



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3700

DATE FILMED 8/27/93 CAMERA NO. 4

CAMERAMAN EES

93040953695

CONGRESSMAN  
**McCloskey**

November 6, 1992

MUR 3700

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIN COPY ROOM  
NOV 9 11 21 AM '92

Dear Commissioners:

I am writing to you to formally register a complaint against Hoosiers for Dick Mourdock and ask that the Federal Election Commission (FEC) immediately investigate a mailing sent by the National Republican Congressional Committee on behalf of Hoosiers for Dick Mourdock, a mailing which has violated 2 U.S.C., Section 441h by misrepresenting itself as associated with U.S. Congressman Frank McCloskey.

The mailing involves a "post card" which was sent on or previous to the weekend of October 31 - November 1. The mailing, which was sent to approximately 70,000 households in Indiana's Eighth Congressional District, involved a fabricated post-card message which was purportedly sent by Congressman McCloskey to his constituents. As you will see from the attached piece of mail, the post-card allegedly sent by the Congressman does a great disservice to his constituents, many of whom are elderly and cannot read the microscopic "disclaimer" at the bottom.

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE  
92 NOV -9 PM 3:21

It is my belief that this mailing violates several federal and state laws. Section 441h of Title 2 of the U.S. Code prohibits a person who is a candidate or an employee or agent of such a candidate from

- (1) fraudulently misrepresent(ing) himself as speaking or writing or otherwise acting for or on behalf of any other candidate...on a matter that is damaging to such other candidate; or
- (2) willfully knowing and participat(ing) in or conspir(ing) to participate in any plan, scheme, or design to violate paragraph (1).

The counterfeiting and forgery statutes, specifically, 18 U.S.C., Section 494 (1988) makes it a crime to "transmit to, or present at any office or to any officer of the United States, any such false, forged, altered, or counterfeited writing..." In addition, 18 U.S.C., Section 1341 (1988) makes it illegal to devise any scheme or artifice to defraud" through the U.S. mail.

McCloskey for Congress Committee  
P.O. Box 70 • Bloomington, Indiana 47402

Paid for by McCloskey for Congress Committee

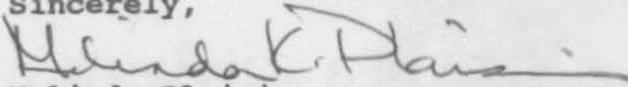
93040953696

FEC  
November 6, 1992  
Page 2

I think the facts are clear: Congressman McCloskey's opponent crossed the boundary that separates negative and dirty campaigning from illegal activity.

Again, I am requesting an immediate investigation into the legal points I have cited as well as into any others which may arise. It is my understanding that Congressman La Rocco of Idaho has a similar complaint. It is exceedingly important that such abuses be documented and prohibited from occurring again.

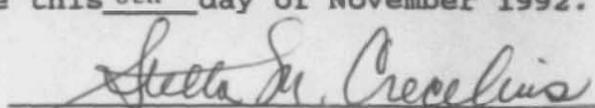
Sincerely,

  
Melinda Plaisier  
Campaign Manager  
McCloskey for Congress Committee

Attachment: As stated

State of Indiana  
County of Monroe

Subscribed and sworn before me this 6th day of November 1992.

  
Notary Public - Stella M. Crecelius  
Resident of Monroe County

My Commission Expires May 11, 1994

93040953697

National Republican Congressional Committee  
320 First Street, S.E.  
Washington, D.C. 20003

Non-Profit Org.  
U.S. Postage  
PAID  
National Republican  
Congressional Committee



Greetings from  
**WASHINGTON, D.C.!**

9  
Dear Friend,

4  
Having a great time on Capitol Hill! Everything is so expensive! The tab for Congress came to nearly \$3 billion this year! I don't know how I would get by without your tax dollars. But you know how it is -- there is never enough money. That's why I didn't think you'd mind me voting for a \$2000 tax increase on your family. In fact, I voted to tax your family so that I could get a \$35,000 payraise!

And guess what else? I bounced 65 checks at the House bank! I didn't think it would matter much. You know, spend a little here, spend a little there. In fact, I've been spending so much money that I was rated "Big Spender" in Congress. And with all that free spending, I didn't think it was wrong to travel to 18 countries and spend over \$50,000 of your money. I mean, what are your tax dollars for, anyway?

Thanks again for supporting me with your tax dollars. I'll be sure to think of you when I'm having lunch with my favorite lobbyist. If there is anything else I can do for you, please contact my office, someone should get back to you.

Hope to see you soon -- like Election Day!

Sincerely,

Congressman Frank McCloskey



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 13, 1992

Melinda Plaisier, Campaign Manager  
McCloskey for Congress Committee  
PO Box 70  
Bloomington, IN 47402

RE: MUR 3700

Dear Ms. Plaisier:

This letter acknowledges receipt on November 9, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Hoosiers for Dick Mourdock and J. William Dunn, as treasurer, the National Republican Congressional Committee and Donna Singleton, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3700. 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,

*Lisa E Klein (Bjxm)*

Lisa E. Klein  
Assistant General Counsel

Enclosure  
Procedures

93040953699



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 13, 1992

J. William Dunn, Treasurer  
Hoosiers for Dick Mourdock  
P.O. Box 15366  
Evansville, IN 47716

RE: MUR 3700

Dear Mr. Dunn:

The Federal Election Commission received a complaint which indicates that Hoosiers for Dick Mourdock ("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 3700. 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.

93040953700

J. William Dunn, Treasurer  
Hoosiers for Dick Mourdock  
Page 2

If you have any questions, please contact Xavier McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

*Lisa E. Klein*

Lisa E. Klein  
Assistant General Counsel

Enclosures

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

cc: Richard E. Mourdock

93040953701



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 13, 1992

Donna Singleton, Treasurer  
National Republican Congressional Committee  
320 First Street  
Washington, DC 20003

RE: MUR 3700

Dear Ms. Singleton:

The Federal Election Commission received a complaint which indicates that the National Republican 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 3700. 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.

93040953702

Donna Singleton, Treasurer  
National Republican Congressional Committee  
Page 2

If you have any questions, please contact Xavier McDonnell, the attorney assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

*Lisa E. Klein*

Lisa E. Klein  
Assistant General Counsel

Enclosures

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

93040953703



National Republican Congressional Committee

Guy Vander Jagt, M.C.  
Chairman

Spencer Abraham  
Co-Chairman

Tom Cole  
Executive Director

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIN COPY ROOM

DEC 3 12 34 PM '92

December 1, 1992

Ms. Lisa E. Klein  
Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RE: MUR 3700

Dear Ms. Klein:

In response to the Complaint filed in the abovementioned matter by the Campaign Manager of the McCloskey for Congress Committee, the National Republican Congressional Committee (NRCC) states the following:

1. The Complaint concerns a postcard produced and mailed by the NRCC on behalf of the election of Dick Mourdock to the United States House of Representatives from the 8th district of Indiana. See actual postcard attached.

2. The expenditures for the production and mailings of the postcard which is the subject of this Complaint were political party coordinated expenditures authorized pursuant to the provisions of 2 U.S.C. 110.7(b).

3. The postcard is identified as a communication of the National Republican Congressional Committee in three conspicuous locations on the postcard. The locations are the return address, the mailing indicia and the disclaimer as required by 11 C.F.R. 110.11.

4. The disclaimer also carries the authorization of the Hoosiers for Dick Mourdock Committee, the opponent of Congressman McCloskey.

5. The text of the postcard is clearly satirical and is not intended as evidenced by the three obvious statements of sponsorship to be construed as done on behalf of or authorized by the incumbent Congressman.

23040953704

92DEC-3 PM 3:12

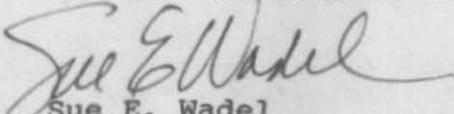
RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE CLERK

6. The postcard points out in a humorous manner a number of facts regarding important national issues, Congressman McCloskey's support of the pay raise, the House Bank problems and the benefits accorded Members of Congress. These facts are not contested as untrue in the Complaint.

THEREFORE, the NRCC respectfully requests that the Federal Election Commission find no reason to believe a violation of 2 U.S.C 441h has occurred. The postcard contains the required NRCC/Mourdock disclaimers. The NRCC return address is prominently and clearly displayed in the return address position on the front of the card as well as in the postal permit. The text and style of the message indicates that the purpose of the communication is clearly to take a humorous approach to presenting the record of the incumbent and Congress. The postcard does not constitute any attempt to fraudulently misrepresent any authorization by the incumbent.

Respectfully submitted,

COUNSEL FOR/RESPONDENT

  
Sue E. Wadel

SEW/rcgs  
Enclosures

93040953705



National Committee

Non-Profit Org.  
U.S. Postage  
PAID  
National Republican  
Congressional Committee

RECEIVED  
FEDERAL BUDGET COMMISSION  
OFFICE  
92 DEC -3 PM 3:12

*Greetings from*  
**WASHINGTON, D.C.!**

93040953706

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3700

NAME OF COUNSEL: Sue E. Wadel

ADDRESS: 320 First Street, S.E.  
Washington, D.C. 20003

TELEPHONE: ( 202 ) 479-7025

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE  
92 DEC -3 PM 3:12

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.

December 1, 1992  
Date

Donna Singleton  
Signature

RESPONDENT'S NAME: Donna Singleton, Treasurer  
National Republican Congressional Committee  
ADDRESS: 320 First Street, S.E.  
Washington, D. C. 20003

TELEPHONE: HOME (          )                                   
BUSINESS ( 202 ) 479-7025

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GCC 7781

# LOURDOCK

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAIN COPY ROOM

NOV 11 11 52 AM '92

FOR CONGRESS

November 29, 1992

Ms. Lisa Klein  
Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RE: MUR 3700

Dear Ms. Klein,

In response to the complaint filed in the abovementioned matter by Ms. Melinda Plaisier, the campaign manager of the McCloskey for Congress Committee, our campaign committee respectfully submits the following series of statements.

1. The complaint concerns a postcard produced and mailed by the National Republican Congressional Committee on behalf of the election of Dick Mourdock to the U.S. House of Representatives from the 8th Congressional District of Indiana.

2. The expenditures for the production and mailings of the postcard which is subject of this complaint were political party coordinated expenditures authorized pursuant to the provisions of 2 U.S.C. 110.7(b).

3. The postcard is identified as a communication of the National Republican Congressional Committee in three conspicuous locations on the card. The locations are the return address, the mailing indicia and the disclaimer as required by 11 C.F.R. 110.11.

4. The disclaimer also carries the authorization of the Hoosiers for Dick Mourdock Committee, the opponent of the incumbent, Frank McCloskey.

5. The text of the postcard is clearly satirical and is not intended, as evidenced by the three obvious statements of sponsorship to be construed as done on behalf of or authorized by the incumbent.

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF  
GENERAL COUNSEL

92-0000-4 P. 11

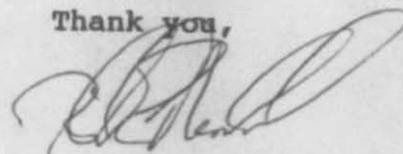
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6. The postcard points out in a satirical and humorous manner a number of facts regarding important national issues such as the deficit and the benefits accorded Members of Congress. These facts are not contested as untrue in the complaint.

THEREFORE, the Hoosiers for Dick Mourdock Committee respectfully requests that the F.E.C. find no reason to believe a violation of Title 2 U.S.C. 441h has occurred. The postcard contains the required NRCC/Hoosiers for Dick Mourdock disclaimers. The NRCC return address is prominently and clearly displayed in the return address position of the card as well as in the postal permit. The text and style of the message indicates that the purpose of the communication is clearly to take a satirical, humorous approach to presenting the record of the incumbent and Congress. The postcard does not constitute any attempt whatsoever to fraudulently misrepresent any authorization by the incumbent.

Thank you,



Richard E. Mourdock

93040953709



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 10, 1993

J. William Dunn, Treasurer  
Hoosiers for Dick Mourdock  
10880 Ridge Knoll Drive  
Evansville, IN 47710

RE: MUR 3700

Dear Mr. Dunn:

On March 18, 1993, you requested that the Federal Election Commission permit the Hoosiers for Dick Mourdock ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

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

Sincerely,

*Andrea Tuck Yung Low*

Andrea Tuck Yung Low  
Law Clerk

cc: Reports Analysis Division

23040953710

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

FIRST GENERAL COUNSEL'S REPORT

MUR 3700  
DATE COMPLAINT RECEIVED  
BY OGC: November 9, 1992  
DATE OF NOTIFICATION TO  
RESPONDENTS: November 13, 1992  
STAFF MEMBER: Andrea Tuck Yung Low

COMPLAINANTS: McCloskey for Congress Committee  
Melinda Plaiser, Campaign Manager

RESPONDENTS: National Republican Congressional Committee  
and Donna Singleton, as treasurer  
Hoosiers for Dick Mourdock  
and J. William Dunn, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441d(a)  
2 U.S.C. § 441h

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

In MUR 3700, Melinda

Plaiser, Campaign Manager for the McCloskey for Congress

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Committee, also filed a complaint alleging violations of the same statute, 2 U.S.C. § 441h, by Hoosiers for Dick Mourdock ("Murdock campaign") and J. William Dunn, as treasurer, and the NRCC. The allegations of fraudulent misrepresentation stem from respondents' mailing of post cards to constituents within the complainants' districts. See Attachments 1 and 2. Responses to the complaints have been received. See Attachments 3 through 6.

II. FACTUAL SUMMARY

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B. MUR 3700

A similar mailing is at issue in MUR 3700. It involves a post card which on its face contains a picture of the Capitol and the salutation, "Greetings from Washington, D.C.!" Attachment 2 at 3. The upper left hand corner of the face of the postcard contains the name and address of the NRCC, and the upper right hand corner indicates that the postage was paid for by the NRCC, a non-profit organization.

The reverse side of the post card is addressed, "Dear Friend," and the preprinted signature line has Congressman McCloskey's name. There is the standard space for a signature, but no signature was included.

The message on the post card, purportedly attributable to Congressman McCloskey, informs constituents about what the congressman has been doing. The text of the post card informs his constituents that he could not get by without their tax dollars, that he voted for a \$2,000 tax increase on their families so that he could raise his own salary by \$35,000, and that he bounced 65 checks at the House bank. The post card also acknowledges that he was rated "Big Spender" in Congress and that he traveled to 18 countries and spent over \$50,000 of his constituents' money. In the post card, the sender thanks his constituents for supporting him with their tax dollars, indicates that he will think of them

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while he is having lunch with his "favorite lobbyist," and states that if there is anything else he can do, constituents should contact his office.

The postcard concludes with the Congressman stating, "Hope to see you soon--like Election Day!" At the bottom of the post card a disclaimer states, "Paid for by the National Republican Congressional Committee. Authorized by Hoosiers for Dick Mourdock."

The post cards are alleged to have been distributed to 70,000 constituents in the 8th district of Indiana on or prior to the weekend of October 31 - November 1, 1992, shortly before election day, November 3, 1992.

9 3 0 4 0 9 5 3 7 1 4

III. LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended, (the "Act") prohibits fraudulent misrepresentation of campaign authority. The Act specifically provides that:

No person who is a candidate for Federal office or an employee or agent of such a candidate shall--

1. fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or
2. willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

2 U.S.C. § 441h.

The Act also provides that whenever any person makes an expenditure for the purpose of financing a communication expressly advocating the election or defeat of a clearly identified candidate, or solicits contributions through a direct mailing,

such communication must include a disclaimer clearly stating the name of the person who paid for the communication and indicating whether the communication was authorized by any candidate or candidate's authorized committee. 2 U.S.C. § 441d(a). If the ad is paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, it shall clearly state that it is paid for by such other persons and authorized by such authorized political committee. 2 U.S.C. § 441d(a)(2). See also 11 C.F.R. § 110.11(a)(ii).

The

complainants in MUR 3700 allege that through the mailing the NRCC and the Mourdock Campaign have misrepresented themselves as associated with U.S. Congressman Frank McCloskey, in violation of Section 441h, as well as other state and federal laws.<sup>1</sup>

Attachment 2 at 1. According to the complainants, Congressman McCloskey's opponent has "crossed the boundary that separates negative campaigning from illegal activity." Attachment 2 at 2.

The NRCC states that the production and postage for the postcards were coordinated party expenditures which it paid for, that the postcards are identified as a communication of the NRCC in three conspicuous locations: the return address, the postage stamp, and the disclaimer at the bottom of the text. Attachment 5 at 1 and Attachment 6 at 1. The NRCC acknowledges that it was

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1. Complainants do not identify the state law that allegedly has been violated, but indicate that they believe the mailing violates 18 U.S.C. §§ 494 and 1341, neither of which is within the Commission's jurisdiction.

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acting on behalf of the Gilbert and Mourdock campaigns in making the expenditures at issue and that it had obtained the campaigns' authority.

The NRCC also claims that the post card is "clearly satirical" and that, as evidenced by the three obvious statements of sponsorship, it is not intended to be construed as done on behalf of the incumbent Congressman. The NRCC states further that the "facts" set forth within the postcard are "not contested" as untrue within the complaint. Attachment 5 at 1-2 and Attachment 6 at 1-2. The NRCC therefore requests that the Commission find no reason to believe that it violated Section 441h. The Mourdock campaigns have submitted substantially similar responses. See Attachments 3 and 4.

In MUR 3700, the respondents represent themselves as their opponents, the complainants. Although complainants may consider it underhanded and tawdry for the post cards to imply that the incumbents are admitting damaging facts about themselves to their constituents, respondents' representations do not necessarily rise to a violation of the Act here.

A violation of Section 441h requires fraudulent misrepresentation. Key elements of fraud are the maker's intent that the representation be relied on by the person and in a manner reasonably contemplated, the person's ignorance of the falsity of the representation, and the person's rightful or justified reliance. More significantly, a fraudulent misrepresentation requires intent to deceive. Black's Law Dictionary 596 (5th ed., 1979).

The Section 441d statement identifies who paid for and authorized the communication. This statement names the opposing

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party's congressional campaign committee and the opposing party candidate as the makers of the representation. It appears that their intent is to expose themselves as the source of the political message, not to pretend they are their opponents. Therefore, there is no deceit or fraud of the type required to violate Section 441h.<sup>2</sup>

Commission regulations require the Section 441d disclaimer to "appear and be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who paid for and, where required, who authorized the communication." 11 C.F.R § 110.11(a)(1).

In MUR 3700, the disclaimer is readily apparent, although in significantly smaller print than the rest of the text.

It is in extremely small print and upside down, which makes it difficult to read along with the text. The current regulations do not specify how large disclaimers need to be nor where they must appear within the communication.<sup>3</sup> Given the latitude accorded by the regulations and the fact that the disclaimers are still clear and

2. This Office also notes that in addition to the disclaimers, the post cards display the NRCC post mark and the NRCC return address on their face. While the post mark and return address do not serve as adequate disclaimers for Section 441d purposes, see FEC v. NCPAC, No. 85-2898 (D.D.C., April 29, 1987) (unpublished opinion), they dispel any theory of fraudulent misrepresentation by the NRCC because they notify the readers of the true identity of the senders.

3. By contrast, Amendment 366 to the Congressional Campaign Spending Limit and Election Reform Act of 1993, S. 3, 103rd Cong. 1st Sess. (1993) (leadership substitute), would require that any printed disclaimer be: of sufficient type size to be clearly readable, contained in a printed box set apart from the other contents of the communication, and consist of a reasonable degree of color contrast between the background and the printed statement.

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readable, it does not appear that the disclaimers presented here are inadequate.

Thus, this Office concludes that the Commission should find no reason to believe that respondents violated 2 U.S.C. § 441h.

V. RECOMMENDATIONS

1.

2. Find no reason to believe that the National Republican Congressional Committee and Donna Singleton, as treasurer, and Hoosiers for Dick Mourdock and J. William Dunn, as treasurer, violated 2 U.S.C. § 441h in MUR 3700.

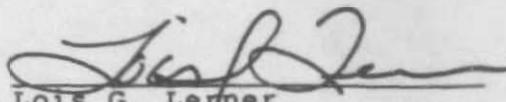
3. Approve the appropriate letters.

4. Close the files.

Lawrence M. Noble  
General Counsel

Date 6/30/93

BY:

  
Lois G. Lerner  
Associate General Counsel

Attachments

93040953718

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR  
National Republican Congressional ) 3700  
Committee and Donna Singleton, as )  
treasurer; )  
  
Hoosiers for Dick Mourdock and )  
J. William Dunn, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on July 20, 1993, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to MUR 3700:

- 1.
2. Find no reason to believe that the National Republican Congressional Committee and Donna Singleton, as treasurer, and Hoosiers for Dick Mourdock and J. William Dunn, as treasurer, violated 2 U.S.C. § 441h in MUR 3700.

(continued)

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3. Approve the appropriate letters as recommended in the General Counsel's report dated July 30, 1993.
4. Close the files in MUR 3700.

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

Attest:

7-29-93  
Date

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

93040953720



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AUGUST 5; 1993

Donna Singleton, Treasurer  
National Republican  
Congressional Committee  
320 First Street, S.E.  
Washington, DC 20003

RE: MUR 3700

Dear Ms. Singleton:

On November 13, 1992, the Federal Election Commission notified the National Republican Congressional Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On July 20, 1993, the Commission found, on the basis of the information in the complaint and information provided in response thereto that there is no reason to believe that the Committee or you violated 2 U.S.C. § 441h. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner (SLK)  
Associate General Counsel

Enclosure  
General Counsel's Report (excerpted)

93040953721



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AUGUST 5, 1993

J. William Dunn, Treasurer  
Hoosiers for Dick Mourdock  
P.O. Box 15366  
Evansville, IN 47716

RE: MUR 3700

Dear Mr. Dunn:

On November 13, 1992, the Federal Election Commission notified Hoosiers for Dick Mourdock (the "Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On July 20, 1993, the Commission found, on the basis of the information in the complaint and information provided in response thereto that there is no reason to believe that the Committee or you violated 2 U.S.C. § 441h. Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
General Counsel's Report (excerpted)

93040953722



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AUGUST 5, 1993

**CLOSED**

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

Melinda Plaisier, Campaign Manager  
McCloskey for Congress Committee  
P.O. Box 70  
Bloomington, IN 47402

RE: MUR 3700

Dear Ms. Plaisier:

On July 20, 1993, the Federal Election Commission reviewed the allegations of your complaint dated November 6, 1992, and found that on the basis of the information provided in your complaint and information provided in response thereto, there is no reason to believe the National Republican Congressional Committee and Donna Singleton, as treasurer, and Hoosiers for Dick Mourdock, and J. William Dunn, as treasurer, violated 2 U.S.C. § 441h. Accordingly, on July 20, 1993, 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:  (RL)  
Lois G. Lerner  
Associate General Counsel

Enclosure  
General Counsel's Report (excerpted)

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3700

DATE FILMED 8/27/93 CAMERA NO. 4

CAMERAMAN E.E.S.

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