNSEL

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Chairperson FEC
Ms Joan Aiken
Subj. MUR 3602

Mr. Reel called me this date to inform me, that you folk dont have a copy of my previous letter to you. I, addressed it to the FEC, Washington D.C. 20463 as that was the address, on your General Counsel letter to me of Sept 10. I am more than concerned, that under your guidelines, Mr. Berstien sent me, your clock has ran out for resolution for this MUR, 3602.

Accordingly I am asking why your consel would send me a letter that didnt have your complete address on it. Mr. Reel could not comprehend why there was no street address on Mr. Berstiens letter, I said why dont you ask him??? I will restate my complaint, President Bush, brought Jim Baker, into the white house to run the remainder of his campaign, and is paying him with tax payers money, under the guise of Baker, being his chief of staff. Baker should be paid the Bush Qualye, campaign, and not the tax payers.

I am also requesting the name of the oversight committe chairperson of your agency, and also your budget funding chairperson. I am also requesting acknowledgement of receipt of this letter, to the telephone listed below. This has been my 1st complaint to your agency, and based so far on the lack of responce, will no doubt be my last, Ms Aiken.

If your staff has any questions feel free to call, I will talk to them, without any submission of three certified copies of anything. My MUR has nothing to do with National Security, and unless your agency is exempt, from the freedom of Information act, should have been resolved in your own time frame. You got my 1st letter, Sept 3 some 20 days later your clock has run out.

Certified

30409

Clark Kerr

Sincerly Ticked
Clark Kerr
9260 E. Summer Tr
Tucson, Arizona

602-749-1312

P.S. This makes three letters I have written your agency, so far without getting the time of day. Mr. Reel said this date, that your agency had moved, but the zip code was correct, I said you did put in a change of address with the P.O., didnt you??????

CLARK P. KERR

92 OCT 19 1992
TUCSON, ARIZONA 85749



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 29, 1992

Clark Kerr
9260 E. summer Tr
Tucson, AZ

RE: MUR 3602

Dear Mr. Kerr:

This is in response to your letter dated October 14, 1992 which we received on October 19th. (My executive secretary Judy Hawkins phoned you to confirm its receipt). First, as my assistant Anton Reel has explained to you, our mail room has no record of receiving the letter you have told us you previously mailed; instead, I trust that your October 14 letter conveys sufficiently the points you would like addressed.

On the main topic of your letter, let me clarify that the Commission's "guidelines" do not provide for the resolution of complaints within 20 days. In fact, the 20 days you mention is the period for only the most preliminary part of the process: during this time respondents are notified of complaints and given an opportunity to respond. Extensions of time for response sometimes are granted and after such response the General Counsel's Office must analyze the matter and write a report to the Commission recommending that an investigation be opened or that the complaint be dismissed. When final action is taken on a complaint, we notify the complainant. I hope you can understand that your complaint is one of numerous complaints that we have received within the last two months, and that because of the nature of the enforcement process prescribed by law as well as the small size of our legal staff, full completion of the enforcement process can take far longer than the 1-1/2 months that have so far elapsed since you filed your complaint. Nonetheless, I appreciate the frustration you have expressed and assure you that the legal staff will attempt to resolve your complaint as expeditiously as possible.

You also ask for information on the legislators responsible for this agency. In the House of Representatives, Rep. Al Swift is Chairman of the Committee on House Administration Subcommittee on Elections; Rep. Edward R. Roybal is Chairman of the House Committee on Appropriations Subcommittee on Treasury, Postal Service & General Government. In the Senate, Senator Wendell Ford is Chairman of the Senate Committee on Rules and Administration; Senator Dennis DeConcini is Chairman of the Senate Committee on Appropriations Subcommittee on Treasury, Postal Service & General

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Mr. Clark Kerr
Page 2

Government.

If you have any additional questions, please feel free to contact my assistant Mr. Reel at 202-219-4110 or Mr. Bernstein in the General Counsel's Office at 202-219-3690.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

93040924531

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

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F.E.C.
SECRETARIAT

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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MURs # 3602 and # 3628

DATE COMPLAINTS RECEIVED
BY OGC September 3, 1992 and
September 28, 1992
DATE OF NOTIFICATIONS TO
RESPONDENTS September 10, 1992 and
September 30, 1992
STAFF MEMBER Holly Baker

COMPLAINANTS: Clark I. Kerr (MUR 3602)

Fred MacDonald (MUR 3628)

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

James A. Baker III

RELEVANT STATUTES: 2 U.S.C. § 431(8)(A)
2 U.S.C. § 431(11)
2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(f)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTERS

These matters were generated by two separate complaints. The first was filed on September 3, 1992, by Clark R. Kerr of Tucson, AZ, (MUR 3602), and the second was filed on September 28, 1992 by Fred MacDonald of Novato, CA, (MUR 3628). Respondents in both complaints are the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer ("Committee"), and James A. Baker III. Because these complaints raise essentially the same issues, they are combined into one report. Complainants allege that James Baker, while receiving full pay and benefits from

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federal funds in his position as White House Chief of Staff, has used office space and performed work on behalf of President Bush's re-election campaign. Complainants contend that such activities constitute illegal contributions to President Bush's campaign.

The Committee, through Mr. Huckaby, filed a response on September 25, 1992 to MUR 3602 (Attachment 1) and to MUR 3628 on October 8, 1992 (Attachment 2). The White House filed a response, through C. Boyden Gray, Counsel to the President, on October 1, 1992 to MUR 3602 (Attachment 3), and essentially the same response, through Robert T. Swanson, Assistant Counsel to the President, on October 20, 1992 to MUR 3628.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that the term "contribution" includes anything of value made "by any person" for the purpose of influencing any election for federal office, or payment "by any person" of compensation for the personal services of another person that are rendered to a political committee. 2 U.S.C. § 431(8)(A). Contributions from persons are limited to \$1,000 to any candidate and the candidate's authorized political committee. 2 U.S.C. § 441a(a)(1)(A). The Act also provides that candidates and their committees may not knowingly accept any contributions prohibited by the Act. 2 U.S.C. § 441a(f). However, the Act further states that, for purposes of the Act, the term "person" "does not include the Federal Government or any authority of the Federal Government." 2 U.S.C. § 431(11).

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Complainants allege that James Baker, as White House Chief of Staff, is working for the President's re-election campaign while receiving compensation and use of an office funded by public tax dollars. Complainants allege that the Bush-Quayle '92 Committee instead should pay. According to Complainants, the federal government, in paying for Mr. Baker's salary and office space, is making an illegal campaign contribution to the President.

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Although the federal government, through appropriations to the Executive branch, pays Mr. Baker's salary as Chief of Staff and provides him with office space and a staff, the federal government is not a "person" under the Act. Hence the federal government, by definition, cannot make a "contribution" of Mr. Baker's compensation and use of office space. Likewise, Mr. Baker's salary and office use are not "contributions" which the Committee must report. See MUR 3490 (use of rooms at the Old Executive Office Building and food and refreshments provided by the White House to Citizens for Arlen Specter do not constitute a contribution by a person under the Act); MUR 1821 (pay and benefits received by Congressional staff members from the federal government do not constitute reportable contributions). Hence, the complaints allege no cause of action for which relief can be granted under the Act.¹

1. Regulations of the Federal Election Commission ("Commission") do not, with the exception of travel expenditures, address the broad issue raised by the Complainants. Regulations provide that expenditures for travel relating to a presidential campaign constitute qualified campaign expenses and must be reported by the candidate's authorized committee as expenditures. If any individual uses a government conveyance or accommodations paid for by a government entity for campaign-related travel, the

The inherently dual role, both official and political, of the White House chief of staff also favors a finding of no reason to believe. Mr. Huckaby, in his response, explains:

Like every other White House Chief of Staff, Mr. Baker exercises great influence over the President's schedule and Administration policies. These responsibilities frequently have implications for the campaign, but remain governmental functions. To the extent that Secretary Baker's position requires involvement in the re-election campaign, that involvement is neither unusual nor inappropriate for a person in his position.

Mr. Gray, too, notes in his response that the dual political and official role of the chief of staff was expressly recognized by Congress when it exempted White House staff members from the Hatch Act prohibiting partisan political activity by federal employees. See 5 U.S.C. § 7324(d).²

Respondents also argue that any campaign-related work

(Footnote 1 continued from previous page)
candidate's authorized committee must reimburse the government for costs allocable to campaign activity. 11 C.F.R. § 9034.7(a) et seq. The Commission's justification for the regulation was to prevent incumbents from benefiting from the use of public funds beyond what the Act provides: "Such free use would amount to government subsidization of a candidate's campaign and would totally defeat the purposes of the expenditure limitations." 45 Fed. Reg. 43377 (1980). This reasoning has not been extended to areas other than travel. Complainants do not allege that Respondents have violated any of the regulations related to expenditures for travel to campaign-related events.

2. Senator Hatch explained at the time the Hatch Act was passed: "[W]hen policy-making officials of the Government such as the President and members of the Cabinet inaugurate and carry on great policies of government, they must necessarily go before the country and the people and explain their policies, and . . . defend them when they are assailed. It is but right and proper that they should have the full privilege of doing so, as the bill now so provides. It is also provided that persons paid from appropriations for the Executive Office, the staff of that office, are not affected by the bill, which should be the case." 84 Cong. Rec. 9672 (1939). The Commission's jurisdiction does not extend to the Hatch Act. See 2 U.S.C. § 437c.

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Mr. Baker performs is in addition to his full-time responsibilities as Chief of Staff. Respondents indicate that the responsibilities for "managing the operations" of President Bush's campaign remain with Robert M. Teeter and Fred Malek. This position is consistent with news accounts that ran at the time of Mr. Baker's appointment to the position of White House Chief of Staff. Attachment 5.

For the above reasons, this Office recommends that the Commission find no reason to believe that any violation of the Act has occurred and close the case.

III. RECOMMENDATIONS

1. Find no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, violated any provision of the Act on the basis of the complaints filed in MURs 3602 and 3628.
2. Find no reason to believe that James A. Baker III has violated any provision of the Act on the basis of the complaints filed in MURs 3602 and 3628.
3. Approve the appropriate letters.
4. Close the file.

Lawrence M. Noble
General Counsel

11/3/92
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response from Bush-Quayle Committee to MUR 3602
2. Response from Bush-Quayle Committee to MUR 3628
3. Response from the White House to MUR 3602
4. Response from the White House to MUR 3628
5. Newspaper accounts

93040924536

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Bush-Quayle '92 Primary Committee,) MURs 3602 and 3628
Inc. and J. Stanley Huckaby as)
treasurer;)
James A. Baker III.)

CERTIFICATIONS

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 9, 1992, the Commission decided by a vote of 5-0 to take the following actions in MURs 3602 & 3628:

1. Find no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, violated any provision of the Act on the basis of the complaints filed in MURs 3602 and 3628.
2. Find no reason to believe that James A. Baker III has violated any provision of the Act on the basis of the complaints filed in MURs 3602 and 3628.

(Continued)

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3. Approve the appropriate letters, as recommended in the General Counsel's Report dated November 3, 1992.
4. Close the file.

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

Attest:

11-9-92
Date


Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., Nov. 4, 1992 10:06 a.m.
Circulated to the Commission: Wed., Nov. 4, 1992 11:00 a.m.
Deadline for vote: Mon., Nov. 9, 1992 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 30, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Clark R. Kerr
9260 East Summer Terrace
Tucson, AZ 85749

RE: MUR 3602

Dear Mr. Kerr:

On November 9, 1992, the Federal Election Commission reviewed the allegations of your complaint dated August 31, 1992, and found that on the basis of the information provided in your complaint, and information provided by the Respondents, there is no reason to believe that the Bush-Quayle '92 Primary Committee, Inc. and J. Stanley Huckaby, as treasurer, and James A. Baker III violated any provision of the federal election laws. Accordingly, on November 9, 1992, the Commission closed the file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:

Lois G. Lerner 813
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040924539



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1992

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

RE: MURs 3602 & 3628
Bush-Quayle Committee

Dear Mr. Burchfield:

On September 10, 1992, and September 30, 1992, the Federal Election Commission notified your client of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("Act").

On November 9, 1992, the Commission found, on the basis of the information in the complaints, and information provided by the Respondents, that there is no reason to believe your client violated the Act. Accordingly, the Commission closed its files in these matters.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are now public. In addition, although the complete files 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 files may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner
BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

93040924540



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CLOSED

November 30, 1992

C. Boyden Gray
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

RE: MURs 3602 & 3628
James A. Baker III

Dear Mr. Gray:

On September 10, 1992, and on September 30, 1992, the Federal Election Commission notified your client of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("Act").

On November 9, 1992, the Commission found, on the basis of the information in the complaints, and information provided by the Respondents, that there is no reason to believe your client violated the Act. Accordingly, the Commission closed its files in these matters.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are now public. In addition, although the complete files 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 files may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE END OF MUR # 3602

DATE FILMED 1-8-93 CAMERA NO. 4

CAMERAMAN PLB

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