FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3721

DATE FILMED 2-08-96 CAMERA NO. 2

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 26, 1992

Memorandum

TO: Larry Noble
General Counsel

THROUGH: John Surina
Staff Director

FROM: Kent Cooper
Assistant Staff Director
for Disclosure

SUBJECT: Possible Violation

In the normal course of business I have been asked if Perot '92 has filed any 48 hour reports of contributions after the close of books of their pre-general report. A review of the latest index of documents indicates that there have been no 48 hour filings. A review of the lastest paper copy of reports and statements filed indicates that there have been no 48 hour filings.

I would appreciate it if someone could consider contacting the Perot '92 and reminding them of the filing obligation. At the same time I would encourage a review to see if this matter merits a compliance action. Because of the timeliness of the election I would think this would be handled on an expedited basis and taken up in the next Executive Session.

As back up material for my concern I have attached the following documents:

1.) An FEC printout of documents filed by the Perot campaign.
2.) A listing of individual contributions from Ross Perot to his campaign, along with pages from his campaign reports.
3.) A newsclip from this morning's Washington Post quoting Perot as stating "I've laid $60 million on the table so you can have a voice in your country."

I think it is reasonable to assume that 1) Ross Perot has established a pattern of contributing to his campaign which includes contributions of more than $1,000 at least once a week,

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and 2.) has stated he has "laid $60 on the table" which may indicate that he has or will contribute more than the $46.7 million he has already contributed as of October 14, 1992, and 3.) his campaign has not filed any 48 hour notifications of contributions.

As a result it appears that Perot '92 has violated Section 434.(a)(6) of the FECA (11 CFR Sec. 104.5(f)). The seriousness of this is increased by the non-disclsoure prior to the election, and the size of the amount of money involved. If the amount not disclosed is over $7.5 million then it will be the largest movement of money into the presidential race in the pre-general election period since the stronger disclosure laws went into affect in April 1972.

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FEDERAL ELECTION COMMISSION DATE 26OCT92
1991-1992
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E) PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
							TYPE OF FILER		

PEROT, ROSS PRESIDENT INDEPENDENT 1992 ELECTION ID# P20001558

1. STATEMENT OF CANDIDATE

1992 STATEMENT OF CANDIDATE					23MAR92	2	92FEC/744/0136
STATEMENT OF CANDIDATE	- AMENDMENT				18APR92	2	92FEC/744/4983
DISAVOWAL RESPONSE					27APR92	2	92FEC/753/2483

2. PRINCIPAL CAMPAIGN COMMITTEE

PEROT '92 ID #C00263145 PRESIDENTIAL

1992 STATEMENT OF ORGANIZATION					30MAR92	2	92FEC/744/0317
STATEMENT OF ORGANIZATION	- AMENDMENT				18APR92	5	92FEC/744/4978
STATEMENT OF ORGANIZATION	- AMENDMENT				14MAY92	6	92FEC/752/0922
STATEMENT OF ORGANIZATION	- AMENDMENT				12JUN92	7	92FEC/752/4794
STATEMENT OF ORGANIZATION	- AMENDMENT				26AUG92	5	92FEC/775/2918
STATEMENT OF ORGANIZATION	- AMENDMENT				6OCT92	3	92FEC/781/3859
MISCELLANEOUS REPORT	TO FEC				6OCT92	58	92FEC/781/3953
48 HOUR CONTRIBUTION NOTICE					21OCT92	5	92FEC/796/4217
48 HOUR CONTRIBUTION NOTICE					22OCT92	3	92FEC/796/4424
APRIL MONTHLY			457,633	394,803	1MAR92 -31MAR92	26	92FEC/744/2009
APRIL MONTHLY	- AMENDMENT		457,547	395,016	1MAR92 -31MAR92	14	92FEC/752/0668
APRIL MONTHLY	- AMENDMENT		458,014	62,646	1MAR92 -31MAR92	7	92FEC/752/0903
APRIL MONTHLY	- AMENDMENT		458,764	406,018	1MAR92 -31MAR92	8	92FEC/752/3622
MAY MONTHLY			1,026,137	1,027,637	1APR92 -30APR92	211	92FEC/752/3411
MAY MONTHLY	- AMENDMENT		1,095,492	1,062,712	1APR92 -30APR92	212	92FEC/752/4413
MAY MONTHLY	- AMENDMENT		1,095,089	1,062,621	1APR92 -30APR92	48	92FEC/752/4809
MAY MONTHLY	- AMENDMENT		1,105,313	1,069,202	1APR92 -30APR92	20	92FEC/760/2395
MAY MONTHLY	- AMENDMENT		1,106,313	1,070,070	1APR92 -30APR92	5	92FEC/760/3478
JUNE MONTHLY			2,713,696	2,459,049	1MAY92 -31MAY92	401	92FEC/760/1981
JUNE MONTHLY	- AMENDMENT		2,768,264	2,553,015	1MAY92 -30MAY92	64	92FEC/760/3414
JULY MONTHLY			4,113,788	3,911,408	1JUN92 -30JUN92	488	92FEC/769/3304
AUGUST MONTHLY			6,435,235	6,577,411	1JUL92 -31JUL92	546	92FEC/775/1758
SEPTEMBER MONTHLY			4,027,009	3,988,868	1AUG92 -31AUG92	396	92FEC/781/0003
OCTOBER MONTHLY			4,521,379	4,142,809	1SEP92 -30SEP92	383	92FEC/796/4430
PRE-GENERAL			26,592,327	25,725,667	10CT92 -14OCT92	187	92FEC/790/4126
TOTAL			0 50,023,079	0 48,375,266		3110	TOTAL PAGES

3. AUTHORIZED COMMITTEES

DETROIT COALITION FOR PEROT ID #C00271551 PRESIDENTIAL

1992 STATEMENT OF ORGANIZATION	6JUL92	2	92FEC/760/3491
		2	TOTAL PAGES

DRAFT PEROT COMMITTEE ID #C00264051 PRESIDENTIAL

1992 STATEMENT OF ORGANIZATION	3APR92	3	92FEC/744/0435
STATEMENT OF ORGANIZATION - AMENDMENT	18APR92	1	92FEC/744/4976
TERMINATION APPROVAL	22MAY92	1	92FEC/752/4154

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CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS PRIMARY	RECEIPTS GENERAL	DISBURSEMENTS PRIMARY	DISBURSEMENTS GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
								TYPE OF FILER	
APRIL QUARTERLY			6,139		4,533		1JAN92 -31MAR92	6	92FEC/748/0516
TERMINATION REPORT				32,111		30,417	1APR92 -30APR92	12	92FEC/752/0856
								23	TOTAL PAGES
TERMINATED									
PEROT PETITION COMMITTEE							ID #C00264317	PRESIDENTIAL	
1992 STATEMENT OF ORGANIZATION							6APR92	2	92FEC/744/0495
STATEMENT OF ORGANIZATION - AMENDMENT							18APR92	1	92FEC/744/5004
MISCELLANEOUS REPORT	TO FEC						20APR92	2	92FEC/752/0442
TERMINATION APPROVAL							.6JUN92	1	92FEC/752/4910
APRIL MONTHLY				1,379		141	1MAR92 -31MAR92	3	92FEC/752/3656
TERMINATION REPORT				147,881		145,530	1APR92 - 3MAY92	26	92FEC/752/3630
TERMINATION REPORT	- AMENDMENT			147,951		148,814	1APR92 - 3MAY92	5	92FEC/760/2382
								40	TOTAL PAGES
TERMINATED									
PEROT PETITION/CAMPAIGN COMMITTEE							ID #C00263806	PRESIDENTIAL	
1992 STATEMENT OF ORGANIZATION							31MAR92	1	92FEC/744/0346
STATEMENT OF ORGANIZATION - AMENDMENT							15APR92	3	92FEC/744/1287
STATEMENT OF ORGANIZATION - AMENDMENT							18APR92	2	92FEC/744/4985
TERMINATION APPROVAL							90CT92	1	92FEC/781/4112
APRIL QUARTERLY			6,894		6,894		1JAN92 -31MAR92	7	92FEC/744/1290
APRIL QUARTERLY	- AMENDMENT		1,152		1,152		1JAN92 -31MAR92	8	92FEC/752/0910
MAY MONTHLY				38,675		30,208	1APR92 -30APR92	8	92FEC/752/3659
JUNE MONTHLY				11,983		20,187	1MAY92 -31MAY92	8	92FEC/760/2387
JULY MONTHLY				46,562		43,492	1JUN92 -30JUN92	8	92FEC/769/4106
1'ST LETTER INFORMATIONAL NOTICE							1JUN92 -30JUN92	1	92FEC/777/0738
TERMINATION REPORT			24,440		27,774		1JUL92 -31JUL92	13	92FEC/775/2304
								60	TOTAL PAGES
TERMINATED									
								125	AUTH TOT PAGES

4. JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

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PeroT

contributions

46,140,048.00	personal		
588,397.82	in kind →	unk	9,823.77
46,728,445.82		telephone	4,893.72
		rent	24,175.60
		payroll	549,584.73

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3/12	10,000.
3/18	90,000.
3/19	50,000.
3/23	50,000.
3/24	90,000.
3/26	60,000.
3/30	50,000.
4/2	50,000.
4/7	50,000.
4/10	50,000.
4/14	50,000.
4/15	150,000.
4/17	100,000.
4/22	100,000.
4/24	100,000.
4/29	100,000.
5/4	150,000.
5/6	150,000.
5/7	100,000.
5/11	150,000.
5/18	100,000.
5/19	150,000.
5/20	150,000.
5/27	300,000.
5/28	35,000.
5/29	35,000.
5/29	50,932.21
5/31	500,000.
6/4	500,000.
6/12	585,000.
6/17	390,000.
6/19	240,000.
6/23	300,000.
6/25	354,067.79
6/26	145,000.
6/29	120,000.
6/29	220,000.
6/30	155,000.
7/3	350,000.
7/7	500,000.
7/7	50,000.
7/9	630,000.
7/14	680,000.
7/14	680,000.
7/20	415,000.
7/20	210,000.
7/20	100,000.
7/24	550,000.
7/27	630,000.
7/31	250,000.
7/31	500,000.
7/31	250,000.
8/7	495,000.
8/11	225,000.
8/12	470,000.
8/13	800,000.
8/18	155,000.
8/19	610,000.
8/31	985,000.
9/3	300,000.
9/3	200,000.
9/8	215,000.
9/8	460,000.
9/10	320,000.
9/14	230,000.
9/16	300,000.
9/17	600,000.
9/17	300,000.
9/23	145,000.
9/29	370,000.
9/30	700,000.
10/2	380,000.
10/5	527,000.
10/7	2,007,150.
10/8	2,095,186.
10/8	740,000.
10/9	3,960,575.
10/9	633,398.
10/9	534,900.
10/13	14,152,461.
10/14	1,404,298.
	46,140,048.

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

ITEMIZED RECEIPTS
From Candidate

LINE NUMBER 17(d)

NAME OF COMMITTEE (in Full)
Perot Petition Committee

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME, ADDRESS, CITY, STATE, ZIP CODE	NAME OF EMPLOYER / OCCUPATION / AGGREGATE YEAR-TO-DATE	RECEIPT FOR	DATE (MONTH, DAY, YEAR)	AMOUNT OF EACH RECEIPT THIS PERIOD
Ross Perot 12377 Merit Dr. Dallas, TX 75251	self-employed businessman $10,000.00	Primary ☐ General ☒	3/12/92	$10,000.00
Ross Perot 12377 Merit Dr. Dallas, TX 75251	self-employed businessman $100,000.00	Primary ☐ General ☒	3/18/92	$90,000.00
Ross Perot 12377 Merit Dr. Dallas, TX 75251	self-employed businessman $150,000.00	Primary ☐ General ☒	3/19/92	$50,000.00
Ross Perot 12377 Merit Dr. Dallas, TX 75251	self-employed businessman $200,000.00	Primary ☐ General ☒	3/23/92	$50,000.00
Ross Perot 12377 Merit Dr. Dallas, TX 75251	self-employed businessman $290,000.00	Primary ☐ General ☒	3/24/92	$90,000.00
Ross Perot 12377 Merit Dr. Dallas, TX 75251	self-employed businessman $350,000.00	Primary ☐ General ☒	3/26/92	$60,000.00
Ross Perot 12377 Merit Dr. Dallas, TX 75251	self-employed businessman $400,000.00	Primary ☐ General ☒	3/30/92	$50,000.00
Ross Perot 12377 Merit Dr. Dallas, TX 75251	self-employed businessman $409,823.77	Primary ☐ General ☒	3/12-3/31/92	$9,823.77 In-kind

SUBTOTAL OF RECEIPTS THIS PAGE (optional)	$409,823.77
TOTAL THIS PERIOD (last page this line number only)	$409,823.77

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SCHEDULE A ITEMIZED RECEIPTS
Contributions from the Candidate

FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $459823.77	04/02/92	$50000.00
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $509823.77	04/07/92	$50000.00
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $559823.77	04/10/92	$50000.00
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $609823.77	04/14/92	$50000.00
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $759823.77	04/15/92	$150000.00
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $859823.77	04/17/92	$100000.00
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $959823.77	04/22/92	$100000.00

SUBTOTAL of Receipts This Page.....> $550000.00

TOTAL This Period.....>

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SCHEDULE A ITEMISED RECEIPTS PAGE 2 OF 2
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $1059823.77	04/24/92	$100000.00
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $1159823.77	04/29/92	$100000.00
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman telephone expenses Aggregate YTD > $1160531.29	04/30/92	$707.52 IN-KIND
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman rent Aggregate YTD > $1165366.41	04/30/92	$4835.12 IN-KIND
H Ross Perot 12377 Merit Dr #1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman payroll Aggregate YTD > $1669573.75	04/30/92	$94383.57 IN-KIND

SUBTOTAL of Receipts This Page.....> $299926.21

TOTAL This Period.....> $849926.21

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	05/04/92	$150000.00
Receipt for [X]General	Aggregate YTD > $1409749.98		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	05/06/92	$150000.00
Receipt for [X]General	Aggregate YTD > $1559749.98		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	05/07/92	$100000.00
Receipt for [X]General	Aggregate YTD > $1659749.98		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	05/11/92	$150000.00
Receipt for [X]General	Aggregate YTD > $1809749.98		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	05/18/92	$100000.00
Receipt for [X]General	Aggregate YTD > $1909749.98		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	05/19/92	$150000.00
Receipt for [X]General	Aggregate YTD > $2059749.98		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	05/20/92	$150000.00
Receipt for [X]General	Aggregate YTD > $2209749.98		

SUBTOTAL of Receipts This Page.....> $950000.00

TOTAL This Period.....>

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SCHEDULE A ITEMIZED RECEIPTS PAGE 2 OF 3
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $2509749.98	05/27/92	$300000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $2544749.98	05/28/92	$35000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $2579749.98	05/29/92	$35000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $2630682.19	05/29/92	$50932.21
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman payroll Aggregate YTD > $2732061.54	05/31/92	$101379.35 IN-KIND
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman telephone expenses Aggregate YTD > $2732992.72	05/31/92	$931.18 IN-KIND
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman rent Aggregate YTD > $2737827.84	05/31/92	$4835.12 IN-KIND

SUBTOTAL of Receipts This Page.....> $528077.86

TOTAL This Period.....>

95 20 J4 33 76 92 05 20 05 60 7

SCHEDULE A ITEMIZED RECEIPTS PAGE 3 OF 3
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $3237827.84	05/31/92	$500000.00

SUBTOTAL of Receipts This Page.....> $500000.00

TOTAL This Period.....> $1978077.86

95 20 04 33 76 2 05 2 05 5 9 8

SCHEDULE A ITEMIZED RECEIPTS PAGE 1 OF 2
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	06/04/92	$500000.00
Receipt for [X]General	Aggregate YTD > $3737827.84		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	06/12/92	$585000.00
Receipt for [X]General	Aggregate YTD > $4322827.84		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	06/17/92	$390000.00
Receipt for [X]General	Aggregate YTD > $4712827.84		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	06/19/92	$240000.00
Receipt for [X]General	Aggregate YTD > $4952827.84		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	06/23/92	$300000.00
Receipt for [X]General	Aggregate YTD > $5252827.84		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	06/25/92	$354067.79
Receipt for [X]General	Aggregate YTD > $5606895.63		
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251-	Self Businessman	06/26/92	$145000.00
Receipt for [X]General	Aggregate YTD > $5751895.63		

SUBTOTAL of Receipts This Page.....> $2514067.79

TOTAL This Period.....>

12503768340 32

11

SCHEDULE A ITEMIZED RECEIPTS
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $5871895.63	06/29/92	$120000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $6091895.63	06/29/92	$220000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $6246895.63	06/30/92	$155000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman payroll Aggregate YTD > $6355870.70	06/30/92	$108975.07 IN-KIND
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman telephone expense Aggregate YTD > $6356801.88	06/30/92	$931.18 IN-KIND
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman rent Aggregate YTD > $6361637.00	06/30/92	$4835.12 IN-KIND

SUBTOTAL of Receipts This Page.....> $609741.37

TOTAL This Period.....> $3123809.16

SCHEDULE A ITEMIZED RECEIPTS PAGE 1 OF 2
Contributions from the Candidate FORM LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $6751637.00	07/03/92	$350000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $7251637.00	07/07/92	$500000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $7301637.00	07/07/92	$50000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $7931637.00	07/09/92	$630000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $8611637.00	07/14/92	$680000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $9291637.00	07/14/92	$680000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $9706637.00	07/20/92	$415000.00

SUBTOTAL of Receipts This Page.....> $3305000.00

TOTAL This Period.....>

92037751849

SCHEDULE A I[illegible]IZED RECEIPTS PAGE
Contributions from the Candidate FOR LINE NUMBER [illegible]

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $9916637.00	07/20/92	$210000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $10016637.0	07/20/92	$100000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $10566637.0	07/24/92	$550000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $11196637.0	07/27/92	$630000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Payroll Aggregate YTD > $11306036.4	07/31/92	$109399.44 IN-KIND
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Rent Aggregate YTD > $11310871.6	07/31/92	$4835.12 IN-KIND
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Telephone Expense Aggregate YTD > $11311802.7	07/31/92	$931.18 IN-KIND

SUBTOTAL of Receipts This Page.....> $1605165.7

TOTAL This Period.....>

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SCHEDULE A [illegible]MITED RECEIPTS PAGE 3 OF 3
Contributions from the Candidate FO[illegible]INE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $11561802.7	07/31/92	$250000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $12061802.7	07/31/92	$500000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $12271802.7	07/31/92	$250000.00

SUBTOTAL of Receipts This Page.....> $1000000.00

TOTAL This Period.....> $5910165.74

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

15

SCHEDULE A ITEMIZED RECEIPTS PAGE 1 OF 2
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $12806802.7	08/07/92	$495000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $13031802.7	08/11/92	$225000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $13501802.7	08/12/92	$470000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $14301802.7	08/13/92	$800000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $14456802.7	08/18/92	$155000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $15066802.7	08/19/92	$610000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Telephone Expense Aggregate YTD > $15068195.4	08/31/92	$1392.66 IN-KIND

SUBTOTAL of Receipts This Page.....> $2756392.66

TOTAL This Period.....>

92037810060 15043625257

16

SCHEDULE A ITEMIZED RECEIPTS PAGE 2 OF 2
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot Petition Committee C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Rent Aggregate YTD > $15073030.5	08/31/92	$4835.12 IN-KIND
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Payroll Aggregate YTD > $15154346.7	08/31/92	$81316.20 IN-KIND
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $16099346.72	08/31/92	$985000.00

SUBTOTAL of Receipts This Page.....> $1071151.32

TOTAL This Period.....> $3827543.98

9223/8100061 50436252258

SCHEDULE A ITEMIZED RECEIPTS
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot '92 C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $16439346.72	09/03/92	$300000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $16639346.72	09/03/92	$200000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $16854346.72	09/08/92	$215000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $17314346.72	09/08/92	$460000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $17634346.72	09/10/92	$320000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $17864346.72	09/14/92	$230000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $18164346.72	09/16/92	$300000.00

SUBTOTAL of Receipts This Page.....> $2025000.00

TOTAL This Period.....>

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SCHEDULE A ITEMIZED RECEIPTS PAGE 2 OF 2
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot '92 C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $18764346.72	09/17/92	$600000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $19064346.72	09/17/92	$300000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $19209346.72	09/23/92	$145000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $19579346.72	09/29/92	$370000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman Aggregate YTD > $20279346.72	09/30/92	$700000.00
H Ross Perot 12377 Merit Dr Ste 1700 Dallas, TX 75251- Receipt for [X]General	Self Businessman payroll Aggregate YTD > $20293477.82	09/30/92	$54131.10 IN-KIND

SUBTOTAL of Receipts This Page.....> $2169131.10

TOTAL This Period.....> $4194131.10

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SCHEDULE A ITEMIZED RECEIPTS PAGE 1 OF 2
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot '92 C00263145

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Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $20713477.82	10/02/92	$380000.00
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $21240477.82	10/05/92	$527000.00
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $23247627.82	10/07/92	$2007150.00
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $25342813.82	10/08/92	$2095186.00
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $26082813.82	10/08/92	$740000.00
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $30043388.82	10/09/92	$3960575.00
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $30676786.82	10/09/92	$633398.00

SUBTOTAL of Receipts This Page.....> $10343309.00

TOTAL This Period.....>

SCHEDULE A ITEMIZED RECEIPTS PAGE 2 OF 2
Contributions from the Candidate FOR LINE NUMBER 17(d)

NAME OF COMMITTEE(in Full)
Perot '92 C00263145

Any information copied from such Reports and Statements may not be sold or used by any person for the purposes of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Full Name Mailing Address	Name of Employer Occupation	Date MM/DD/YY	Amount
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $31211686.82	10/09/92	$534900.00
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $45364147.82	10/13/92	$14152461.00
H Ross Perot 12377 Merit Dr. Ste 1700 Dallas, TX 75251 Receipt for [X]General	Self Businessman Aggregate YTD > $46728445.82	10/14/92	$1404298.00

SUBTOTAL of Receipts This Page.....> $16091659.00

TOTAL This Period.....> $26434968.00

DETAILED SUMMARY OF RECEIPTS AND DISBURSEMENTS
(Page 2, FEC FORM 3P)

NAME OF COMMITTEE (in Full): Perot '92

REPORT COVERING THE PERIOD: From: 10/01/92 Through: 10/14/92

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date	
I. RECEIPTS			
16. FEDERAL FUNDS (Itemize on Schedule A-P)			16
17. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	$ 126,734.18	$ 3,146,165.87	17(a)
(b) Political Party Committees			17(b)
(c) Other Political Committees			17(c)
(d) The Candidate	$ 26,434,968.00	$ 46,728,445.82	17(d)
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 17(a), 17(b), 17(c) and 17(d))	$ 26,561,702.18	$ 49,874,611.69	17(e)
18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		$ 4,228.35	18
19. LOANS RECEIVED:			
(a) Loans Received From or Guaranteed by Candidate			19(a)
(b) Other Loans		$ 22,285.47	19(b)
(c) TOTAL LOANS (Add 19(a) and 19(b))		$ 22,285.47	19(c)
20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.):			
(a) Operating	$ 30,598.15	$ 119,449.48	20(a)
(b) Fundraising			20(b)
(c) Legal and Accounting			20(c)
(d) TOTAL OFFSETS TO EXPENDITURES (Add 20(a), 20(b) and 20(c))	$ 30,598.15	$ 119,449.48	20(d)
21. OTHER RECEIPTS (Dividends, Interest, etc.)	$ 27.66	$ 2,508.99	21
22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d) and 21)	$ 26,592,327.99	$ 50,023,083.98	22
II. DISBURSEMENTS			
23. OPERATING EXPENDITURES	$ 25,657,016.27	$ 47,214,688.22	23
24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES		$ 172,090.52	24
25. FUNDRAISING DISBURSEMENTS			25
26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS			26
27. LOAN REPAYMENTS MADE:			
(a) Repayments of Loans Made or Guaranteed by Candidate			27(a)
(b) Other Repayments			27(b)
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b))		$ 17,957.85	27(c)
28. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	$ 68,651.71	$ 970,533.15	28(a)
(b) Political Party Committees			28(b)
(c) Other Political Committees			28(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b) and 28(c))	$ 68,651.71	$ 970,533.15	28(d)
29. OTHER DISBURSEMENTS			29
30. TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29)	$ 25,725,667.98	$ 48,375,269.74	30
III. CONTRIBUTED ITEMS (Stock, Art Objects, Etc.)			
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)			31

MONDAY, OCTOBER 26, 1992

Dirty Tricks Charged By Perot

Bush Camp Denies Allegations; Texan Offers No Evidence

By Eric Pianin and John Mintz
Washington Post Staff Writers

Ross Perot, hitting the campaign trail for the first time since reentering the presidential race, charged in two speeches and in interviews that President Bush's campaign engaged in dirty tricks, including efforts to wiretap his Dallas office and to doctor a photograph so it would embarrass his daughter.

Perot said he dropped out of the presidential race in July to spare his daughter Caroline from humiliation and to avoid what he feared would be a disruption of her Aug. 23 wedding. He claimed that he later learned that the Bush-Quayle campaign organization subsequently tried to wiretap and manipulate some of his businesses' international communications in an effort to ruin him financially and prevent him from rejoining the campaign.

The allegations are the latest in a series of highly speculative and derogatory charges Perot has leveled against Bush and his campaign organization, even as Perot has surged in voter preference polls in the presidential race. He made the latest charges yesterday at rallies in Flemington, N.J., and Pittsburgh, as well as in interviews earlier with the Boston Sunday Herald and CBS's "60 Minutes." But Perot offered no evidence to substantiate his charges and acknowledged that one of his sources was a man government investigators said often has promoted unprovable tales.

White House spokesman Marlin Fitzwater and Bush-Quayle campaign aides dismissed Perot's allegations as "preposterous" and "total nonsense."

"There's simply nothing to it," Fitzwater told reporters yesterday. "It never happened. There haven't been any dirty tricks against Ross Perot. This business about his daughter is just crazy, and he's been told that, and he knows that."

See PEROT, A9, Col. 1

■ *Bush tries more positive approach, but not totally. Page A9*

Perot Alleges Dirty Tricks By Bush Team

PEROT, From A1

At the time he abandoned his initial quest for the presidency July 16, Perot said he had concluded he could not win in November and that his continued presence in the race would only "disrupt the political process." He also said the Democratic Party "has revitalized itself."

Perot aides and former campaign officials, however, said the real reasons he quit were that he hated being criticized by the news media, could not stomach taking part in what he believes are the phony exercises of presidential campaigning and disliked putting his family through the ordeal of public scrutiny.

Democratic candidate Bill Clinton, who yesterday sharpened his attack on Perot in response to the Texan's rise in the polls, seized on Perot's allegations of dirty tricks, as well as earlier stories that Perot had investigated the Bush children.

"So now we've got this bizarre situation where Bush and Perot have accused each other of investigating each other's children," he said in Saginaw, Mich. "I want to tell you something, folks. I want to investigate your children—their problems, their promise, their future. . . ."

At a rally in Pittsburgh, Perot told 2,000 supporters: "I could not allow my daughter's happiest day of her life . . . to be ruined because of people who will do anything to win. . . . I realized this was a risk I did not have to take . . . and I stepped back." Later in his 40-minute speech he returned to the episode, saying, "I cannot prove any of that happened. I just got these reports. But it was a risk I could not take."

In the "60 Minutes" interview broadcast last night, Perot acknowledged that one of his sources about the supposed Republican dirty tricks was Scott Barnes, a former Inglewood, Calif., police officer described by government investigators as a publicity seeker who tries to interest news organizations and government agencies in bizarre stories about his supposed secret work for intelligence agencies.

In an interview with The Washington Post in June, Perot said Barnes dispenses many unprovable stories about supposedly living U.S. prisoners of war in Southeast Asia. Perot described Barnes as a "mystery box," and added that Barnes telephones him periodically with offbeat information.

Orson Swindle, executive director of the Perot-Stockdale campaign, said on NBC's "Meet the Press" yesterday that "if Mr. Perot said it happened, you can put it in a book."

During the third and final presidential debate last Monday, Perot accused "the Republican dirty tricks group" of going to "extraordinary sick lengths" to destroy his and his family's reputation.

Perot also has alleged many times that GOP dirty tricks operatives were the source of information in news stories critical of Perot, even when they were not the source. One example was an article in The Post in June reporting that

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Perot had investigated Bush's private finances in the late 1980s.

In his interviews with the Boston Herald and "60 Minutes," Perot said he decided to drop out after two Republican sources informed him in June about efforts by GOP operatives to "smear" his daughter with a fake photograph produced through computerized imaging.

"I received multiple reports that there was a plan to embarrass her before her wedding, and to actually have people in the church at the wedding to disrupt her wedding," Perot told "60 Minutes."

"I finally concluded that I, as a father who adores his children, could not take that risk. And, since the wedding was on a finite date, I made the decision that I would step aside."

Perot said he did not know how his daughter's wedding might have been disrupted but told the Herald: "Watch how they disrupt rallies; watch how they tried to disrupt the Democratic convention. . . . They got a bunch of neo-Nazis there that do this kind of stuff."

Perot also asserted that after dropping out, he obtained a videotape of a meeting on a park bench in Dallas between a former CIA contract employee and a "very senior person in the Bush campaign" discussing a plan to wiretap Perot's office.

Perot declined to identify the Bush campaign official or the former CIA operative, other than to say he was from Arizona and had had a falling out with the intelligence community. Barnes is from Arizona and claims to have been in the CIA.

Perot said that while on vacation in Bermuda, he sent the videotape to the FBI. A spokesman at FBI headquarters in Washington said yesterday, "We have no comment on that at this time."

In August, the FBI in Dallas looked into allegations that someone had bugged Perot's office telephones and then offered the alleged tape recordings to Bush's campaign chairman in Texas. The probe stemmed from allegations made by Barnes that the Bush-Quayle campaign had hired him to bug Perot's phones.

To check out Barnes's claim, the FBI asked Perot to make a tape recording of his voice and then sent an undercover agent to see James Oberwetter, the Texas chairman of the Bush-Quayle campaign, in a sting operation, CBS reported last night. The agent told Oberwetter that he was working with Barnes and they had a tape of Perot they were willing to provide the campaign—an offer Oberwetter refused.

Yesterday, a Bush-Quayle spokesman said campaign officials were notified informally by the FBI that the investigation turned up no evidence of a wiretap.

At Perot's first campaign rally since rejoining the race, a crowd of about 12,000 cheered him at a stock car raceway in the rural town of Flemington, N.J. They held signs saying, "Now there's a choice," and chanted, "We want Ross."

"If you were going into combat, which one [of the three candidates] would you want by your side?" he said. "I've laid $60 million on the table so you can have a voice in your country."

"Thank you," the crowd chanted in reply.

In Pittsburgh, one Perot supporter said he was pleased to hear the candidate's explanation for dropping out in July. Arden Alderman, a management consultant from Salem, Ohio, said, "This has troubled some people and it needed to be cleared up. This was exactly what we wanted to hear."

Staff writer Jonathan Freedland in Pittsburgh contributed to this report.

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er and which shall be com-
day of each calendar quarter.
ittees other than authorized
l file either—
eports, in a calendar year in
cheduled general election is
filed no later than the 15th
y of each calendar quarter:
rt for the quarter ending on
h calendar year shall be filed
31 of the following calendar

ion report, which shall be
e 12th day before (or posted
tified mail no later than the
election in which the com-
ribution to or expenditure on
in such election, and which
of the 20th day before the

eral election report, which
r than the 30th day after the
which shall be complete as of
ch general election; and
r calendar year, a report cov-
inning January 1 and ending
be filed no later than July 31
g the period beginning July 1
r 31, which shall be filed no
1 of the following calendar

in all calendar years which
n the 20th day after the last
ll be complete as of the last
that, in lieu of filing the re-
November and December of
larly scheduled general elec-
election report shall be filed
raph (2)(A)(i), a post-general
led in accordance with para-
r end report shall be filed no
the following calendar year.
ort, or statement filed pursu-
nder paragraph (2)(A)(i) or

(4)(A)(ii)) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

434(a)

(6) (A) The principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal cam-

CFR Chapter 11 Federal Elections 1 of 3

with the Commission and the Secretary of State for the State in which the expenditure is made.

(2) For independent expenditures in support of, or in opposition to, a candidate for the Senate: with the Secretary of the Senate and the Secretary of State for the State in which the candidate is seeking election.

(3) For independent expenditures in support of, or in opposition to, a candidate for the House of Representatives: with the Clerk of the House and the Secretary of State for the State in which the candidate is seeking election.

§ 104.5 Filing dates (2 U.S.C. 434(a)(2)).

(a) *Principal Campaign Committee of House or Senate Candidate.* Each treasurer of a principal campaign committee supporting a candidate for the House of Representatives or to the Senate shall file reports on the dates specified at 11 CFR 104.5(a)(1) and (2).

(1) *Election year reports*—(i) *Pre-election reports.* (A) Pre-election reports for the primary and general election shall be filed no later than 12 days before any primary or general election in which the candidate seeks election. If sent by registered or certified mail, the report shall be mailed no later than the 15th day before any election.

(B) The report shall disclose all receipts and disbursements as of the 20th day before a primary or general election.

(ii) *Post-general election report.* (A) The post-general election report shall be filed no later than 30 days after any general election in which the candidate seeks election.

(B) The report shall be complete as of the 20th day after the general election.

(iii) *Quarterly reports.* (A) Quarterly reports shall be filed no later than the 15th day following the close of the immediately preceding calendar quarter (on April 15, July 15, and October 15), except that the report for the final calendar quarter of the year shall be filed on January 31 of the following calendar year.

(B) The report shall be complete as of the last day of each calendar quarter.

(C) The requirement for a quarterly report shall be waived if, under 11 CFR 104.5(a)(1)(i), a pre-election report is required to be filed during the period beginning on the fifth day after the close of the calendar quarter and ending on the fifteenth day after the close of the calendar quarter.

(2) *Non-election year reports*—(i) *Semi-annual reports.* (A) The first report shall cover January 1 through June 30, and shall be filed no later than July 31.

(B) The second report shall cover July 1 through December 31, and shall be filed no later than January 31 of the following year.

(b) *Principal campaign committee of Presidential candidate.* Each treasurer of a principal campaign committee of a candidate for President shall file reports on the dates specified at 11 CFR 104.5(b)(1) and (2).

(1) *Election year reports.* (i) If on January 1 of the election year, the committee has received or anticipates receiving contributions aggregating $100,000 or more, or has made or anticipates making expenditures aggregating $100,000 or more, it shall file monthly reports.

(A) Each report shall be filed no later than the 20th day after the last day of each month.

(B) The report shall be complete as of the last day of each month.

(C) In lieu of the monthly reports due in November and December, a pre-election report shall be filed as prescribed at 11 CFR 104.5(a)(1)(i), a post-general election report shall be filed as prescribed at 11 CFR 104.5(a)(1)(ii), and a year-end report shall be filed no later than January 31 of the following calendar year.

(ii) If on January 1 of the election year, the committee does not anticipate receiving or has not received contributions aggregating $100,000 or does not anticipate making or has not made expenditures aggregating $100,000, the committee shall file a preelection report or reports, a post general election report and, quarterly reports, as prescribed in 11 CFR 104.5(a)(1).

(iii) If during the election year, a committee filing under 11 CFR 104.5(b)(1)(ii) receives contributions

see page 3

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aggregating $100,000 or makes expenditures aggregating $100,000, the treasurer shall begin filing monthly reports at the next reporting period.

(2) *Non-election year reports.* During a non-election year, the treasurer shall file either (i) monthly reports as prescribed at 11 CFR 104.5(b)(1)(i); or (ii) quarterly reports as prescribed at 11 CFR 104.5(a)(1).

(c) *Committees other than authorized committees of candidates.* Each political committee which is not the authorized committee of a candidate shall file either: election year and non-election year reports as prescribed at 11 CFR 104.5(c)(1) and (2); or monthly reports as prescribed at 11 CFR 104.5(c)(3). A political committee reporting under 11 CFR 104.5(c) may elect to change the frequency of its reporting from monthly to quarterly and semi-annually or vice versa. A committee may change its filing frequency only after notifying the Commission in writing of its intention at the time it files a required report under its current filing frequency. Such committee will then be required to file the next required report under its new filing frequency. A committee may change its filing frequency no more than once per calendar year.

(1) *Election year reports*—(i) *Quarterly reports.* (A) Quarterly reports shall be filed no later than the 15th day following the close of the immediately preceding calendar quarter, (on April 15, July 15, and October 15), except that the report for the final calendar quarter of the year shall be filed on January 31 of the following calendar year.

(B) The reports shall be complete as of the last day of the calendar quarter for which the report is filed.

(C) The requirement for a quarterly report shall be waived if under 11 CFR 104.5(c)(1)(ii) a pre-election report is required to be filed during the period beginning on the fifth day after the close of the calendar quarter and ending on the fifteenth day after the close of the calendar quarter.

(ii) *Pre-election reports.* (A) Pre-election reports for the primary and general election shall be filed by a political committee which makes contributions or expenditures in connection with any such election if such disbursements have not been previously disclosed. Pre-election reports shall be filed no later than 12 days before any primary or general election. If sent by registered or certified mail, the report shall be mailed no later than the 15th day before any election.

(B) The report shall disclose all receipts and disbursements as of the 20th day before a primary or general election.

(iii) *Post-general election reports.* (A) A post-general election report shall be filed no later than 30 days after any general election.

(B) The report shall be complete as of the 20th day after the general election.

(2) *Non-election year reports*—(i) *Semi-annual reports.* (A) The first report shall cover January 1 through June 30, and shall be filed no later than July 31.

(B) The second report shall cover July 1 through December 31, and shall be filed no later than January 31 of the following year.

(3) *Monthly reports.* (i) Except as provided at 11 CFR 104.5(c)(3)(ii), monthly reports shall be filed no later than 20 days after the last day of the month.

(ii) In lieu of the monthly reports due in November and December, in any year in which a regularly scheduled general election is held, a pre-election report shall be filed as prescribed at 11 CFR 104.5(a)(1)(i), a post general election report shall be filed as prescribed at 11 CFR 104.5(a)(1)(ii), and a year-end report shall be filed no later than January 31 of the following calendar year.

(d) *Committees supporting Vice Presidential candidates.* The treasurer of a committee supporting a candidate for the office of Vice President (other than a nominee of a political party) shall file reports on the same basis that the principal campaign committee of a Presidential candidate must file reports under 11 CFR 104.5(b).

(e) *U.S. post mark.* A designation, report or statement sent by registered or certified mail shall be considered filed on the date of the U.S. post mark except that a twelve day pre-election report sent by certified or registered

see page 3

mail shall be mailed no later than the 15th day before any election. Designations, reports or statements sent by first class mail must be received by the close of business of the prescribed filing date to be timely filed.

(f) *48 hour notification of contributions.* If any contribution of $1,000 or more is received by any authorized committee of a candidate after the 20th day, but more than 48 hours, before 12:01 A.M. of the day of the election, the principal campaign committee of that candidate shall notify the Commission, the Clerk of the House, the Secretary of the Senate and the Secretary of State, as appropriate, within 48 hours of receipt of the contribution. The notification shall be in writing and shall include the name of the candidate and office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. The notification shall be in addition to the reporting of these contributions on the post-election report.

(g) *24 hour report of independent expenditures.* Any independent expenditures aggregating $1,000 or more made after the 20th day, but more than 24 hours, before 12:01 A.M. of the day of the election, shall be reported within 24 hours after such independent expenditure is made. Such report shall be filed with the appropriate officers listed in 11 CFR 104.4(c) and shall contain the information required by 11 CFR 104.3(b)(3)(vii) indicating whether the independent expenditure is made in support of, or in opposition to, the candidate involved.

(h) *Special election reports.* (1) Within 5 days of the setting of a special election, the Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and for political committees, other than authorized committees, which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall publish such reporting dates in the FEDERAL REGISTER and shall notify the principal campaign committees of all candidates in such election of the reporting dates. The Commission shall not require such committees to file more than one pre-election report for each election and one post-election report for the election which fills the vacancy.

(2) Reports required to be filed under 11 CFR 104.5(a) or (c) may be waived by the Commission for committees filing special election reports if a report under 11 CFR 104.5(a) or (c) is due within 10 days of the date a special election report is due. The Commission shall notify all appropriate committees of reports so waived.

§ 104.6 Form and content of internal communications reports (2 U.S.C. 431(9)(B)(iii)).

(a) *Form.* Every membership organization or corporation which makes disbursements for communications pursuant to 11 CFR 100.8(b)(4) and 114.3 shall report to the Commission on FEC Form 7 such costs which are directly attributable to any communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the election or defeat of a clearly identified candidate), if such costs exceed $2,000 for any election.

(1) For the purposes of 11 CFR 104.6(a), *election* means two separate processes in a calendar year, to each of which the $2,000 threshold described above applies separately. The first process is comprised of all primary elections for federal office, wherever and whenever held; the second process is comprised of all general elections for federal office, wherever and whenever held.

(2) The term election shall also include each special election held to fill a vacancy in a Federal office (11 CFR 100.2(f)) or each runoff election (11 CFR 100.2(d)).

(b) *Filing dates.* Organizations required to report under 11 CFR 104.6(a) shall file such reports during a calendar year in which a regularly scheduled general election is held. Such reports shall be filed quarterly in accordance with 11 CFR 104.5(a)(1)(iii) and, with respect to any general election, in accordance with 11 CFR 104.5(a)(1)(i). The organization

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION
OCT 26 17 PM '92

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$500,000.00
Date:	10/15/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

15004316 92 5 2 17 01

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	**H. Ross Perot**
Address:	**12377 Merrit Drive #1700** **Dallas, TX 75251**
Employer:	**self**
Occupation:	**Businessesman**
Amount:	**$205,000.00**
Date:	**10/16/92**

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

95 20 04 33 76 92 65 92 17 41 3

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	**H. Ross Perot**
Address:	**12377 Merrit Drive #1700** **Dallas, TX 75251**
Employer:	**self**
Occupation:	**Businessman**
Amount:	**$859,400.00**
Date:	**10/19/92**

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

'5 5 9 4 3 6 2 5 2 7 5 2'

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$684,000.00
Date:	10/19/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

35 0 4 33 76 2 55 92 17 35 0

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$314,500.00
Date:	10/19/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

1 35 20 34 33 76 92 55 92 17 54 1

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	**H. Ross Perot**
Address:	**12377 Merrit Drive #1700** **Dallas, TX 75251**
Employer:	**self**
Occupation:	**Businessesman**
Amount:	**$149,849.00**
Date:	**10/20/92**

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

'95 10 04 33 16 '92 35 2 17 35 2

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$4,484,168.00
Date:	10/21/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

1 75 20 94 33 15 12 55 22 17 26 5

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$2,166,114.00
Date:	10/22/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

15 0 4 3 3 1 6 2 5 2 7 7 4

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$692,602.00
Date:	10/22/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$719,653.00
Date:	10/26/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

Mike Poss

FEC
DOCUMENT
SEPARATOR

05200433762255021 8307

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

October 23, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	Elton G. Beebe
Address:	3900 Lakeland Dr. Ste 400 Jackson, MS 39208
Employer:	self
Occupation:	multiple businesses
Amount:	$1,000.00
Date:	10/23/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 716-6475.

Respectfully,

Bob Daniell by [illegible]

Bob Daniell

92037262361

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 26, 1992

Memo

TO: Larry Noble

THROUGH: John Surina

FROM: Kent Cooper

SUBJECT: Perot 48 Hour Reports

Please find enclosed the two 48 hour reports listed on the index of documents I supplied in my last memo. In addition to those I have enclosed one new filing which was processed this morning.

These filings may indicate that the campaign knows of the 48 hour requirement, although these filings do not indicate contributions from Ross Perot.

9504362522 82

OCT 21 '92 14:58 PEROT '92

RECEIVED
ADMINISTRATIVE DIVISION
Oct 21 4 02 PM '92

Perot '92
[illegible] LBJ Freeway, Suite [illegible]
Dallas, TX [illegible]

DATE: 10/21/92

TO: Pat Sheppard

FROM: Bob Darnell

REGARDING:

NO. OF PAGES (INCLUDING COVER SHEET): 5

FINANCE/LEGAL DEPT. FAX # [illegible]

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

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3000

October 21, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N W
Washington, D C 20463

Dear Ms Sheppard,

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor.	Joan E. Jenkins
Address.	212 Highland Drive Pismo Beach, CA 93449
Employer	Not Applicable
Occupation.	Retired
Amount	$1,000.00
Date	10/16/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 716-6475

Respectfully,

Bob Dassell

Bob Dassell

Perot '92
5606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Ross
Treasurer

Direct Dial Number
(214) 788-3030

October 21, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street N.W.
Washington, D.C. 20463

Dear Ms. Sheppard

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor	Irvine B. Jenkins
Address	212 Highland Drive Pismo Beach, CA 93449
Employer	Not Applicable
Occupation	Retired
Amount	$1,000.00
Date	10/16/92

Where are any questions regarding this transaction, please contact me by telephone at [illegible]

Respectfully,

Bob Daniel

Bob Daniel

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3000

October 21, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N W
Washington, D C. 20463

Dear Ms Sheppard

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	Letitia R. Inherwood
Address:	14 Island Drive Treasure Island, FL 33706
Employer	Not Applicable
Occupation	Homemaker
Amount	$1,000.00
Date	10/14/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 716-6475

Respectfully,

Bob Dassell

Bob Dassell

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

October 21, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N W
Washington, D C 20463

Dear Ms Sheppard

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	Kent H. Webb, M.D.
Address:	1044 S.W. 44th Ste 600 Oklahoma City, OK 73109
Employer:	Oklahoma General & Vascular Surgical Association
Occupation:	Doctor
Amount:	$1,000 00
Date:	10/21/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 716-6475

Respectfully,

Bob Dansell

Bob Dansell

15043625237

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION
Oct 22 10 59 AM '92

Perot '92
6606 LBJ Freeway, Suite 150
Dallas, TX 75240

DATE 10/21/92

TO Pat Sheppard

FROM Bob Darnell

REGARDING

NO OF PAGES (INCLUDING COVER SHEET): 3

FINANCE/LEGAL DEPT. FAX # (214) 716-6400

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221

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3000

October 22, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N W
Washington, D C. 20463

Dear Ms Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	B. F. Buckland
Address:	10225 N. Knoxville Peoria, IL 61615-1355
Employer:	Bartonville Bank
Occupation:	Chairman of the Board
Amount:	$1,000.00
Date:	10/22/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 716-6475

Respectfully,

Bob Dunell

Bob Dunell

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

October 22, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N W
Washington, D C 20463

Dear Ms Sheppard

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	Gregory W Eades
Address:	2302 Morgan Street Irving, TX 75062
Employer:	n/a
Occupation:	unemployed
Amount:	$1,000.00
Date	10/22/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 716-6475

Respectfully,

Bob Dassill

Bob Dassill

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

OCT 26 9 38 AM '92

Perot '92

6686 LBJ Freeway, Suite 150
Dallas, TX 75240

DATE: 10/23/92

TO: Pat Sheppard

FROM: Bob Daniell

REGARDING:

NO. OF PAGES (INCLUDING COVER SHEET): 3

FINANCE/LEGAL DEPT. FAX # (214) 716-6669

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

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

October 23, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	Carolyn Beebe
Address:	3900 Lakeland Dr. Ste 400 Jackson, MS 39208
Employer:	n/a
Occupation:	housewife
Amount:	$1,000.00
Date:	10/23/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 716-6475.

Respectfully,

Bob Daniell

Bob Daniell

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#1433

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1992

Pre-MUR 270

MEMORANDUM

TO: Kent Cooper
Assistant Staff Director
for Disclosure

Through: John C. Surina
Staff Director

FROM: Lawrence M. Noble
General Counsel

SUBJECT: Your referral of possible violations of FECA

This is in response to your memo of October 26th, and our phone conversations of October 27th and 28th concerning the possible failure of Perot '92 to file timely 48 hour reports.

As we discussed, the failure to file 48 hour reports would normally come to our attention in the ordinary course of RAD's review of post general election reports. In addition, you have informed me that Perot '92 has apparently filed the missing reports. Nevertheless, you have expressed the intent to initiate an enforcement matter under Directive 6 regarding the apparent late filing of 48 hour reports by the Perot '92 campaign. In addition, you have requested that someone from my office contact the Perot campaign to remind them of their filing obligation. Finally, you ask that the matter be handled on an expedited basis.

I am forwarding the material you have submitted to Lois Lerner, Associate General Counsel for Enforcement, for review and preparation of a report to the Commission for appropriate action. However, you should be aware that the Commission does not have "expedited procedures" that would cover this matter and we are presently handling numerous enforcement cases related to the upcoming election, many of which involve possible ongoing violations. Therefore, while the matter you have referred is important, it will have to take its proper place in the ordering of our priorities.

50436252993

You should also be aware that our procedures do not provide for OGC staff to just call campaigns to remind them of reporting obligations. Again, it is my understanding that RAD procedures involve providing reminders to campaigns to file reports.

If you have any questions, please feel free to call me.

✓cc: Lois G. Lerner
Associate General Counsel for Enforcement

15043625294

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F.E.C.
SECRETARIAT
92 NOV -6 PM 12:49

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

Pre-MUR # 270
STAFF MEMBER: Tonda Mott

SOURCE: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS: Perot '92 and Mike Poss, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(6)
2 U.S.C. § 431(8)(A)

I. GENERATION OF MATTER

The Office of the General Counsel received a referral from the Disclosure Division on October 26, 1991. Attachment 1. The basis for the attached referral is the failure of Perot '92 and Mike Poss, as treasurer, ("Committee" or "Respondent") to file timely six (6) forty-eight hour notifications ("48 Hour Notices") for twelve (12) contributions totaling $10,058,633.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 2, this Office recommends the Commission find reason to believe the respondent violated 2 U.S.C. § 434(a)(6).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

The Office of the General Counsel recommends that the Commission find reason to believe that the Committee violated 2 U.S.C. § 434(a)(6). In addition, this Office recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe.

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IV. RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the attached Factual and Legal Analysis, proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

November 6, 1992
Date

BY: L Lerner (FEC)
Lois G. Lerner
Associate General Counsel

Attachments:
1. Referral Materials
2. Factual and Legal Analysis
3. Proposed Conciliation Agreement

'5 0 4 3 6 2 5 2 9 7

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DONNA ROACH
COMMISSION SECRETARY

DATE: NOVEMBER 16, 1992

SUBJECT: PRE-MUR 270 - FIRST GENERAL COUNSEL'S REPORT DATED NOVEMBER 6, 1992

The above-captioned document was circulated to the Commission on MON., NOV. 9, 1992 at 11:00 A.M.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	XXX
Commissioner Elliott	XXX
Commissioner McDonald	
Commissioner McGarry	
Commissioner Potter	
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for TUESDAY, DECEMBER 1, 1992.

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

.5043625298

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Pre-MUR 270
Perot '92 and Mike Poss, as treasurer	)	(MUR 3721)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on December 1, 1992, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to Pre-MUR 270:

1. Open a MUR.
2. Find reason to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6).
3. Approve the Factual and Legal Analysis attached to the General Counsel's report dated November 6, 1992.
4. Direct the General Counsel to send an appropriate letter.

Commissioners Aikens, Elliott, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner McDonald was not present at the time of the vote.

Attest:

12-2-92
Date

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

5043625299

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 1992

Mike Poss, Treasurer
Perot '92
6606 LBJ Freeway
2d Floor
Dallas, TX 75240

RE: MUR 3721
Perot '92 and
Mike Poss, as treasurer

Dear Mr. Poss:

On December 1, 1992, the Federal Election Commission found that there is reason to believe Perot '92 ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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

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

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.

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

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

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

50436253701

FEDERAL ELECTION COMMISSION
FACTUAL & LEGAL ANALYSIS

MUR 3721

RESPONDENTS: Perot '92 and Mike Poss, as treasurer

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling $1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

The General Election for the Presidency of the United States was held on November 3, 1992. Pursuant to the Act, the Respondents were required to notify the Commission, in writing, of all contributions of $1,000 or more received from October 15

50436253002

to October 31, 1992, within 48 hours of their receipt. In response to a public request, a review of the Committee's 1992 disclosures identified no 48 Hour Notices. Nevertheless, contributions of $1,000 or more were received between October 15, 1992 and October 31, 1992 totaling $10,058,633. The Committee did not timely submit 48 Hour Notices for these contributions.

On October 21, 1992, the Commission received untimely notification of three (3) contributions totaling $3,000, which were made on October 16, 1992 by individual contributors. On October 26, 1992, the Commission received untimely notification of nine (9) contributions totaling $10,055,633, which were made between October 15 and October 22, 1992 by the candidate to his committee.

Therefore, there is reason to believe that Perot '92 and Mike Poss, as treasurer violated 2 U.S.C. § 434(a)(6) by failing to report, within 48 hours of receipt, contributions of $1,000 or more, which were received after the 20th day, but more than 48 hours before the general election.

5043625303

OGC 7928

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TELECOPIER: (713) 237-1216

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MARY K. WILLIAMS*#
JOSEPH E. BRENNAN*
STEPHEN W. VAN HOOSER*
GENE R. SCHLEPPENBACH*
J. ROBERT KIRK
JAMES K. JACKSON

* NOT ADMITTED IN DC
• ADMITTED IN VIRGINIA
ADMITTED IN TEXAS

LOUIS F. BESIO
VICE PRESIDENT FOR
FINANCE AND ADMINISTRATION

WRITER'S DIRECT DIAL NUMBER
(202) 371-6147

December 16, 1992

HAND DELIVERED

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
6th Floor
Washington, D.C. 20463

Attn: Tonda Mott, Esq.

Re: MUR 3721

92 DEC 16 PM 3:30

Dear Ms. Mott:

This firm has been retained to represent Perot '92 and Mike Poss, its Treasurer, in connection with the above-referenced matter. Enclosed are executed Designation of Counsel forms appointing the firm.

We request that the Commission provide a 14-day extension of time, until January 8, 1993, to file our response. Perot '92 received the Commission's letter in this matter on December 10, 1992, which would require a submission of any factual or legal materials in response on December 25, 1992. We were just retained, and in order to conduct a thorough investigation of the matter and represent fully the actions taken by Perot '92 and Mike Poss in this matter a short extension is needed. Given pre-

existing schedules, it is particularly difficult to contact all appropriate individuals and complete the necessary factfinding during the holiday season.

Under these circumstances, and in the interest of developing a full and accurate record, we request that a 14-day extension be provided.

Thank you very much for your consideration of this request.

Respectfully submitted,

Berl Bernhard
Gary J. Klein
Dean R. Brenner
VERNER, LIIPFERT, BERNHARD,
McPHERSON AND HAND
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005

Enclosures

5043625305

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3721

NAME OF COUNSEL: Berl Bernhard
Gary J. Klein
Dean R. Brenner

ADDRESS: Verner, Liipfert, Bernhard, McPherson and Hand
901 15th Street, N.W., Suite 700
Washington, D.C. 20005-2301

TELEPHONE: (202) 371-6147

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.

12-15-92
Date

Mike Poss
Signature

RESPONDENT'S NAME: Perot '92
Mike Poss, Treasurer Perot '92

ADDRESS: 6606 LBJ Freeway
Suite 150
Dallas, TX 75240

HOME PHONE:

BUSINESS PHONE: (214) 788-3030

15043625306

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 1992

Gary J. Klein, Esq.
Verner, Liipfert, Bernhard, McPherson & Hand
Suite 700
901 15th Street, N.W.
Washington, DC 20005-2301

RE: MUR 3721

Dear Mr. Klein:

This is in response to your letter dated December 16, 1992, which we received on that day, requesting an extension until January 8, 1993 to respond to the Commission's notification of its finding of reason to believe that your client, Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6). 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 January 8, 1992.

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

Sincerely,

Tonda M. Mott
Attorney

'5043625307

OGC 8/75

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LOUIS F. BESIO
VICE PRESIDENT FOR
FINANCE AND ADMINISTRATION

* NOT ADMITTED IN DC
* ADMITTED IN VIRGINIA
● ADMITTED IN TEXAS

WRITER'S DIRECT DIAL NUMBER

(202) 371-6147

January 8, 1993

HAND DELIVERED

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
6th Floor
Washington, D.C. 20463

Attn: Tonda Mott, Esq.

Re: MUR 3721

Dear Ms. Mott:

Enclosed please find an original and 10 copies of the Response of Perot '92 and Mike Poss, Treasurer, in connection with the above-referenced matter. An additional copy is provided for date-stamp and return.

Pursuant to U.S.C. § 437g(a)(12) and 11 C.F.R. § 111.21, the undersigned hereby requests confidential treatment of this response, the letter to which this response is directed and all submissions and findings related thereto.

93 JAN -8 PM 3:35
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

5043625308

Thank you very much.

Respectfully submitted,

Berl Bernhard
Gary J. Klein
Dean R. Brenner

Attorneys for Perot '92 and
Mike Poss, its Treasurer

Enclosures

5043562530 9

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
93 JAN -8 PM 3:34

Before The
FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Perot '92	)	MUR 3721
	)	

To: Office of the General Counsel

RESPONSE OF PEROT '92
AND MIKE POSS, TREASURER

Perot '92 and Mike Poss, its Treasurer, hereby submit their response to the Factual and Legal Analysis that formed a basis for the Federal Election Commission's ("the Commission's") finding that there is reason to believe that Perot '92 and Mr. Poss violated 2 U.S.C. § 434 (a)(6).[1/]

I. SUMMARY

Perot '92 and Treasurer Mike Poss made substantial, good faith efforts to comply with 2 U.S.C. § 434 (a)(6), the so-called 48-hour rule. As shown herein, Perot '92 established internal procedures to ensure that the acceptance of all contributions within the rule's coverage was promptly reported to the campaign's headquarters staff so as to permit reporting to the Commission within 48 hours. As the attached documents reflect, Perot '92 and Mike Poss established comprehensive procedures intended to comply with the 48-hour rule, as well as all other reporting requirements.

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1/ On December 16, 1992, Perot '92 and Mr. Poss requested an extension of time through January 8, 1993 to submit this response. In a letter dated December 17, 1992, the Office of the General Counsel granted the extension request.

Nevertheless, Perot '92 did not meet the 48-hour deadline with respect to the specific contributions identified in the Commission's Factual and Legal Analysis (nine from Mr. Perot himself and three from supporters). However, Perot '92 reported each of these contributions well before the election (on October 26 and 21, respectively). Thus, the disclosure purpose of the statute was fulfilled.

As more fully discussed below, Mr. Perot's contributions, which were made between October 15-22, were not reported until October 26 because of a misunderstanding within the campaign about whether a candidate's personal contributions were subject to the 48-hour rule. But all of the contributions were reported on the very same day that Perot '92 discovered the misunderstanding. Similarly, the three contributions, which were received by field offices from supporters on October 16, were reported on the same day that the Dallas headquarters staff was made aware of them. This short delay resulted from the unique personnel of the campaign. Perot '92 relied almost entirely on volunteers with little or no prior campaign experience and grassroots efforts. There was a minimum of paid staffers cr volunteers with prior campaign experience or any knowledge of FEC requirements. But, once the Dallas headquarters became aware of a contribution, it was reported promptly. Thus, the clear intention of Perot '92 was to make every reasonable effort to meet its reporting requirements.

Moreover, from its inception, Perot '92 publicly disclosed that it was financed almost exclusively from Mr. Perot. Well

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before the contributions at issue were made, it was already widely publicized that Mr. Perot was the campaign's principal contributor, and that his contributions were in the tens of millions of dollars. Indeed, during the final Presidential debate on October 19, Mr. Perot told the nation that he would spend over $60 million of his own funds on the campaign. See Exhibit 1. Without in any way minimizing the importance of complying with the 48-hour rule, it is fair to say that the public domain was not deprived of any new information simply because Perot '92 reported six of Mr. Perot's contributions on October 26, rather than a few days earlier. Consequently, because the violations at issue were completely unintentional, did not cause any harm, and did not compromise the objective of the statute, they should be treated as de minimis.

Furthermore, in a host of past cases, the Commission has treated multiple violations of the 48 hour role as either not warranting any fine or a de minimis fine. See e.g., MUR 1483 (no action taken); MUR 1762 ($500 fine); MUR 2219 (no action); MUR 2304 ($1,500 fine); MUR 2676 (no action); MUR 2699 ($700 fine); MUR 2766 ($3,500 fine); MUR 3491 ($1,000 fine); MUR 3464 ($1,000 fine); MUR 3462 ($1,000 fine); MUR 3459 ($2,600 fine); MUR 3445 (no action); MUR 3433 ($3,000 fine).

Accordingly, Perot '92 requests that the Commission take no further action in this matter. In the event that the Office of the General Counsel, after reviewing this submission, decides not to so recommend, Perot '92 requests pre-probable cause conciliation.

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II. FACTUAL BACKGROUND

A. Contributions by Mr. Perot

In September, 1992, at the request of the General Counsel of the Perot Petition Committee ("PPC")[2/], John E. Harper of Ernst & Young, the accounting firm engaged by the PPC in April to assist with general accounting and FEC report preparation, prepared a memorandum outlining the additional reports required to be filed with the FEC in the months of October and November. See Exhibit 2. Even though Mr. Perot was not an active candidate in September, 1992, the memorandum follows the Commission's regulations in summarizing the required reports.

In particular, the memorandum notes that a "candidate's" committee (whether or not an active candidate seeking election) must file within 48 hours notices of contributions of $1,000 or more received after the 20th day but more than 48 hours before the day of the general election. Mr. Harper's memorandum points out that the requirement applies to all contributions of $1,000 or more, including those made by the candidate.

In response to Mr. Harper's memorandum, Bob Daniell, the Chief Financial Officer of the PPC, requested Zora Golaboff, also of Ernst & Young, to develop procedures for state and local offices to report to the PPC headquarters contributions greater than $1,000 within 48 hours of their receipt. Ms. Golaboff prepared a memorandum dated September 22, 1992, which sets forth the specific procedures to be implemented by the PPC to comply

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2/ The Perot Petition Committee was renamed Perot '92 on October 5, 1992.

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with FEC 48-hour notice requirements. See Exhibit 3. In connection with Ms. Golaboff's memorandum, on October 12, 1992, Dean Phillips, a consultant with Aristotle Industries, Inc., a computer software firm retained by the PPC in April to assist in the collection of data for FEC reports, sent a memorandum to all Perot '92 state coordinators and treasurers concerning the 48-hour notification requirements. See Exhibit 4. This memorandum states that the Perot '92 is required to report all contributions of $1,000 or more to the FEC within 48 hours of their receipt. The memorandum further provides clear instructions to the volunteer state coordinators and treasurers to report the receipt of any contributions of $1,000 or more, whether cash or in-kind, to Linda Cintron in the Dallas Perot '92 headquarters by facsimile on the date of receipt. Ms. Cintron's direct telephone extension is also provided so that the state coordinators could confirm Ms. Cintron's receipt of the contribution information.

Despite the best efforts of the Perot '92 staff to ensure compliance with the 48-hour notification requirement, certain contributions failed to be timely reported to the FEC. Specifically, the FEC notes that nine contributions made by Mr. Perot to Perot '92 between October 15-22, as well as certain third-party contributions, failed to be reported to the FEC within 48 hours of their receipt. With respect to Mr. Perot's contributions, Mr. Daniell, the Perot '92 Chief Financial Officer, misunderstood the 48 hour rule, and prior to October 26, believed that only contributions received from third-parties had to be reported to the FEC within 48 hours. On October 26, he

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realized this error. Mr. Daniell was aware of three wire transfers by Mr. Perot since October 15 and at once prepared reports of those contributions and inquired of Mr. Poss whether Mr. Perot had made any other expenditures constituting contributions to the campaign after October 15, 1992. See Exhibit 5. Mr. Poss discerned six other wire transfers totaling $6,880,270 that had been initiated since October 15, 1992. He and Perot '92 immediately reported a total of nine contributions amounting to $10,055,633 made by Mr. Perot between October 15-22, 1992. Mr. Poss and Perot '92 used their best efforts to report the contributions to the FEC immediately upon recognizing a technical violation of the 48-hour notice requirements.

The memoranda prepared by Perot '92 staff and consultants that outlined the 48-hour notice requirements and implemented procedures for compliance were not sent to or seen by Mr. Poss, who maintained an office in a building separate from Perot '92. The Perot '92 staff did not anticipate that Mr. Perot would initiate wire transactions through Mr. Poss' location independent of the PPC/Perot '92 financial and accounting office. Mr. Poss was not informed of the 48-hour notification requirement until October 26, 1992.

During this period, spokespersons for the Perot campaign were consistently asked questions by the media at daily press briefings regarding total expenditures made by Mr. Perot during the period between October 15-26, and thereafter. Total expenditure estimates were discussed with the media virtually on a daily basis. During the latter half of October, the media

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reported Mr. Perot's expenditures at $60-70 million (well in excess of the $48 million of total disbursements as of October 14, reported by Perot '92 on October 22, 1992, in accordance with FEC guidelines). There was never an intention other than full disclosure on the part of any Perot '92 officer or staff member.

B. Third Party Contributions

Certain third-party contributions also were not timely reported to the FEC. With respect to these contributions, the PPC had to rely solely on the efforts of the volunteers to report expenditures to volunteer state coordinators and, in turn, volunteer state coordinators to report expenditures to the PPC for timely reporting. Although the volunteers who staffed field offices failed to notify the Dallas Perot '92 headquarters of certain third-party contributions until after the 48-hour notification period may have expired, Perot '92 consistently reported these contributions to the FEC immediately upon being notified of their receipt. Perot '92 is unaware of the specific reason why any volunteer did not timely report such contributions but can surmise that the volunteers were immersed in an intense campaign. The volunteers who served as state coordinators and treasurers were political neophytes. Many had no prior experience with the reporting requirements of the federal election laws.

Despite the best efforts of Perot '92 to require compliance with the 48-hour notice requirement, in a few instances they failed to timely report these contributions to the appropriate

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staffpersons at Perot '92 headquarters. However, the Dallas Perot '92 headquarters consistently reported all such contributions to the FEC within 48 hours of being informed that such contributions had been received.

III. IN LIGHT OF PEROT '92'S GOOD FAITH EFFORTS TO COMPLY, ITS PROMPT EFFORTS TO CORRECT ITS INADVERTENT ERRORS, ITS PRIOR DISCLOSURES, AND THE COMMISSION'S PAST CASES, THE COMMISSION SHOULD TAKE NO FURTHER ACTION IN THIS MATTER

The Commission should take no further action in this matter for four independent reasons. First, as already shown herein, Perot '92 made good faith efforts to comply with the 48-hour rule. Two separate memoranda, one dated September 15 and another dated September 22, were sent to key staffers reminding them of the 48-hour rule's requirements. See Exhibits 2, 3. In addition, a third memorandum was sent to all state coordinators on October 12 establishing internal procedures for complying with the 48-hour rule. See Exhibit 4.

Based upon these memoranda, it must be concluded that Perot '92 attempted in good faith to comply with the 48-hour rule, and that any violations of the 48-hour rule were inadvertent and unintentional. No violation of the 48-hour rule was sanctioned, authorized or condoned.

Second, any violation that occurred was promptly corrected. As soon as Perot '92 discovered that it was not in compliance with the 48-hour requirement, the campaign filed the necessary reports by telecopy. The contributions at issue were all reported more than a week before the election. Full disclosure was made. Thus, no information was not disclosed by virtue of

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Perot '92's inadvertent error, and Perot '92 made reasonable efforts to correct its errors as soon as it discovered them.

Third, there was no harm caused by the unintentional violations because, at the same time that the contributions at issue should have been reported, Mr. Perot publicized that he was spending tens of millions of dollars on the campaign. At the October 19 nationally televised Presidential debate, Mr. Perot said that he would spend $60 million of his own funds on the campaign even though at the time Perot '92 had reported approximately $46 million in contributions from Mr. Perot. See Exhibit 1. Thus, no financial information was withheld by Perot '92; it was openly stated that Mr. Perot would contribute additional funds to the campaign.

Finally, in prior cases, the Commission has treated unintentional violations of the 48-hour rule as either not warranting any fine or merely a de minimis fine. Even in a case involving twenty violations, for example, the Commission took no action. See MUR 2299. Most recently, in a matter involving approximately forty violations by the authorized committee of a candidate in a 1991 special election, the Commission imposed a $3,000 fine pursuant to a conciliation agreement. See MUR 3433. While the aggregate dollars of Mr. Perot's contributions are larger than those involved in the past areas, that would not justify treating the violations any differently. Mr. Perot should not be penalized in effect for financing his own Presidential campaign. As in past cases, the violations were inadvertent and unintentional. Unlike the past cases, no harm

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resulted from the violations because the contributor's identity (Mr. Perot), and the scope of his contributions, were disclosed. A fortiori, the Commission should impose no penalty in the instant case.

IV. CONTINGENT REQUEST FOR CONCILIATION

As has been shown, Perot '92 believes that the Commission should take no further action in this matter and urges the Office of General Counsel to so recommend. However, if the Office of General Counsel decides to recommend that a fine be imposed, Perot '92 seeks pre-probable cause conciliation with regard to any fine.

Respectfully submitted,

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Dated: January 8, 1993

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EXHIBIT 1

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Exhibit 1

21ST STORY of Focus printed in FULL format.

Copyright 1992 Gannett Company, Inc.
GANNETT NEWS SERVICE

October 19, 1992, Monday

LENGTH: 827 words

HEADLINE: KEY QUOTES FROM FINAL PRESIDENTIAL DEBATE

BYLINE: Gannett News Service

KEYWORD: POL-QUOTES

BODY:

Here are key quotes from President George Bush, Democratic nominee Bill Clinton and independent candidate Ross Perot Monday night in the final presidential debate:

''Mr. and Mrs. America, when you hear him say he's going to tax only the rich, watch your wallet.'' - George Bush.

- - -

''My plan is a departure from trickle-down economics, just cutting taxes on the wealthiest Americans ... It's also a departure from tax-and-spend economics because you can't tax and divide an economy that isn't growing. ... I believe we can increase investment and reduce the deficit at the same time, if we not only ask the wealthiest Americans ... to pay their share.'' - Bill Clinton.

- - -

''What I don't like is trickle down government. And therein, I think Governor Clinton keeps talking about trickle down, trickle down, and he's still talking about spending more and taxing more.'' - George Bush.

- - -

''It's hard to outspend Congress, but he tried to for the last three years.'' - Bill Clinton.

- - -

''The American people ought to be glad they have a president who will stand up to a spending Congress.'' - George Bush.

- - -

''Going back 23 years, I don't know, Helen (Thomas). I was opposed to the war. I couldn't help that. I felt very strongly about it, and I didn't want to go at the time. It's easy to say in retrospect I would have done something differently.'' - Bill Clinton.

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''I was wrong because I thought the tax compromise, going along with one Democratic tax increase, would help the economy. I see no evidence that it has done it. So what would I have done? What should I have done? I should have held out for a better deal that would have protected the taxpayer and not ended up doing what we had to do, or what I thought at the time would help. ... So I made a mistake.'' - George Bush.

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''You implement that NAFTA, the Mexican trade agreement, where they pay people a dollar an hour, have no health care, no retirement, no pollution controls, et cetera, et cetera, et cetera, and you're going to hear a giant sucking sound of jobs being pulled out of this country right at a time when we need the tax base to pay the debt and pay down the interest on the debt and get our house back in order.'' - Ross Perot.

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''What's his mistake? Admit it, that Arkansas is doing very, very badly against any standard - environment, support for police officers, whatever it is.'' - George Bush.

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''I could say that I ran a small grocery store on the corner, therefore I could extrapolate that to say that I can run Wal-Mart. That's not true.'' - Ross Perot.

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''I would rather not critique the two candidates.'' - Ross Perot.

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''I think the General Motors thing is very relevant. I did everything I could to get General Motors to face its problems in the mid-80s while it was still financially strong. They just wouldn't do it, and everybody now knows the terrible price they're paying by waiting until it's obvious to the brain- dead that they have problems.'' - Ross Perot.

- - -

''I put my wallet on the table for you and your children. Over $ 60 million will go into this campaign.'' - Ross Perot.

- - -

''I wondered if when Gov. Clinton was talking to the automobile workers he also talked about CAFE standards - 40 mph that would put people out of work.'' - George Bush.

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''There is this pattern that has plagued him in the primaries about trying to play it both ways.'' - George Bush.

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''He said trickle down economics was voodoo economics. Now he's its biggest practitioner.'' - Bill Clinton.

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''101 in leadership is to be accountable for what you do.'' - Ross Perot.

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''The mistake was making the 'read my lips' promise in the first place just to get elected.'' - Bill Clinton.

- - -

''My favorite bumper sticker is 'Annoy the Media, Re-elect George Bush' '' - George Bush.

- - -

''We've got a very good record of promoting women to positions of trust.'' - George Bush.

- - -

''I don't think it would be appropriate for a president to say the banking system is not sound. There are some problem banks out there.'' - George Bush.

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''The real problem in this country is that most people are working harder and falling farther behind.'' - Bill Clinton.

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''I will not raise taxes on the middle class to pay for their programs. I am not going to raise taxes on the middle class to pay for these programs. ... Read my plan.'' - Bill Clinton.

- - -

''The person responsible for domestic policy in my administration is going to be Bill Clinton.'' - Bill Clinton.

''That's what worries me.'' - George Bush.

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''If you talk about it in Washington, you think you did it. If you talk about it on television, you think you did it.'' - Ross Perot.

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. . .

''We can do much much better if we have the courage to change.'' - Bill Clinton.

SUBJECT: EXCERPT; DEBATE; CANDIDATE:; PRESIDENTIAL CANDIDATE DEBATE:QUOTE:DEBATE ANALYSIS

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64TH STORY of Focus printed in FULL format.

Copyright 1992 The Atlanta Constitution
The Atlanta Journal and Constitution

October 20, 1992

SECTION: NATIONAL NEWS; Section A; Page 16

LENGTH: 769 words

HEADLINE: ELECTION '92 AT A GLANCE Perot only partly right in saying details of Iraq policy not shared

KEYWORD: elections; campaigns; presidents; politics; media; television

BODY:

Washington - Ross Perot was only partly correct Monday night when he charged that the Bush administration failed to give Congress and the public the details of its diplomatic instructions prior to Iraq's invasion of Kuwait.

"We told him that he could take the northern part of Kuwait," Mr. Perot charged in the final presidential debate. ''And if we didn't tell him that, why won't we even let the Senate Foreign Relations Committee and the Senate Intelligence Committee see the written instructions to [former] Ambassador [April] Glaspie?"

Following the debate, a spokesman for the Democratic-controlled Senate Foreign Relations Committee said it is true that the State Department has adamantly refused to make the documents public despite the committee's objections. But the spokesman said the State Department did allow the committee access to a number of secret cables, on the basis that they would remain classified.

These included "a sampling of the State Department instructions" to the embassy in Baghdad in the weeks and months prior to the Iraqi invasion of Kuwait on Aug. 2, 1990. The spokesman said the State Department has maintained that there was no specific cable of instructions to Ambassador Glaspie immediately before the crucial meeting she held with Iraqi President Saddam Hussein on July 25, 1990, a week before the invasion of Kuwait.

NEEDLING THE MEDIA: President Bush joked Monday night that his favorite campaign bumper sticker reads, "Annoy the Media: Re-Elect President George Bush." "I know I'm going to pay for this later," Mr. Bush said, looking out at the panel of reporters at the third and final presidential debate. He made the crack after rival Ross Perot took issue with media criticism of his proposal to hold town hall meetings with voters if elected president.

THE WINNER IS . . . Ross Perot apparently gained the most from the debate, said post-debate polls. In a CNN-USA Today poll, 37 percent said Mr. Perot did the best job to 28 percent each for Mr. Bush and Mr. Clinton. In an NBC poll, 35 percent rated Mr. Clinton the best, 30 percent Mr. Perot and 23 percent Mr. Bush. An ABC poll found 36 percent rated Mr. Clinton as the winner, 26 percent said Mr. Perot and 21 percent said Mr. Bush. But it was Mr. Perot whose support increased, from 11 percent to 19 percent in the ABC Poll. Support for the other two was largely static.

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DEBATE COACHES WEIGH IN: An Associated Press panel of debate coaches voted Mr. Bush the winner. They gave him a total score of 126 points to 125 for Mr. Clinton and 122 for Mr. Perot. The best possible score was 150.

GETTING HIS RAZORBACK UP: Bill Clinton winced when President Bush pronounced A rkansas "the lowest of the low" among the states. Mr. Clinton, whose record as governor was repeatedly questioned by Mr. Bush in their final presidential debate in East Lansing, Mich., Monday night, shot back that "I have to defend the honor of my state."

Even some Arkansas Republicans thought Mr. Bush was being too harsh. "I wouldn't have picked those words he used, but it's indisputable that we rank at the lower end of a lot of different categories," said Richard Bearden, executive director of the state GOP in Little Rock.

Democratic state legislator Charlotte Shexnayder of Dermot said she took the comment as "a personal affront."

$ 60 MILLION MAN: Ross Perot said that he is willing to spend as much as $ 60 million of his own fortune running for president."I put my wallet on the table for you and your children," the Texas billionaire said in his third debate with President Bush and Bill Clinton. Mr. Perot said Mr. Bush and Mr. Clinton were financing their campaigns with taxpayer financing while "I'm spending my money." He said he was willing to spend as much as $ 60 million. The latest campaign spending reports showed Mr. Perot had spent $ 18 million on his independent presidential campaign, $ 16 million of it his own money.

PEROT INFOMERCIAL SCORES HIGH: Ross Perot's political commercials continue to be more popular than some regular prime-time entertainment shows. Mr. Perot's 30-minute commercial on NBC on Friday night scored a 9 national rating, and the A.C. Nielsen Co. estimated that 13 million people watched the commercial.

WHERE THEY ARE: Mr. Clinton is in Chicago, Milwaukee and Little Rock, Ark. On Wednesday he goes to Colorado, Wyoming, Montana and Oregon.

Mr. Bush boards a train in Atlanta and makes campaign stops in Norcross, Gainesville and Cornelia, Ga., and Spartanburg, S.C., then on to North Carolina.

Mr. Perot did not announce his schedule for today and Wednesday.

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19TH STORY of Focus printed in FULL format.

Copyright 1992 Newsday, Inc.
Newsday

October 20, 1992, Tuesday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 18
Other Edition: City Pg. 6

LENGTH: 186 words

HEADLINE: [redacted]

BYLINE: David Firestone

KEYWORD: ROSS PEROT; PRESIDENT; CANDIDATE; CAMPAIGN; ISSUE; FUND RAISING; COST; ELECTION; 1992

BODY:

Ross Perot finally put a dollar figure on the fraction of his wealth that he is spending to remain a presence in the presidential race, vowing last night to lay out $ 60 million before the campaign is over. That would amount to a bit less than 2 percent of his estimated net worth of $ 3.3 billion.

Perot made the remark in response to a question about his steadfastness in light of his July 16 withdrawal from politics. The amount he is spending, he said, is evidence enough of his commitment.

"I put my wallet on the table for you and your children," he said. "Over $ 60 million at least will go into this campaign to lead the American dream to you and your children, to get this country straightened out, because if anybody owes it to you, I do."

Most of Perot's spending has been for television commercials on the three major networks promoting his deficit-slashing plan and discussing his boyhood. Perot has bought more blocks of time before the election. He also plans to make personal appearances in key states in the next few days, most likely in California, Michigan, Texas and Florida.

GRAPHIC: AP Photo- Perot gestures to Mich. crowd

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48TH STORY of Focus printed in FULL format.

Copyright 1992 The New York Times Company
The New York Times

October 24, 1992, Saturday, Late Edition - Final

SECTION: Section 1; Page 8; Column 1; National Desk

LENGTH: 913 words

HEADLINE: THE 1992 CAMPAIGN: Campaign Finances;
Despite Economy, Clinton Sets Record for Funds

BYLINE: By STEPHEN LABATON, Special to The New York Times

DATELINE: WASHINGTON, Oct. 23

BODY:

Despite their earlier fears that the recession would discourage contributors, Democratic fund-raisers have collected $62 million for the Presidential campaign, exceeding their record money drive of 1988 by about 20 percent, a senior Democratic official said today.

Rahm Emanuel, Gov. Bill Clinton's finance director, also said the party planned to spend $12 million, much of it in the final days of the race, on advertising that does not use the candidates' names but will nonetheless hammer home the party message, reminding voters of the stagnant economy. Four years ago, Mr. Emanuel said, the party spent $1 million for such advertising, which is not restricted by campaign spending laws.

Republican fund-raisers report that they have raised $59.9 million, also better than their 1988 showing, when they were slightly outspent by the Democrats. But according to filings with the Federal Election Commission, much of the Republican money arrived before the summer, when the Republicans were out-raising the Democrats by ratios of better than 3 to 1 in some months, and before opinion polls began to show a change in voter preferences against President Bush and for Mr. Clinton.

Ross Perot has given his campaign $46 million as of Oct. 14, $26 million alone in the first two weeks of October. The Texas independent, whose wealth is estimated by some to exceed $3 billion, has said he expects to spend more than $60 million by the time the race is over -- which will amount to only a couple of weeks' interest on his vast holdings.

The fund raising by the Democrats and Republicans supplements $55.24 million received by the Clinton campaign in July and by the Bush camp in August from the Federal Government in exchange for pledges by the candidates to limit direct campaign contributions.

About $10 million of the privately raised money may be spent directly on the Presidential campaign. Most of the rest is so-called soft money, which can be used for generalized advertising, voter drives and registration appeals. Soft money is also used for such things as bumper stickers and local canvassing, and is funneled to pivotal state and local races on which the Presidential candidates are running on the same slate.

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Over the last decade, soft-money fund raising has grown from a relatively inconsequential aspect of Presidential campaigning to a dominant one. In 1980, for instance, the Republican spent only $15.1 million in soft money and the Democrats spent $4 million, according to the Citizens' Research Foundation, a California group that studies the role of money in politics.

Critics point to the extensive party fund raising as proof that the election laws have done little to limit the impact of big money in political contests. Indeed, the contributions have been raised with verve by the candidates' own financial aides acting in the name of the party as if contributing and spending restrictions hardly existed.

'Loopholes' in Financing System

"At the Presidential level, huge amounts of private money are being raised, in a system designed to prohibit just that," said Ellen S. Miller, executive director of the Center for Responsive Politics, a nonpartisan research group. "Today's Presidential public financing system is so ridden with loopholes that the public can take little comfort in it as a way of eliminating the influence of special interest contributions."

She noted that more contributions of greater than $100,000 were given this year than in the Watergate days, when the political excesses of large corporate donations prompted Congress to adopt laws intended to limit big donations. And five corporate contributors have given more than $100,000 to both the Democrats and the Republicans. They are Archer-Daniels-Midland, Atlantic Richfield, RJR Nabisco, Philip Morris and the Tobacco Institute.

But the Democrats have also benefited significantly from contributors who gave less than $200, particularly during the Democratic and Republican National Conventions. In June, July and August, Mr. Clinton reported receiving almost $7.2 million in small contributions, compared with about $3.4 million from larger contributors.

In the same period, the Bush campaign received only about $208,000 from small contributors and $3.3 million from larger donors. Democratic fund-raisers have said they had their single best mail-solicitation fund raiser on the Monday after the Republican convention.

Robert A. Farmer, the treasurer to the Clinton-Gore campaign and the main fund-raiser for Michael S. Dukakis, the Democratic Presidential nominee in 1988, said the main difference this year was that the Democrats continued to take in large contributions through the fall.

"In the Dukakis campaign, our money slowed down considerably in September and October" as Mr. Dukakis slid in the polls, he said.

Political experts expressed surprise at the strong financial results, especially since the economy has been weak. For Mr. Clinton, who only six months ago had to go deeply into debt to keep his campaign alive, the large contributions surprised even his close aides.

Party fund-raisers and political scientists attributed the successful Democratic drive to Mr. Clinton's huge popularity gains after the Democratic

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and Republican conventions, particularly among smaller contributors, and to a fall finance drive that gained steadily from the growing perception that the Arkansas Governor was heading to the White House.

GRAPHIC: Graphs: "Distrobution of Campaign Contributions" shows monthly contributions for the Rupublican National Committeem the Democratic National Committee, the Bush Campaign, and the Clinton Campaign. (Source: Center for Responsive Politics]

SUBJECT: PRESIDENTIAL ELECTION OF 1992; FINANCES; POLITICAL ADVERTISING

NAME: BUSH, GEORGE (PRES); CLINTON, BILL (GOV); LABATON, STEPHEN

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49TH STORY of Focus printed in FULL format.

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USA TODAY

October 24, 1992, Saturday, INTERNATIONAL EDITION

SECTION: NEWS; Pg. 7A

LENGTH: 564 words

HEADLINE: Polls: 5 women lead in Senate contests

KEYWORD: CONGRESSIONAL CANDIDATE:FEMALE CANDIDATE

BODY:

Polls show five of the 10 Democratic women who won Senate nominations this year are leading their races:

- Sen. Barbara Mikulski of Maryland, one of two elected women now in the Senate, is heavily favored over black conservative activist Alan Keyes.

- Carol Moseley Braun of Illinois, seeking to be the first black female senator, has lost support recently but still leads former Reagan aide Richard Williamson 52%-33%.

- Washington state Sen. Patty Murray, self-styled ''Mom in tennis shoes,'' leads GOP Rep. Rod Chandler 50%-41%.

- California polls showed Dianne Feinstein leading GOP Sen. John Seymour 51-35% and Rep. Barbara Boxer over former TV commentator Bruce Herschensohn 47%-36%.

Two other races are closer:

- Pennsylvania, where Democrat Lynn Yeakel, who's never run for office, challenged GOP Sen. Arlen Specter. The latest poll shows Specter leading 49%-42%.

- Missouri, where Geri Rothman-Serot, a St. Louis councilwoman, faces GOP Sen. Christopher Bond. Bond led in a September poll 48%-30%, but analysts think it's closer now.

Four other female candidates are running uphill battles:

- Charlene Haar, the only GOP female Senate candidate, trails Democrat Sen. Tom Daschle in South Dakota.

- Democrat Claire Sargent challenging Arizona GOP Sen. John McCain, who has a 2-1 edge.

- Democrat Jean Lloyd-Jones challenging Iowa GOP Sen. Charles Grassley, a member of the Senate Judiciary Committee who leads 67%-24% in polls.

- Democrat Gloria O'Dell, who is running in Kansas against Senate GOP Leader Robert Dole.

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Services of Mead Data Central, Inc.

CLINTON PLEA: Bill Clinton is asking TV networks to delay projecting a presidential winner on election night until the polls close on the West Coast. And he vows not to make any early forecasts either. By promising to delay any victory or concession speech, Clinton was addressing the concerns of West Coast politicians of both parties who believe voter participation is discouraged by the early projections and announcements. Specifically, many Democrats believe their party was hurt when President Carter conceded to Ronald Reagan in 1980 before Western polls closed.

CAMPAIGN [redacted] Ross Perot leads the presidential spending race, bankrolling [redacted] a day since re-entering the fray this month. The Texas billionaire's spending Oct. 1-14 - $ 26 million - outdid President Bush and Democrat Bill Clinton combined, reports filed with the government showed this week. Should he maintain the pace - and his plans suggest he will - Perot will likely exceed the $ 65.5 million to which Clinton and Bush are limited by law. Perot has no limit because he's using his own money. Bush and Clinton are bound by spending limits because they accepted full taxpayer financing.

ROCKIN' WITH CLINTON: When the Clinton campaign bus rolls through the USA in the next 10 days, the jazzy rifts of Rockin' with the Man from Little Rock will fill the air. A recording of the tune, a favorite of the bus volunteers, was submitted by a couple of Clinton supporters from the Netherlands. The tune is by Coco York, a U.S. jazz singer and teacher at the Rotterdam Conservatory. She's also a native of Strong, Ark., in Clinton's home state. The lyrics are by Roberta Enschede, co-chair of Democrats Abroad in the Netherlands. Says Clinton-Gore worker Lois Pot: ''We played the music all over the Deep South. They loved it.''

TYPE: Electionline

SUBJECT: WOMEN; CANDIDATE; POLITICAL POLL

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51ST STORY of Focus printed in FULL format.

The Associated Press

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October 23, 1992, Friday, PM cycle

SECTION: Political News

LENGTH: 585 words

HEADLINE: Perot Outspends Bush and Clinton Combined in Early October

BYLINE: By JOHN SOLOMON, Associated Press Writer

DATELINE: WASHINGTON

KEYWORD: Perot's Spending

BODY:

Ross Perot may still be third in the polls but he's quickly surged to the front of the presidential spending race, bankrolling $ 2 million a day since re-entering the fray this month.

In fact, the Texas billionaire's spending in the first 14 days of October - $ 26 million - outdid President Bush and Democrat Bill Clinton combined, reports filed with the government showed Thursday.

Should he maintain the pace - and his plans for heavy advertising through the final days suggest he will - Perot will likely exceed the $ 65.5 million to which Clinton and Bush are limited by law.

Perot has no limit because he's using his own money. Bush and Clinton are bound by spending limits because they accepted full taxpayer financing.

"Perot is in their league and certainly spending at an incredible rate given it's all coming out of his pocket," said Christopher Arterton, dean of the Graduate School for Political Management.

"The question now is whether he'll begin spending in such a way that goes after winning the election, particularly by attacking Clinton," Arterton said.

If Perot charges hard in the final days and has success in some states, he could affect the way Bush and Clinton had planned to spend their campaign funds, he said.

"But so far his strategy has almost in a way been directed at not winning the election but having an effect on the nation as a whole," Arterton said.

Perot's poll numbers have doubled in less than a week after widely applauded performances in the debates and a wave of network television advertising.

He has begun spot advertising in select states and his aides are urging him to hit the campaign trail, something he has avoided entirely since re-joining

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the race Oct. 1.

The presidential candidates filed their final spending reports Thursday with the Federal Election Commission before Election Day.

Perot reported spending $ 26 million in the first 14 days of October, compared with Bush's $ 12.3 million and Clinton's $ 11.9 million over the same period.

Perot has spent a total of $ 48 million on his election bid, all but $ 1.3 million of it his own money. During Monday's last debate, he predicted his tab would run at least $ 60 million.

The majority of his expenditures in October - $ 23.62 million - went to his advertising team, which staged a $ 17 million network television ad blitz immediately after Perot's re-entry and has another big push that began Thursday and continues into the weekend.

The rest was split among promotional materials, expenses of his volunteer organization and travel.

The Democrats have already spent most of their money; Republicans had the entire amount still available at the start of October.

In the battle among the legally limited spenders, Bush's expenditures in early October left him with $ 23.7 million for the final three weeks while Clinton finished with $ 14.5 million.

Perot has already contributed more of his own money to his campaign than any other candidate for federal office in modern history.

" Ross Perot is the first independent candidate who has a good chance and more than enough resources to continue his rise rather than fade as other independents have as the election nears," said Larry Sabato, a University of Virginia political scientist.

However, it's unlikely he'd break Richard Nixon's spending record - estimated at $ 104 million - set in 1972 before campaign finance reforms began public funding of presidential campaigns and added strict spending limits, Arterton said.

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EXHIBIT 2

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Exhibit 2

Perot Petition Committee

6606 LBJ Freeway, Suite 150
Dallas, TX 75240

INTEROFFICE MEMORANDUM

TO: Bob Daniell
Clay Mulford
Dean Phillips

FROM: John E. Harper

DATE: September 15, 1992

RE: Reports to be filed with the F.E.C.

The September filing with the F.E.C. will be the last "normal" monthly report we file. We must file a Pre-Election report and Post-Election report in lieu of the November and December monthly reports "if the candidate runs in the general election." Listed below is the schedule of reports to be submitted between now and December 31, 1992.

Reports	Period Covered	Filing Date
August	August 1-31	September 20
September	September 1-30	October 20
* Pre-General	Oct. 1-Oct. 14	October 22
Post-General	Oct.15-Nov.23	December 3
Year End	Nov. 24-Dec.31	January 31, 1993

* If sent registered or certified mail, the pre-general report must be postmarked by October 19.

We must notify each state regarding the modified dates for the pre- and post- election reports as soon as possible.

In addition, authorized committees of candidates must file 48- hour notices (within 48 hours of contributions) of $1,000 or more received after the 20th day, but more than 48 hours, before the day of any election in which the candidate participates.

This requirement applies to all last-minute contributions of $1,000 or more:

- Contributions by check;
- In-kind contributions;
- Loans from personal funds;
- Guarantees and endorsements of bank loans; and
- Any of the above contributions made by the candidate.

cc: Zora Golboff
Laura Osborne
Dan Routman
Tracey Thornburn

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EXHIBIT 3

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Exhibit 3

MEMORANDUM

TO: Bob Daniell

FROM: Zora-Faye Golaboff

DATE: September 22, 1992

RE: Procedures for reporting contribution over $1,000 after October 21

In order to comply with the FEC rule that all contributions greater than $1,000 after October 21 must be reported within 48 hours, the following procedures will be implemented.

1. The states will be instructed to call Dallas with the following information for contributions greater than $1,000:

   * Name of Contributor
   * Address
   * Employer
   * Occupation
   * Purpose (if an in-kind contribution)

2. The attached form will be filled out for each contribution reported to Dallas.

3. At the end of each day a letter will be sent to the FEC via Federal Express (or fax) reporting all contribution reported to Dallas for that day.

4. A copy of the letter sent to the FEC and the contribution report form will be filed for future reference.

cc: Linda Cintron
John Harper
Jeff Medcalf
Laura Osborne
Dean Phillips
Shannon Story
Tracey Thornburn
Chris Wimpee

50436253338

CONTRIBUTION TO BE REPORTED WITHIN 48 HOURS TO FEC

STATE: _____

DATE OF CONTRIBUTION: _____

AMOUNT OF CONTRIBUTION: _____

NAME OF CONTRIBUTOR: _____

ADDRESS OF CONTRIBUTOR: _____
_____
_____

EMPLOYER: _____

OCCUPATION: _____

PURPOSE OF IN-KIND: _____

PERSON REPORTING CONTRIBUTION: _____

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EXHIBIT 4

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Exhibit 4

Perot '92

6606 LBJ Freeway, Suite 150
Dallas, TX 75240
(214) 716-6600

Dean Phillips
Aristotle Industries

TO: All State Coordinators and Treasurers

FROM: Dean Phillips

DATE: October 12, 1992

SUBJECT: 48 Hour notification laws

With the completion of your October 14 FEC filing with Dallas, we enter a phase that requires that we report all contributions of $1000.00 or more to the FEC in writing, within 48 Hours of their receipt. For purposes of this notification we must supply the FEC with the Name, Address, Employer and Occupation on any person who contributes whether in cash, or In-Kind to the campaign. Please follow the following method for reporting these contributions.

1) Obtain the Full Name, Address, Employer and Occupation from the contributor.

2) Determine if the contributor has exceeded the $1,000 limit for contributions. If the Contributor has exceeded the limit then return the contribution to the contributor immediately. If the contribution is an In-kind contribution then do not accept the contribution if the acceptance will put the contributor over $1,000 limit.

3) Xerox the check from the contributor.

4) Deposit the contribution into your account.

5) Fax the xerox of the check with the additional information of Full Name, Address, Occupation, Employer and, if it is an In-kind contribution, then include the description of the In-kind contribution in your fax. The dallas fax to use for the information is (214) 716-6669, attention Linda Cintron.

6) Call Linda Cintron at (214) 716-6464 to confirm her receipt of the information.

7) Report the contribution in your November report as you normally would.

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CONTRIBUTION TO BE REPORTED WITHIN 48 HOURS TO FEC

STATE:_____

DATE OF CONTRIBUTION:____/____/___

AMOUNT OF CONTRIBUTION:_____.__

NAME OF CONTRIBUTOR: _____

ADDRESS OF CONTRIBUTOR: _____

_____

_____

_____

EMPLOYER OF CONTRIBUTOR: _____

OCCUPATION OF CONTRIBUTOR: _____

PURPOSE OF IN-KIND: _____

PERSON REPORTING CONTRIBUTION:_____

XEROX CHECK BELOW

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EXHIBIT 5

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Exhibit 5

PEROT '92

P.O. BOX 517010, DALLAS, TEXAS 75251-7010, TELEPHONE (214)716-6600

Interoffice Memorandum

TO: Mike Poss

FROM: Bob Daniell Bob

DATE: October 26, 1992

I have been informed today that a contribution by the Candidate must be reported to the FEC within 48 hours of its receipt. This regulation is effective for all transactions executed since October 15, 1992. Our records currently reflect three wire transfers received from Mr. Perot which require reporting at this time. Please find attached three letters which must be filed with the FEC by way of fax.

Please give me a call so that we can discuss how to report future transactions.

5 0 4 3 6 2 5 3 4 4

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$2,166,114.00
Date:	10/22/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

5 0 4 3 6 2 5 3 4 5

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$149,849.00
Date:	10/20/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

5 0 4 3 6 2 5 3 4 6

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$859,400.00
Date:	10/19/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

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RECEIVED
F.E.C.
SECRETARIAT

93 MAY 10 PM 1:02

FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	MUR 3721
Perot '92 and Mike Poss,	)	
as treasurer	)	

GENERAL COUNSEL'S REPORT

I. STATEMENT OF THE CASE

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See, 2 U.S.C. § 437g(a)(2).

On December 2, 1992, the Commission found reason to believe that Perot '92 and Mike Poss, as treasurer, ("Committee" or "Respondent") violated 2 U.S.C. § 434(a)(6) by failing to timely file six (6) forty-eight hour notifications ("48-Hour notices") for twelve (12) contributions totaling $10,058,633.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling $1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification

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to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

The General Election for the Presidency of the United States was held on November 3, 1992. Pursuant to the Act, the Respondent was required to notify the Commission, in writing, of all contributions of $1,000 or more received from October 15 to October 31, 1992, within 48 hours of their receipt. A review of the Committee's 1992 disclosures, performed in response to a public request, identified no 48-Hour notices. Nevertheless, Respondent received contributions of $1,000 or more between October 15, 1992 and October 31, 1992 totaling $10,058,633.

On October 21, 1992, the Commission received untimely notification of three (3) contributions totaling $3,000, which were made on October 16, 1992 by individual contributors. On October 26, 1992, the Commission received untimely notification of nine (9) contributions totaling $10,055,633, which were made between October 15 and October 22, 1992 by the candidate to his committee. The Committee did not timely submit 48-Hour notices for these contributions.

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In response to the Commission's finding of reason to believe, the Committee requests that the Commission take no further action in this matter or, in the alternative, enter into pre-probable cause conciliation.

Respondent concedes that the contributions were not properly reported. Attachment 1, p. 2; id., p. 5. However, Respondent argues that the Committee "reported each of these contributions well before the election [and t]hus, the disclosure purpose of the statute was fulfilled." (emphasis in original) Id., p. 2. Respondent argues that "any violation that occurred was promptly corrected." Id., p. 8.

Respondent further states that it "made substantial, good faith efforts to comply with 2 U.S.C. § 434(a)(6)." Id., p. 1.; see also, id., p. 5; id., p. 7-8. Respondent states that the Committee "established comprehensive procedures intended to comply with the 48-Hour rule, as well as all other reporting requirements." Id., p. 1. Respondent supplied copies of internal memoranda documenting such procedures. Id., pp. 25-30. Notwithstanding those procedures, Respondent maintains that the failure to properly report occurred because of "a misunderstanding within the campaign about whether a candidate's personal contributions were subject to the 48-Hour rule," and "the unique personnel of the campaign [consisting] almost entirely [of] volunteers with little or no prior campaign experience and grassroots efforts." Id., p. 2.

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Citing numerous other MURs which have previously been before the Commission, Respondent further argues that "in a host of past cases, the Commission has treated multiple violations of the 48-Hour role [sic] as either not warranting any fine or a de minimis fine." (emphasis in original) Id., p. 3; see also, id., p. 9. Respondent therefore concludes that "the Commission should impose no penalty in the instant case." Id., p. 10.

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The following circumstances of this matter sharply distinguish it from other MURs involving 48-Hour notice violations:

(1) the substantial amount of money involved (in excess of $10 million dollars);

(2) the fact that this matter involves a candidate of a Presidential General Election; and

(3) the fact that a request by a member of the public for information on the contributions resulted in the discovery of the then-unfiled reports.

Therefore, this office recommends that the Commission reject Respondent's request to take no further action on this matter. Due to the straightforwardness of the violation, this Office further recommends that the Commission enter into conciliation with the Respondents prior to a finding of probable cause to believe.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Reject Respondent's request to take no further action.

2. Approve the attached conciliation agreement.

3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

5/5/93
Date

BY: _____
Lois G. Lerner
Associate General Counsel

Attachments:
1. Response to RTB finding
2. Proposed Conciliation Agreement

5043625355

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: MAY 13, 1993

SUBJECT: MUR 3721 - GENERAL COUNSEL'S REPORT DATED MAY 5, 1993.

The above-captioned document was circulated to the Commission on Monday, May 10, 1993 at 4:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Potter	XXX
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for Tuesday, May 18, 1993.

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

,5043625356

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3721
Perot '92 and Mike Poss, as treasurer	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 25, 1993, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3721:

1. Reject Respondent's request to take no further action.

2. Approve the conciliation agreement recommended in the General Counsel's report dated May 5, 1993

3. Approve the appropriate letter as recommended in the General Counsel's report dated May 5, 1993

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

Attest:

5-27-93
Date

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

'5043625357

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 28, 1993

Gary J. Klein, Esquire
Verner, Liipfert, Bernhard, McPherson and Hand
901 15th Street, N.W., Suite 700
Washington, D.C. 20005-2301

RE: MUR 3721

Dear Mr. Klein:

On December 7, 1992, your client, Perot '92 and Mike Poss, as treasurer ("the Committee"), was notified that the Federal Election Commission found reason to believe that the Committee violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended. On January 8, 1993, you submitted a response to the Commission's reason to believe finding, which included a request that the Commission either take no further action or enter into pre-probable cause conciliation.

After considering the circumstances of this matter, the Commission determined on May 25, 1993, to reject your request to take no further action against your clients. On the same day, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In determining this civil penalty amount, the Commission has taken into consideration the arguments set forth in your response to the Commission's reason to believe finding.

In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

'5043625358

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact me at (202) 219-3400.

Sincerely,

Tonda M. Mott
Attorney

Enclosure
Conciliation Agreement

9 5 3 5 2 6 3 4 5

OGC 9092

93 JUN 15 PM 3:10

LAW OFFICES
VERNER, LIIPFERT, BERNHARD, McPHERSON AND HAND
CHARTERED

SUITE 700
901-15TH STREET, N.W.
WASHINGTON, D.C. 20005-2301
(202) 371-6000
TELEX: 1561792 VERLIP UT
TELECOPIER: (202) 371-6279

HOUSTON OFFICE
6801 TEXAS COMMERCE TOWER
600 TRAVIS
HOUSTON, TEXAS 77002
(713) 237-9034
TELECOPIER: (713) 237-1216

VIRGINIA OFFICES
8280 GREENSBORO DRIVE
MCLEAN, VIRGINIA 22102
(703) 749-6000
TELECOPIER: (703) 749-6027

10484-A ARMSTRONG STREET
FAIRFAX, VIRGINIA 22030
(703) 591-2683
TELECOPIER: (703) 385-7996

JAMES M. VERNER*
EUGENE T. LIIPFERT
EMERITUS

BERL BERNHARD
HARRY McPHERSON
LLOYD N. HAND#
RONALD B. NATALIE
WILLIAM C. EVANS
MICHAEL J. ROBERTS
FRITZ R. KAHN
BERNHARDT K. WRUBLE
THOMAS J. KELLER
JOHN A. MERRIGAN
JOSEPH L. HANSON, III
WILLIAM H. CRISPIN*
CLINTON A. VINCE
GLEN L. ORTMAN
ERWIN G. KRASNOW
JAMES F. HIBEY
RUSSELL E. POMMER
GEORGE M. FOOTE, JR.*
BUEL WHITE*
WILLIAM F. ROEDER, JR.*
ROY G. BOWMAN
AMY L. BONDURANT
HOPEWELL H. DARNEILLE, III
DOUGLAS OCHS ADLER

RILEY K. TEMPLE*
JOHN P. CAMPBELL#
MICHAEL J. BARTLETT*
DOUGLAS J. COLTON
JOHN H. ZENTAY
FRED W. DROGULA
ANDREA JILL GRANT
GARY J. KLEIN
J. CATHY FOBEL
JOHN B. CONNOR*
LAWRENCE R. SIDMAN
WILLIAM E. KENNARD
BENJAMIN H. FLOWE, JR.
FREDERICK J. TANSILL*
PAUL E. NORDSTROM
SHERRY A. QUIRK
J. RICHARD HAMMETT*
MICHAEL D. GOLDEN
SUSAN O. TEMKIN
JAMES J. BLANCHARD*
WILLIAM A. ZEITLER*
NEIL T. PROTO
LESLIE M. ALDEN*
LAWRENCE Z. LORBER
R. STUART BROOM
ROBERT G. VARNER, JR.
KENNETH S. BARR

TERRENCE J. MCCARTIN
DEAN R. BRENNER
FRANCES C. DELAURENTIS
LAWRENCE N. COOPER*
DON C. LEWIS#
LINDA E. COLLIER*
REBECCA M.J. GOULD*
JOHN S. MOOT
MARK R. LEWIS
SCOTT K. DAINES*
LESLIE S. KRAMERICH*
E. JOHN KRUMHOLTZ
MICHAEL E. BELLER
LISA J. GEFEN
MICHAEL H. TECKLENBURG*
RICHARD J. SIFFL*
SHARI S. GERSTEN*
PETER A. GOULD
WILLIAM E. VINCENT
JOHN S. BRITTON
ANDREW D. ESKIN
MARK L. MILLER*
GUY A. MORLEY*

BRIAN A. MIZOGUCHI
JOHN R. MIETUS, JR.
BONNIE M. DEUTSCH
JACQUELINE R. KINNEY
KRISTA L. POOL*
JEANETTE M. PABLO
KATHERINE A. ELLIS*
SUSAN G. BLUMENTHAL*
MEDY L. NELSON
GLENN R. MOORE*
BARBARA L. BURTON
DAVID TONG ZHANG*
THOMAS K. JONES*
STUART J. RABIN*
ERIC T. WERNER*
DIANE ULLA MAGE
CHRISS S. WETHERINGTON*
JOHN A. ORDWAY, JR.
BETH WOLFE
DOUGLAS W. HALL
LISA HARRIS DEAN
J. GREGORY BISHOP

OF COUNSEL
PAUL C. SHEELINE
RICHARD H. SALTSMAN
CHARLENE A. STURGITTS
HOWELL E. BEGLE, JR.
BRUCE A. KIMBLE*
ROBERT W. BLANCHETTE
DOROTHEA SUMMERELL

MARY K. WILLIAMS#
JOSEPH E. BRENNAN*
STEPHEN W. VAN HOOSER*
GENE R. SCHLEPPENBACH*
J. ROBERT KIRK
JAMES K. JACKSON

* NOT ADMITTED IN DC
* ADMITTED IN VIRGINIA
# ADMITTED IN TEXAS

LOUIS F. BESIO
VICE PRESIDENT FOR
FINANCE AND ADMINISTRATION

WRITER'S DIRECT DIAL NUMBER
(202) 371-6079

9304362530

BY HAND

June 15, 1993

Tonda Mott, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
6th Floor
Washington, D.C. 20463

Re: MUR 3721

Dear Ms. Mott:

In accordance with your telephone conversation with Dean Brenner yesterday, this is to reiterate that Perot '92 intends to submit additional information in the above-referenced matter as part of the pre-probable cause conciliation process.

It will take at least two weeks to gather the necessary information for the submission, since Perot '92's active operations have ceased. In addition, as we stated at the June 9th meeting, R. Clayton Mulford, the General Counsel of Perot '92, is out of the country for the remainder of the month. Mr. Mulford will need to review the submission before it is filed.

If you have any questions about this matter, please call us.

Sincerely yours,

Gary J. Klein
Dean R. Brenner
Attorneys for Perot '92

5043625361

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUNE 21, 1992

Dean R. Brenner, Esq.
Verner, Liipfert, Bernard, McPherson
and Hand
901 15th Street, N.W., Suite 700
Washington, D.C. 20005

RE: MUR 3721

Dear Mr. Brenner:

This is in response to your letter dated June 15, 1993, which we received on that day, requesting an extension until the week of July 5th to respond to the Commission's offer of pre-probable cause conciliation. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due no later than the close of business on July 9, 1993.

It is our understanding that you intend to submit additional information, which has not yet been provided to and considered by the Commission, in this matter. Additionally, we understand that you will submit a revised draft conciliation agreement that the same time. I will contact you upon receipt of these documents, in order to arrange a meeting, if warranted, during the later part of the following week.

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

Sincerely,

Tonda M. Mott
Attorney

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DGC 9395

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LOUIS F. BESIO
VICE PRESIDENT FOR
FINANCE AND ADMINISTRATION

* NOT ADMITTED IN DC
* ADMITTED IN VIRGINIA
# ADMITTED IN TEXAS

WRITER'S DIRECT DIAL NUMBER

(202) 371-6147

50436253563

July 9, 1993

HAND DELIVERED

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
6th Floor
Washington, D.C. 20463

Attn: Tonda Mott, Esq.

Re: MUR 3721

Dear Ms. Mott:

In accordance with our agreement, enclosed is an original and 10 copies of the Supplemental Response of Perot '92, in connection with the above-referenced matter.

Please call us to schedule a meeting, or if you have any need for additional information.

Respectfully submitted,

Gary J. Klein/WR

Berl Bernhard
Gary J. Klein
Dean R. Brenner
VERNER, LIIPFERT, BERNHARD,
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Attorneys for Perot '92

Enclosures

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Before The
FEDERAL ELECTION COMMISSION

In the Matter of Perot '92	)	MUR 3721

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To: Office of the General Counsel

SUPPLEMENTAL RESPONSE OF PEROT '92

Perot '92 hereby submits a supplemental response in the above-captioned matter.

I. SUMMARY

The additional information submitted herein is in three parts. First, Perot '92 describes the extensive expenditures and other efforts it made to comply with all applicable statutes and Commission regulations. As is more fully stated below, Perot '92 retained a computer consulting firm and a "big-six" accounting firm. Perot '92 purchased and installed equipment and software across the country. In sum, a comprehensive effort was made to comply with all the various federal and state election law requirements, despite the difficulties in reconciling those requirements with an unprecedented nationwide grassroots Presidential campaign.[1/]

Second, Perot '92 now believes that at least $7,367,032 of the contributions in question from Mr. Perot were reported in compliance with the 48-hour rule. These contributions consisted

1/ Because Perot '92's initial response was limited to the narrow issues solely involving the 48-hour rule, it did not discuss these substantial steps taken to achieve overall compliance with all applicable requirements (including the 48-hour rule).

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of personal purchases by Mr. Perot of air time for television and radio broadcasts. These contributions were, therefore, in-kind contributions.[2/] Under the Commission's regulations, in kind contributions are considered made on the date the goods or services are provided. 11 C.F.R. §§ 110.1(b)(6), 104.13(a)(1). Here, the air time was provided on certain times and dates when it was used, and the $7,367,032 was reported within 48 hours of those dates. Indeed, the contributions were reported in some instances before the air time was used; that is, the contributions were reported as of the date the funds were sent to procure the air time, which in some instances was several days before the air time was provided.

Most of the remaining contributions of $2,538,752 were reported only 1-4 days late, significantly less than the time frame suggested by Perot '92's original response. The person who initiated the transfers of Mr. Perot's funds had not received the campaign's memoranda explaining the 48-hour rule, and his office was at a different location from Perot '92's office. The chief financial officer of Perot '92, who was also involved in at least some of the transfers, misunderstood the 48-hour rule. He believed that the 48-hour rule did not apply to contributions by the candidate, which was a logical assumption since the apparent purpose of the 48-hour rule is to disclose the identity of individuals and groups that are trying to influence an election

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2/ As the Commission has noted, "when a person pays for services on the committee's behalf, the payment is considered an in-kind contribution." FEC Congressional Campaign Guide at pg. 5.

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at the last minute, and a candidate is always publicly trying to influence an election in his or her favor. On the very day that he learned of the technical requirements of the 48-hour rule and its application to in-kind contributions from the candidate, the information was immediately reported to the Commission. The inadvertent, unintentional late notices were the result of nothing more than honest mistakes.

The three contributions at issue made by individuals other than Mr. Perot were received by local volunteer offices, not the Dallas Perot '92 national headquarters. These contributions were reported on the same day that the headquarters learned of them. This should be viewed in the context of Perot '92's unprecedented nationwide grassroots campaign. Perot '92 faced a dilemma under the federal election laws: any volunteer who contacted the campaign arguably lost the ability to make "independent" expenditures in a legalistic sense, but the campaign had little or no ability to keep track of the activities of many such volunteers, who were acting independently practically speaking.

The Committee went to great effort and expense to establish internal controls and mechanisms, which are discussed below, whereby the Committee attempted to become informed of contributions received by and expenditures made by local volunteer groups. As soon as the Dallas headquarters learned of contributions received by local volunteer organizations, it reported the contributions. Consequently, Perot '92 acted in good faith at all times.

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II. Substantial Expenditures and Efforts To Achieve Full Compliance With The Commission's Regulations

Because of the unique grassroots nature of the Perot campaign, Perot '92 had to rely on self-selected volunteers, most of whom were political novices, to report and forward documentation concerning receipts and disbursements to the Committee's headquarters. The efforts to place Mr. Perot's name on the ballot began independently of, and predated, the

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3/

Committee. Once the Committee was formed, the Dallas headquarters staff was contacted by volunteers from each state. While most of the volunteers had worked independently from any formal organization, Perot '92 requested financial information from them so that it could be reported to avoid allegations that these receipts and disbursements, which in most cases Perot '92 did not actually receive or authorize, were nevertheless technically "coordinated" under FEC regulations.

The Committee, from the outset, insisted on full compliance with all Commission regulations. Even though Perot '92 believed that the application of rigid reporting requirements to this unique grassroots campaign was often inappropriate and beyond their apparent intent, Perot '92 went to great lengths to educate these volunteers about FEC reporting and compliance to fulfill the legal requirements. Perot '92 undertook these efforts even though it created a significant negative reaction among many volunteers, who apparently resented them.

Perot '92 repeatedly sought to inform volunteers of the requirements of FEC regulations. Perot '92 prepared and distributed at least six detailed memoranda informing volunteers of FEC regulations concerning contributions, expenditures and recordkeeping. Each memorandum stressed the importance of complying with FEC regulations, made clear that strict compliance was mandatory, and provided that any failure to comply by a volunteer would result in separation from Perot '92.

In addition, Perot '92 flew its volunteer state coordinators to Dallas during the summer for meetings at which FEC reporting

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and compliance issues were discussed in detail. Each volunteer state coordinator was given the opportunity to meet with Perot '92's staff, accountants, attorneys and consultants to discuss FEC reporting requirements and resolve reporting or disclosure issues. Perot '92 also flew its entire field staff to Dallas from around the country to train them in the requirements of FEC regulations. They attended meetings at which federal election law requirements and other campaign matters were discussed. Those meetings took place in Dallas on June 1-2 and June 29-30, 1992.

Perot '92 implemented procedures for local grassroots groups to ensure compliance with FEC reporting requirements. Perot '92 insisted that volunteers acting as local "treasurers" maintain complete and accurate records of their contributions, authorized account deposits and disbursements, and forward the information to the volunteer state "treasurer." The state treasurer then consolidated the information received from various volunteer offices and forwarded that information to the Dallas headquarters for inclusion in the Committee's monthly FEC reports.

In four separate memoranda to volunteer coordinators, volunteer treasurers, and other volunteers, the Committee emphasized that because the relatively short time frame between reporting periods, the vast amount of required information, and the necessity of consolidating the information on a state and nationwide basis, local treasurers had to keep information accurate and up-to-date. The Committee's accountants processed

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and verified the information that the Committee timely received and included it in the Committee's FEC reports.

Further, to ensure compliance with FEC regulations, Perot '92 made other extensive efforts, some of which Perot '92 believes to be unprecedented. First, Perot '92 retained an outside consulting firm, Aristotle Industries, Inc. ("Aristotle"), a distributor of political software, to assist in FEC reporting matters. Perot '92 licensed software from Aristotle. That firm also organized Perot '92's database and worked on meeting federal election law reporting requirements, including recordkeeping and financial disclosure.

Second, Perot '92 leased or purchased computers for its volunteer offices around the country and provided the Aristotle software to its local volunteer treasurers to assist them in recordkeeping and financial disclosure of information that would be included in Perot '92's monthly FEC reports. Perot '92 spent thousands of dollars to equip each office to compile the information necessary solely to comply with the Commission's regulations.

Third, one of Aristotle's founders and principals, Dean Phillips, relocated to Dallas and worked full-time in Perot '92's headquarters from June 1992 through November 1992. Mr. Phillips' sole responsibility was to ensure proper utilization of the Aristotle software and to assist in the preparation of Perot '92's FEC reports.[4/]

4/ Perot '92 continually prepared FEC reports and amendments. In June 1992, at the request of Pat F. Sheppard, Senior (continued...)

Mr. Phillips trained Perot '92's staff to use the software and assisted in preparation of the monthly FEC reports and compliance with recordkeeping and financial disclosure requirements. To comply with the FEC's best efforts requirement, Mr. Phillips also designed software specifically for Perot '92 that automatically printed computer-generated letters whenever Perot '92's records contained missing or incomplete information as to a specific contributor. These letters were sent to the contributor and requested him or her to supply the missing information to Perot '92. It is important to note that the vast majority of these contributions were in-kind contributions made by individual volunteers who printed petitions, made t-shirts or buttons, or held meetings with little or no understanding that these activities had to be reported to the FEC.

Fourth, at Perot '92's expense, Aristotle hired at least six other consultants with FEC reporting and compliance expertise who traveled to Perot '92 volunteer offices across the nation, trained local volunteer treasurers in how to use the Aristotle software and instructed them about FEC reporting and compliance matters. Certain Aristotle consultants also spent time in the Dallas headquarters answering queries from the volunteer treasurers and Perot '92 field staff. In fact, one of the consultants that the Committee hired through Aristotle was formerly an FEC auditor. Perot '92 wanted to employ an

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4/(...continued)
Reports Analyst at the FEC, the Committee agreed to file one cumulative amendment, instead of a series of amendments, to its reports. To this day, Perot '92 is gathering information for the cumulative amendment.

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individual with extensive FEC experience to ensure that its procedures for accumulating documentation and reporting receipts and disbursements complied in all respects with FEC regulations.

Fifth, Perot '92 hired a big-six accounting firm, Ernst & Young, in March 1992 to assist in the accumulation of information and documentation, to assemble and reconcile authorized volunteer bank account records, to answer phone calls from volunteers in the field with questions about FEC reporting and compliance matters, to review Perot '92's FEC reports, and to make sure that information contained in the FEC reports was complete and accurate. If necessary information or documentation was missing, the accountants telephoned the contributors or the volunteer offices that had forwarded the information and requested the information.

From April through November 1992, at least two (and usually four) Ernst & Young accountants worked at Perot '92 headquarters in Dallas on a full-time basis. In December, January and starting again in April through the present date, one Ernst & Young accountant has worked full-time at Perot '92's headquarters. At various times, at least 15 different Ernst & Young accountants have worked with Perot '92 in preparing its FEC reports and amendments.

Sixth, during the height of campaign activity from March through November, Perot '92 also maintained a headquarters staff consisting, at various times, of five to ten individuals whose duties related solely to FEC compliance, reporting and accumulation of documentation. Two of these staff members were

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responsible for consolidating data received from various state volunteer offices into Perot '92's FEC report. Once entered, the Ernst & Young accountants reviewed the information for accuracy and compliance with FEC reporting requirements. The Aristotle consultants made sure that the software program was operating properly and oversaw the completion of each monthly report.

Thus, Perot '92 made comprehensive efforts and substantial expenditures, including millions of dollars for accounting, legal, and consulting services, to achieve full compliance with all applicable FEC regulations because, inter alia, it feared that it could be deemed responsible for expenditures made by individual citizens seeking to become involved for the first time in the political process.

III. COMPLIANCE WITH 48-HOUR RULE

Perot '92 now believes that it apparently did timely report at least $7,367,032 of the contributions in question from Mr. Perot. These contributions consisted of direct personal purchases by Mr. Perot via wire transfer of television and radio air time:

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Purpose of Purchase	Cost of Air Time Bought	Date Air Time Provided and Used
Cable TV ads	$ 500,000	10/26-11/1
1/2 hour (CBS)	$ 216,750	10/24
Spanish broadcasts	$ 149,849	10/20-11/1
60 second TV ads; 60 second radio ads	$4,484,168	10/26-11/2
1 hr. (ABC)	$ 803,654	10/26
1/2 hr. (NBC)	$ 320,153	11/1
1/2 hr. (ABC)	$ 425,000	11/1
1/2 hr. (ABC)	$ 470,000	11/2
7 x 15 second ads	$ 147,307	10/25-10/26

All of these contributions were reported on October 26, which is at least 48 hours after the air time was provided.[5/] In fact, in several instances, contributions were reported <u>before</u> the air time was provided.

The Commission's regulations provide that in-kind contributions "shall be considered to be made on the date that the goods or services are provided by the contributor." 11 C.F.R. § 110.1(b)(6). <u>See also</u> 11 C.F.R. § 104.13(a)(1) ("The amount of an in-kind contribution shall be equal to the usual and normal value on the date received"). The air time was provided and received on the dates on which the programs aired. Thus,

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5/ A portion of the $149,849 contribution consisted of air time provided and used more than 48 hours before it was provided. In addition, the $216,750 contribution was reported as part of an aggregate $859,400 contribution.

Perot '92 complied with the 48-hour rule for at least the $7,367,032 in contributions of air time because they were reported by 48 hours after the air time was provided and used.

With regard to the other contributions, as noted previously, in September 1992, at the request of R. Clayton Mulford, Perot '92's general counsel, John Harper of Ernst & Young prepared a memorandum outlining the additional or special reports required to be filed with the FEC in the months of October and November. The memorandum notes that a candidate's committee must file within 48 hours notices of contributions of $1,000 or more received after the 20th day but more than 48 hours before the day of the general election. Mr. Harper's memorandum states that this requirement applies to all contributions of $1,000 or more, including those made by the candidate. This memorandum was prepared and given to Bob Daniell, chief financial officer of Perot '92, Dean Phillips, the consultant with Aristotle Industries, Inc., and R. Clayton Mulford, Perot 92's general counsel.

However, a copy of the memorandum was not provided to Mike Poss, Treasurer of Perot '92. Mr. Poss, who is the chief financial officer of the Perot Group (Mr. Perot's family business), did not have an office at Perot '92's headquarters. During the campaign, Mr. Poss maintained his office at the Perot Group headquarters (which is in another building at a different location in Dallas). Because Mr. Poss did not receive Mr. Harper's memorandum, he did not know about the 48-hour notice requirement until October 26. Had he known of the requirements,

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funds transferred from Mr. Perot's personal accounts would have been properly noticed to the FEC, as they were after October 26.

Until October 26, Mr. Daniell did not understand that contributions from the candidate's personal fund were subject to the 48-hour rule. On that date, Mr. Daniell learned that his understanding of the 48-hour rule was incorrect. He immediately notified Mr. Poss, and he reported all contributions by Mr. Perot, including in-kind contributions not yet "received" by Perot '92, by faxing this information to the FEC. The FEC received notice of these and all other subsequent candidate contributions made before the election.

Finally, as explained in Perot '92's original response, three contributions from other individuals to various volunteer groups were not reported within the 48 hours of their technical "receipt" because Perot '92's national headquarters did not know about them. As soon as the national headquarters learned of them, they were immediately reported. The national headquarters consistently made best efforts to obtain necessary information from local volunteers to comply with FEC reporting requirements.

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IV.

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Moreover, the late reporting involved in this proceeding is similar in nature to that considered in these other Commission proceedings. The number of instances involved here is not excessive compared to previous cases, nor was the time that elapsed before the Committee realized its omission longer than in previous cases. The contributions were all reported before the election and the failure to timely report was the result of a misunderstanding over FEC regulations rather than an intentional violation.

In addition, as alluded to in Perot '92's original response, because the media provided extensive coverage of Mr. Perot's contributions and he discussed them during, inter alia, the nationally televised Presidential debate, the public was not

deprived of any information and therefore, did not suffer any harm. That is not to say that statements in a nationally televised debate or media reports substitute for filings with the Commission. But those statements and reports do mitigate any harm from the inadvertent failure to comply with the 48-hour rule. Here, no one was harmed, and no one was misled. The entire country knew that Mr. Perot was funding his own campaign, and that he would spend $60 million or more. The late reporting under the 48-hour rule here is, with all due respect, a technicality.

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V.

Respectfully submitted,

By: Gary J. Klein

Berl Bernhard
Gary J. Klein
VERNER, LIIPFERT, BERNHARD,
McPHERSON AND HAND, CHARTERED
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005
(202) 371-6000

Attorneys for Perot Petition
Committee and Mike Poss,
Treasurer

Dated: July 9, 1993

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Exhibit 1

F.E.C. Proceedings Involving Instances of Late Reporting of Contributions Subject to the 48-Hour Rule and Other Late Reporting

MUR 3654: Laughlin for Congress:

14 contributions totaling $7,500 with no further action taken. Congressional campaign in which candidate ran unopposed. General Counsel's report said letter of admonishment would be more appropriate than a conciliation agreement in light of the amount involved and the Commission's limited resources.

MUR 3580: Friends of Esther Lee Yao congressional campaign:

1 contribution totaling 30,000 with $3,000 fine. The proceeding involved a 48-hour reporting violation. The contribution was a candidate loan. Respondents made good faith compliance argument and also cited the inexperienced staff.

MUR 3491: Citizens for Christopher Hodgkins:

2 contributions totaling $29,000 with a $1,000 fine. The proceeding involved 48-hour reporting violations. The contributions were candidate loans. Respondents cited fact of special election and short period of time to acquire familiarity with election laws as well as inexperienced staff. Respondents also noted that they had brought the question to the attention of the commission and that neither the candidate nor the Treasurer had ever been involved in a federal election.

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MUR 3464: Dan Branch for Congress Committee:

3 contributions totaling $61,501 with a $1,000 fine. The proceeding involved 48-hour reporting violations. Respondents noted the fact that it was a special election and said there was confusion about FEC guidelines as well as noting that both candidate and treasurer were new to political campaigns. They also stated that the candidate was in debt and was starting up a new business as well as expecting a fourth child.

MUR 3462: Pilzer for Congress:

2 contributions totaling $175,000 with $1,000 fine. The proceeding involved 48-hour reporting violations. The contributions were candidate loans. Respondents argued that good faith was evident in the correct reporting of non-candidate contributions and that the candidate had never sought public office before and that the staff was inexperienced. Respondents also noted that the candidate loans had received extensive media attention.

MUR 3459: Quillen for Congress:

7 contributions totaling $21,000 with a $2,600 fine. The proceeding involved 48-hour reporting violations.

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MUR 3458: Wilson Committee:

7 contributions totaling $33,500 with $1,850 fine. The proceeding involved 48-hour reporting violations. Respondents said the failure to report was due to administrative error and they were unaware that the $25,000 candidate loan needed to be reported within 48 hours.

MUR 3445: Frank Riggs for Congress:

7 contributions totaling $58,000 with no further action taken. The Commission found reason to believe 2 USC 434(a)(6)(A) had been violated but took no further action. Respondents claimed that the report had to be mailed because the Clerk of the House was not receiving faxes and that good faith was evident in the reporting of another personal loan.

MUR 3433: Friends of Sam Johnson:

40 contributions totaling $43,000 with $3,000 fine. The proceeding involoved 48-hour reporting violations. Respondents said the failure to report was inadvertent and due to the inexperienced staff and also cited the fact that it was a special election resulting from an unexpected resignation.

M.U.R. 3423: Committee to Elect John Raugh:

Seven violations totaling $248,000 with a $5,000 fine. The proceeding involved 48-hour reporting violations. The

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respondents argued that the public was aware of the candidate's financial support of the Committee. They also claimed to be confused concerning the requirements for reporting of candidate contributions.

M.U.R. 3415: United Egg Association Political Action Committee:

One violation involving $9,450 with a $500 fine. The proceeding concerned a 2 U.S.C. §434(a)(4)(A)(ii) violation. The respondent failed to timely file the 12 Day Pre-General Report. Respondents contended they had timely filed.

M.U.R. 3359: Wellstone for Senate:

Forty-two violations totaling $60,350 with a $6,000 fine. The proceeding involved a 48 hour reporting violation. Respondents made several arguments, including that the violation was unintentional and that many more contributions were correctly reported than were omitted. Respondents also pointed out that the majority of the violations occurred when the volume of contributions outpaced procedures set in place to record them.

M.U.R. 3353: Richard E. Neal for Congress:

Nine violations totaling $24,000 with a $2,000 fine. The proceeding involved 48 hour violations.

M.U.R. 3352: Schafer for Congress:

Two violations totaling $50,000 with a $1,000 fine. The proceeding involved 48-hour reporting violations. Respondents claimed they did not realize that loans are contributions.

M.U.R. 3350: John Vogt for Congress:

Sixteen violations totaling $24,950 with a $1,500 fine. The proceeding involved 48-hour reporting violations. Respondents claimed that the contributions had been timely reported, there was no dishonest intent and no one was harmed in the process.

M.U.R. 3348: The Committee for Quality Hospital Care:

Six violations involving approximately $112,016.57 with a $7,500 fine. Respondents failed to disclose the source of their initial cash on hand, in violation of 11 C.F.R. §104.12 and 2 U.S.C. §434(b)(3) as well as filing five reports of financial activity late, in violation of 2 U.S.C. §434(a)(4)(A)(i) and (ii). Respondents argued that the organization was essentially a state committee subject to state regulation and that compliance with both state and federal regulatory schemes was too difficult and that the public was protected via the committee's prior compliance with state disclosure requirements.

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M.U.R. 3346: Municipal Election Committee of Los Angeles:

Four violations totaling $144,178 with a $1,200 fine. The respondents failed to file 2 Year End reports, an April Quarterly report, and an October Quarterly Report in violation of 2 U.S.C. §434(a)(4)(i) and (iv).

M.U.R. 3338: Friends of Matt Matsunaga: Congressional Campaign:

Seven violations totaling $105,248.29 with a $2,000 fine. The proceeding involved 48-hour reporting violations. Respondents claimed that the candidate and staff were inexperienced and there was confusion over whether to report candidate loans as contributions.

M.U.R. 3337: Barney Frank for Congress:

Eighteen violations totaling $27,500 with a $3,450 fine. The proceeding involved violations of the 48 hour reporting requirement.

M.U.R. 3321: Republican Party of Dade County:

Six violations involving $240,122.95 with a $2,000 fine. Respondents failed to timely file 6 reports in violation of 2 U.S.C. §§434(a)(4)(A)(i) and (iii) and failed to timely amend their Statements of Organization. Respondents claimed that the failure to timely file was due to a fire in which many of the records burned.

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M.U.R. 3316: Re-Elect Slaughter for Congress:

Two violations totaling $85,000 with a $1,200 fine. The proceeding involved 48 hour reporting violations. The funds concerned were loan guarantees. Respondents noted that while 48 hour notices were not filed for the loan guarantees, they were included in the Committee's 1990 30 Day Post-General Report.

M.U.R. 3315: Josie Heath for U.S. Senate, Inc.:

Seven violations totaling $107,500 with a $3,000 fine. The proceeding involved 48-hour reporting violations. Respondents cited 2 U.S.C. §432(i) and 11 C.F.R. §104.7(a) in support of the argument that they had used their "best efforts" to comply and should not, therefore, be penalized.

M.U.R. 3274: Committee to Elect James McClure Clarke to Congress:

Three violations totaling $27,000 with a $750 fine. The proceeding involved violations of the 48 hour reporting requirement.

M.U.R. 3273: Reed for Congress:

Six violations totaling 96,330 with a $2,500 fine. The proceeding involved 48-hour reporting violations. Four of the contributions were candidate loans while the other two were from outside contributors.

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M.U.R. 3266: Hamp Hodges for Congress Committee:

Four violations totaling $101,000 with a $2,500 fine. The proceeding involved 48-hour reporting violations. Respondents claimed the violation was unintentional and the candidate had never run for public office before.

M.U.R. 3262: John Adler for Congress:

Fifteen violations totaling $33,000 with a $1,650 fine. The proceeding involved 48-hour reporting violations. Respondents claimed that the violation was due to oversight and was not intentional as well as noting that both candidate and treasurer were inexperienced.

M.U.R. 3256: Alexander Campaign Committee: Congressional Campaign:

Nineteen violations totaling $86,525 with a $5,850 fine. The proceeding involved 48-hour reporting violations. Respondents argued that there was no wilful intent but rather a misinterpretation of the rules. Respondents also stated they were unaware that loans were subject to the 48 hour reporting requirement and that imposition of a civil penalty would present a severe financial hardship.

M.U.R. 3255: Friends of Hugh D. Shine for U.S. Congress:

Thirty violations totaling $89,768.01 with a $3,350 fine. The proceeding involved 48-hour reporting violations. The

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candidate noted that the Committee was severely indebted and any fine would have to be paid by him.

M.U.R. 3250: Mangini for Congress:

Twenty violations totaling $23,000 with a $1,500 fine. The proceeding involved 48-hour reporting violations. Respondents noted that both the Committee and the treasurer were inexperienced, the violations were due to oversight and misinterpretation and the campaign fund was completely depleted.

M.U.R. 3224: Fred Lockwood for Congress:

Violations totaling $68,000 with a $1,500 fine. The proceeding involved 48-hour reporting violations, the number of which is unclear from the file. Respondents claimed the failure to report was due to a confusion over whether loans had to be reported as contributions. The candidate himself pointed out that the Committee was without funds and he did not have the financial wherewithal to pay a civil penalty.

M.U.R. 3215: Mike Easley for Senate Committee:

Twenty-eight violations totaling $61,000 with a $2,000 fine. The proceeding involved 48-hour reporting violations. Respondents noted that they had timely filed notices for other contributions and that they did not realize guarantors had to be listed as

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contributors. Respondents also claimed that the Committee was insolvent.

M.U.R. 3214: Louisiana Host Committee 1988 Inc.:

Approximately 11 violations totaling approximately $802,666.24 with a fine of $4,000. Respondents violated 2 U.S.C. § 437 and 11 C.F.R. § 9008.12(a)(2)(ii) by failing to file the 1989 April Quarterly, July Quarterly, October Quarterly and Year End Reports and its 1990 April Quarterly and July Quarterly Reports of Receipts and Disbursements in a timely manner; violated 2 U.S.C. § 437(2) by failing to properly report in-kind contributions; violated 2 U.S.C. § 434(b) by failing to properly report receipts and by failing to report timely exempt accounting services; and violated 2 U.S.C. § 432(c) by failing to keep proper documentation for receipts and disbursements.

Respondents noted that the Host Committee was made up of inexperienced staff and had to move offices after the convention which hindered internal control.

M.U.R. 3208: Senate Committee for Bo Thomas:

Five violations totaling $345,000 with a $7,500 fine. The proceeding involved 48-hour reporting violations. Respondents noted that all other contributions were correctly reported.

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<u>M.U.R. 3177: National Libertarian Committee as successor to the Libertarian Party Washington State-Convention Services Group (LPWS-CSG):</u>

Three violations involving sales of $133,124 and expenses of $111,119 with no further action taken. The LPWS-CSG failed to register with and file reports regarding their activities during the 1987 National Libertarian Nominating Convention. There was conflicting evidence as to whether or not the LPWS-CSG was acting as an independent contractor. As resolving the LPWS-CSG's status would involve a prolonged investigation and there was confusion as to whether the LPWS-CSG or the National Libertarian Committee should be liable, the Commission decided to take no further action.

<u>M.U.R. 3173: Reynolds for Congress 1990</u>:

Thirty-one violations totaling $43,000 with a $2,500 fine. The proceeding involved 48-hour reporting violations as well as a failure to file an amended Statement of Organization in violation of 2 U.S.C. §433(c). Respondents were apparently unaware of the 48-hour requirement. The candidate informed the F.E.C. that, as the Committee was without funds, he would have to pay any fine imposed, yet he was not in a financial position to bear any penalty.

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M.U.R. 3146: Nita Lowey for Congress:

Four violations totaling $250,000 with a $3,500 fine. The proceeding involved 48-hour reporting violations.

M.U.R. 3069: Bush-Quayle '88 and the National Security Political Action Committee:

Two alleged violations with no further action taken. The NSPAC was alleged to have violated 2 U.S.C. § 441a(a) by making contributions on behalf of the Bush campaign in excess of the contribution limitations and 2 U.S.C. § 434 by not reporting these expenditures as contributions. The Commission ended up voting to take no further action because earlier they had failed to secure the necessary four votes to have the General Counsel engage in further investigation. Without that further investigation they felt they could not find a violation.

M.U.R. 3044: Richman for Congress Committee:

Forty-five violations involving $356,000 with a $3,000 fine. The proceeding involved 48-hour reporting violations. The respondents failed to report 31 contributions totaling $156,00 and failed to adequately identify contributors of 14 contributions totaling $200,500.

MUR 2766: Connie Mack for Senate:

Violations (among others) involved reporting inadequacies for 267 contributions totalling $381,050 with $3,500 fine. The

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contributions were reported, but not in the detail required by the Federal Election Commission. Respondents stated they believed the information was sufficient at the time it was submitted.

MUR 2699: Nixon for Senate:

9 contributions totaling $9,800 with a $700 fine. The proceeding involved 48-hour reporting violations as well as a violation of 2 USC 441(a)(f).

MUR 2676: Dave O'Brien for Congress:

3 contributions totaling $8,000 with a $750 fine. The proceeding involved 48-hour reporting violations.

MUR 2304: Cranston for President:

Violations involved reporting inadequacies in monthly reports, with a $1,500 fine.

MUR 2299: Mueller for Congress:

12 contributions involved totaling $12,000. The Commission found reason to believe 2 USC 434 (a)(6) had been violated, but took no further action.

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MUR 1762: Schuette for Congress:

Violations involved reporting inadequacies resulting in $500 fine. Respondents argued reporting deficiencies were technical and minor.

MUR 1483: Congress for Christensen:

2 contributions totaling $16,000 with no further action taken. The proceeding involved alleged 48-hour reporting violations. Respondents noted the inexperienced staff and said they were not aware of the reporting requirements. The Commission's General Counsel noted that the contributions were reported to the Commission prior to the filing of the complaint or notification by the Commission.

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Exhibit 2

ANALYSIS OF PAST FEC PROCEEDINGS INVOLVING LATE REPORTING OF CONTRIBUTIONS SUBJECT TO THE 48-HOUR RULE AND OTHER LATE REPORTING

The following figures are ordered by the decreasing dollar amount of the violation(s).

MUR	Amount Involved	# of Contributions Reported Late	$ Fine
3214	802,666.24	11	4,000
3069*	500,000	2	0
2766	381,050	267	3,500
3044	356,000	45	3,000
3208	345,000	5	7,500
3146	250,000	4	3,500
3423	248,000	7	5,000
3177	244,243	3	0
3321	240,122.95	6	2,000
3462	175,000	2	1,000
3346	114,178	4	1,200
3348	112,016.57	6	7,500
3315	107,500	7	3,000
3338	105,248.29	7	2,000
3266	101,000	4	2,500
3273	96,330	6	2,500
3255	89,768.01	30	3,350
3256	86,525	19	5,850
3316	85,000	2	1,200
-3223	68,000	N/A	1,500
3464	61,501	3	1,000
3215	61,000	28	2,000
3359	60,350	42	6,000
3445	58,000	7	0
3352	50,000	2	1,000
3433	43,000	40	3,000
3173	43,000	31	2,500
3458	33,500	7	1,850
3262	33,000	15	1,650
3580	30,000	1	3,000
3491	29,000	2	1,000
3337	27,500	18	3,450
3274	27,000	3	750
3350	24,950	16	1,500
3353	24,000	9	2,000
3250	23,000	20	1,500
3459	21,000	7	2,600
1483	16,000	2	0
2299	12,000	12	0
2699	9,800	9	700

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3415	9,450	1	500
2676	8,000	3	750
654	7,500	14	0

* It was unclear from the conciliation agreement for this M.U.R. exactly how much money was involved in the alleged late reporting. At least $500,000 was involved and maybe upwards of $800,000.

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LAW OFFICES
VERNER, LIIPFERT, BERNHARD, McPHERSON AND HAND
CHARTERED

SUITE 700
901-15TH STREET, N.W.
WASHINGTON, D.C. 20005-2301
(202) 371-6000
TELEX: 1561792 VERLIP UT
TELECOPIER: (202) 371-6279

HOUSTON OFFICE
6901 TEXAS COMMERCE TOWER
600 TRAVIS
HOUSTON, TEXAS 77002
(713) 237-9034
TELECOPIER (713) 237-1216

VIRGINIA OFFICES
8280 GREENSBORO DRIVE
MCLEAN, VIRGINIA 22102
(703) 749-6000
TELECOPIER (703) 749-6027

10484-A ARMSTRONG STREET
FAIRFAX, VIRGINIA 22030
(703) 591-2883
TELECOPIER (703) 385-7998

JAMES M. VERNER*
EUGENE T. LIIPFERT
EMERITUS

BERL BERNHARD
HARRY McPHERSON
LLOYD N. HAND
RONALD B. NATALIE
WILLIAM C. EVANS
MICHAEL J. ROBERTS
FRITZ R. KAHN
BERNHARDT K. WRUBLE
THOMAS J. KELLER
JOHN A. MERRIGAN
JOSEPH L. MANSON, III
WILLIAM H. CRISPIN*
CLINTON A. VINCE
GLEN L. ORTMAN
ERWIN G. KRASNOW
JAMES F. HIBEY
RUSSELL E. POMMER
GEORGE M. FOOTE, JR.*
BUEL WHITE*
WILLIAM F. ROEDER, JR.*
ROY G. BOWMAN
AMY L. BONDURANT
HOPEWELL H. DARNEILLE, III
DOUGLAS OCHS ADLER

RILEY K. TEMPLE*
JOHN P. CAMPBELL
MICHAEL J. BARTLETT*
DOUGLAS J. COLTON
JOHN H. ZENTAY
FRED W. DROGULA
ANDREA JILL GRANT
GARY J. KLEIN
J. CATHY FOGEL
JOHN B. CONNOR**
LAWRENCE R. SIDMAN
WILLIAM E. KENNARD
BENJAMIN H. FLOWE, JR.
FREDERICK J. TANSILL*
PAUL E. NORDSTROM
SHERRY A. QUIRK
J. RICHARD HAMMETT*
MICHAEL D. GOLDEN
SUSAN O. TEMKIN
JAMES J. BLANCHARD*
WILLIAM A. ZEITLER*
NEIL T. PROTO
LESLIE M. ALDEN*
LAWRENCE Z. LORBER
R. STUART BROOM
ROBERT G. VARNER, JR.
KENNETH S. BARR

TERRENCE J. McCARTIN
DEAN R. BRENNER
FRANCES C. DeLAURENTIS
LAWRENCE N. COOPER*
DON C. LEWIS
LINDA E. COLLIER*
REBECCA M.J. GOULD*
JOHN S. MOOT
MARK R. LEWIS
SCOTT K. DAINES*
LESLIE B. KRAMERICH*
E. JOHN KRUMHOLTZ
MICHAEL E. BELLER
LISA J. GEFEN
MICHAEL H. TECKLENBURG*
RICHARD J. BIFFL*
SHARI B. GERSTEN*
PETER A. GOULD
WILLIAM E. VINCENT
JOHN B. BRITTON
ANDREW D. ESKIN
MARIE L. MILLER**
GUY A. MORLEY*

BRIAN A. MIZOGUCHI
JOHN R. MIETUS, JR.
BONNIE M. DEUTSCH
JACQUELINE R. KINNEY
KRISTA L. POOL*
JEANETTE M. PABLO
KATHERINE A. ELLIS*
SUSAN G. BLUMENTHAL*
HEDY L. NELSON
GLENN R. MOORE*
BARBARA L. BURTON
DAVID TONG ZHANG*
THOMAS K. JONES**
STUART J. RABIN*
ERIC T. WERNER*
DIANE ULLA MAGE
CHRISS B. WETHERINGTON*
JOHN A. ORDWAY, JR.
BETH WOLFFE
DOUGLAS W. HALL
LISA HARRIS DEAN
J. GREGORY BISHOP

OF COUNSEL
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RICHARD H. SALTSMAN
CHARLENE A. STURBITTS
HOWELL E. BEGLE, JR.
BRUCE A. KIMBLE**
ROBERT W. BLANCHETTE
DOROTHEA SUMMERELL

MARY K. WILLIAMS*
JOSEPH E. BRENNAN*
STEPHEN W. VAN HOOSER*
GENE R. SCHLEPPENBACH*
J. ROBERT KIRK
JAMES K. JACKSON

LOUIS F. BESIO
VICE PRESIDENT FOR
FINANCE AND ADMINISTRATION

WRITER'S DIRECT DIAL NUMBER

* NOT ADMITTED IN DC
* ADMITTED IN VIRGINIA
* ADMITTED IN TEXAS

September 1, 1993

Tonda Mott, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
6th Floor
Washington, D.C. 20463

Re: MUR 3721

Dear Ms. Mott:

This is to confirm that the funds about which you inquired were received by a media buying firm, BJK&E. In five of the six instances encompassed by your inquiry, we understand that BJK&E spent the funds on the day they were received by purchasing air time that was subsequently provided to Perot '92 on the dates specified in its Supplemental Response. In one instance, BJK&E spent the funds approximately two days after it received them, also by purchasing air time subsequently provided to Perot '92, on one of the dates listed in the Supplemental Response.

If you need any other information, please let us know.

Sincerely yours,

Gary J. Klein
Dean R. Brenner
Attorneys for Perot '92
and Mike Poss, Treasurer

93 SEP -1 PM 2:36
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
MAIL ROOM
93 SEP -1 PM 3:00
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
MAIL ROOM

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM
SEP 10 3 28 PM '93

Perot '92
7616 LBJ Freeway, Suite 727, Dallas, Texas 75251
Telephone (214) 450-8800

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

September 9, 1993

93SEP 10 PM 3:37
FEDERAL ELECTION COMMISSION

Federal Election Commission
c/o Pat Sheppard
999 E Street, N.W.
Washington, D.C. 20463

Re: Perot '92/ID No. C00263145

Dear Ms. Sheppard:

The purpose of this letter is to revise certain information that was incorrectly filed with your office last year in connection with the reporting requirements of 2 U.S.C. § 434(a)(6) (the "48-Hour Rule").

In reviewing our files with respect to the 48-Hour Rule, we were surprised to discover approximately twenty-four (24) notices that were apparently filed with your office between October 29, 1992 and December 4, 1992 without the knowledge of the Perot '92 officials responsible for FEC reporting compliance. These notices are summarized in Exhibit "A" to this letter. Please note that these items are not currently included within the scope of **MUR 3721**, which is pending before the Commission.

The vast majority of these filings **do not reflect contributions subject to the 48-Hour Rule and** should not have been filed, as indicated below:

1. The three items identified as "Contributions Not Subject to 48-Hour Rule" (from Branden Jacobs, Jesse Jacobs, and John Jacobs) are not subject to the 48-Hour Rule because the contributions were made on November 3, 1993, which is outside of the time period to which the 48-Hour Rule applies.

   Copies of the notices that were mistakenly filed with your office relating to these items are attached to this letter as Exhibit B.

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2. The sixteen items identified as "Expense Reimbursements" do not represent contributions to Perot '92 and should not have been reported as such. In fact, all of these items represent disbursements by Perot '92 to various individuals who were active in the campaign and who had incurred expenses during the course of their activities.

   Furthermore, even if the expenditures by these individuals are technically considered temporary loans or contributions by the individuals, they are not subject to the 48-Hour Rule because the expenses were not incurred during the time period to which the 48-Hour Rule applies. Instead, the amounts represent an accumulation of smaller expenses that were incurred by the individuals over a several-month period. Receipts and other documentation reflecting these expenses were submitted to Perot '92 by the individuals and Perot '92 reimbursed these expenses in the ordinary course of business, which in these cases happened to occur during the 48-Hour Rule filing period.

   Copies of the notices that were mistakenly filed with your office relating to these items are attached to this letter as Exhibit C.

3. The five items identified as "Contributions Subject to 48-Hour Rule" (from Michael Poleck, Ted Hughes, Joe W. McCarter, Laura E. Dupont, and Stephen Mio Truong) do reflect $1,000 contributions which may technically be deemed to have been received by Perot '92. Each of these contributions was received by a volunteer state office and deposited by them in a separate authorized account . The FEC was notified of these contributions promptly after the Dallas office of Perot '92 learned of them.

   Copies of the notices that were filed with your office relating to these items are attached to this letter as Exhibit D.

As you know, Perot '92 originally filed amendments to its monthly reports every ten days. At your request, Perot '92 agreed to instead file one cumulative amendment. This cumulative amendment, which we expect to file within the new few weeks, will correctly reflect each of the items discussed above. However, because the incorrect information related to these items was provided to you in the form of 48-Hour Rule

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notices, in addition to being included in a monthly report, and due to issues related to MUR 3721, we felt that it was appropriate to also separately correct this information.

If you have any questions regarding this matter, please do not hesitate to contact me.

Best regards,

Mike Poss
Treasurer

MP:jj
Enclosures

cc: Tonda Mott, Esq.

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EXHIBIT A

48-HOUR RULE NOTICES

1. **Contributions Not Subject to 48-Hour Rule:**

INDIVIDUAL	AMOUNT	DATE OF CONTRIBUTION	DATE OF NOTICE
Branden Jacobs	$ 1,000.00	11/03	12/4
Jessie Jacobs	1,000.00	11/03	12/4
John Jacobs	1,000.00	11/03	12/4

2. **Expense Reimbursements:**

INDIVIDUAL	AMOUNT	DATE OF REIMBURSEMENT	DATE OF NOTICE
Jack Allen	1,037.40	10/26	12/4
Ron DiDonna	3,327.15	10/23	12/4
Ron DiDonna	1,420.25	10/30	12/4
Ron DiDonna	959.61	10/27	12/4
Mary Fazzalaro	1,100.00	10/30	12/4
Dick Green	1,000.00	10/28	12/4
Joan Gromatte	3,500.00	10/30	12/4
Gail Hicks	1,015.67	10/27	12/4
Stan Larson	1,207.70	10/25	12/4
Steve Louie	2,009.84	10/22	12/4
Doris Marion	1,384.42	11/03	12/4
Doris Marion	741.68	10/29	12/4
Sandy McClure	2,760.29	10/30	12/4
Steve Meltzer	2,017.60	10/23	12/4
Steve Morrow	1,910.44	10/26	12/4
Harold Perry	1,891.58	10/23	12/4

3. **Contributions Subject to 48-Hour Rule:**

INDIVIDUAL	AMOUNT	DATE OF CONTRIBUTION	DATE OF NOTICE
Laura E. Dupont	1,000.00	10/29	11/17
Ted Hughes	1,000.00	10/30	12/4
Joe W. McCarter	1,000.00	10/30	11/17
Stephen Mio Truong	1,000.00	10/20	10/29
Michael Poleck	1,000.00	10/27	12/4

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EXHIBIT B
Contributions Not Subject to 48-Hour Rule

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Branden Jacobs
Address:	1631 11th Ave Greeley, CO 80631
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$1,000
Date:	11/03/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

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Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street. N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Jessie Jacobs
Address:	1631 11th Ave Greeley, CO 80631
Employer:	Information Requested
Occupation:	Artist
Amount:	$1,000
Date:	11/03/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

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Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	John Jacobs
Address:	1631 11th Ave Greeley, CO 80631
Employer:	N/A
Occupation:	Student
Amount:	$1,000
Date:	11/03/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

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EXHIBIT C
Expense Reimbursements

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Jack Allen
Address:	Information Requested
Employer:	Information Requested
Occupation:	Orthodontist
Amount:	$1,037.40
Date:	10/26/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

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Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Ron DiDonna
Address:	215 Gower Road Scotia, NY 12302
Employer:	Self Employed
Occupation:	Real Estate Broker
Amount:	$3,327.15
Date:	10/23/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

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Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Ron DiDonna
Address:	215 Gower Road Scotia, NY 12302
Employer:	Self Employed
Occupation:	Real Estate Broker
Amount:	$1,420.25
Date:	10/30/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

15043625408

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Ron DiDonna
Address:	215 Gower Road Scotia, NY 12032
Employer:	Self Employed
Occupation:	Real Estate Broker
Amount:	$959.61
Date:	10/27/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5043625409

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Mary Fazzalaro
Address:	60 Eden Avenue Tonawanda, NY 14150
Employer:	M & T Bank
Occupation:	Banker
Amount:	$1,100
Date:	10/30/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

15043625410

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Dick Green
Address:	Information Requested
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$1,000
Date:	10/28/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

15043625411

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Joan Gramatte
Address:	429 East 52nd Street New York, NY 10022
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$3,500
Date:	10/30/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5 0 4 3 6 2 5 4 1 2

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Gail Hicks
Address:	76200 True Road Armada, MI 48005-8931
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$1,015.67
Date:	10/27/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

15043625413

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Stan Larson
Address:	819 Whitney Drive Apple Valley, MN 55124
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$1,207.70
Date:	10/25/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5 0 4 3 6 2 5 4 1 4

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street. N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Steve Louie
Address:	5811 E Waverly Tucson, AZ 85712
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$2,009.84
Date:	10/22/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5 0 4 3 6 2 5 4 1 5

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Doris Marion
Address:	RR I Box 638 Pilot Mt, NC 27041
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$1,384.42
Date:	11/03/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5043625416

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Doris Marion
Address:	RR I Box 638 Pilot Mt, NC 27041
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$741.68
Date:	10/29/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5043625417

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Sandy McClure
Address:	3020 S National Springfield, MO 65804
Employer:	Perot '92
Occupation:	Missouri Coordinator
Amount:	$2,760.29
Date:	10/30/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5043625418

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Steve Meltzer
Address:	200 Rector Place #6U New York, NY 10280
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$2,017.60
Date:	10/23/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5043625419

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Steve Morrow
Address:	1329 University Ste D-7 Nacogdoches, TX 75961
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$1,910.44
Date:	10/26/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

15043625420

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Harold Perry
Address:	102 S Park Street Knoxville, IL 61448
Employer:	Information Requested
Occupation:	Information Requested
Amount:	$1,891.58
Date:	10/23/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5 0 4 3 6 2 5 4 2 1

EXHIBIT D
Contributions Subject to 48-Hour Rule

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

November 17, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	Laura E. Dupont
Address:	P.O. Box 8099 Greenville, SC 29604
Employer:	n/a
Occupation:	housewife
Amount:	$1,000.00
Date:	10/29/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5043625422

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Ted Hughes
Address:	2305 Colonial Plano, TX 75093
Employer:	Self Employed
Occupation:	Manufacturing
Amount:	$1,000
Date:	10/30/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5043625423

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

November 17, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	Joe W. McCarter
Address:	332 Shoally Ridge Drive Spartanburg, SC 29303
Employer:	self
Occupation:	builder
Amount:	$1,000.00
Date:	10/30/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5 0 4 3 6 2 5 4 2 4

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

October 29, 1992

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	Stephen Mio Truong
Address:	2905 Alma Ave Manhatton Beach, CA 90206
Employer:	self employed
Occupation:	auto dealer
Amount:	$1,000.00
Date:	10/20/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5 0 4 3 6 2 5 4 2 5

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

December 4, 1992

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.5(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United States of America:

Contributor:	Michael Poleck
Address:	PO Box 13 Yorklyn, DE 19736
Employer:	Information Requested
Occupation:	Orthodontist
Amount:	$1,000
Date:	10/27/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Bob Daniell

Bob Daniell

5 0 4 3 6 2 5 4 2 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEPTEMBER 24, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary J. Klein, Esquire
Verner, Liipfert, Bernhard,
McPherson and Hand
901 15th Street, N.W., Suite 700
Washington, D.C. 20005-2301

RE: MUR 3721

Dear Mr. Klein:

On May 28, 1993, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30 day period for negotiations has long since expired. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

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

Sincerely,

Tonda M. Mott
Attorney

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F.E.C.
SECRETARIAT
94 MAR -4 AM 9:49

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Perot '92 and Mike Poss, as treasurer	)	MUR 3721

GENERAL COUNSEL'S REPORT **SENSITIVE**

I. BACKGROUND

This matter was initiated by a Directive 6 referral from the Public Disclosure Division to the Office of the General Counsel. The basis for the referral is the failure of Perot '92 and Mike Poss, as treasurer, ("Committee" or "Respondents") to file timely six (6) forty-eight hour notifications ("48 Hour Notices") for twelve (12) contributions totaling $10,058,633. On December 1, 1992, the Federal Election Commission ("the Commission") found reason to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6). On that same date the Commission also approved the Factual and Legal Analysis attached to the General Counsel's Report dated November 6, 1992. On May 25, 1993, the Commission rejected Respondents' request to take no further action, and determined to enter into negotiations directed toward reaching preprobable cause conciliation in this matter by approving a conciliation agreement This report contains recommendations to assure that this matter conforms to the Court's opinion in FEC v. NRA Political Victory Fund, et al., No. 91-5360 (D.C. Cir. Oct. 22, 1993) ("NRA"), and recommendations concerning pre-probable cause conciliation.

50436254228

II. RECOMMENDED ACTIONS IN LIGHT OF FEC v. NRA

This Office recommends that the Commission, consistent with its November 9, 1993 decisions concerning compliance with the NRA opinion, and based on the Directive 6 referral from the Public Disclosure Division, revote the determination to open a MUR, and find reason to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6). This Office also recommends that the Commission revote the determination to approve the Factual and Legal Analysis attached to the General Counsel's Report dated November 6, 1992, and to enter into preprobable cause conciliation in this matter. In addition, this Office recommends that the Commission revote the determination to approve the conciliation agreement attached to the General Counsel's Report dated May 5, 1993

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

On May 25, 1993, the Commission approved a conciliation agreement

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IV. **RECOMMENDATIONS**

1. Open a MUR.

2. Find reason to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the Factual and Legal Analysis attached to the General Counsel's Report dated November 6, 1992.

4. Approve the conciliation agreement recommended in the General Counsel's Report dated May 5, 1993

5. Approve the appropriate letter.

Date 3/3/94

BY: Lois G. Lerner
Associate General Counsel

Staff assigned: Tonda Phalen/Phillip L. Wise

5043625433

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: MARCH 9, 1994

SUBJECT: MUR 3721 - GENERAL COUNSEL'S REPORT DATED MARCH 3, 1994.

The above-captioned document was circulated to the Commission on Friday, March 4, 1994 at 12:00 p.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Potter	XXX
Commissioner Thomas	

This matter will be placed on the meeting agenda for Tuesday, March 22, 1994.

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

5043625434

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 21, 1994

Kenneth A Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 3721
Perot '92 and Mike Poss
as Treasurer

Dear Mr. Gross:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on March 22, 1994, the Federal Election Commission found reason to believe that your clients, Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434 (a)(6), and instituted an investigation in this matter.

Further, after considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that the violations have occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

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If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Caryn L. Zimmerman, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

5043625436

FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3721
Perot '92 and Mike Poss,	)	
as Treasurer	)	

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter was generated from information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. See, 2 U.S.C. § 437g(a)(2). The Commission found reason to believe that Perot '92 and Mike Poss, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6), and instituted an investigation into this matter.

In this brief, the General Counsel sets forth the factual and legal issues in this matter, and his recommendation regarding whether there is probable cause to believe a violation has occurred. See, 11 C.F.R. § 111.16(a).

II. THE LAW

The Federal Election Campaign Act of 1971, as amended (the "Act"), requires principal campaign committees of candidates for federal office to notify in writing the Secretary of the Senate, the Clerk of the House of Representatives, or the Commission, as appropriate, and the Secretary of State, of each contribution totaling $1,000 or more received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election.

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2 U.S.C. § 434(a)(6)(A). The Act further requires that notification be made within 48 hours after the receipt of the contribution ("48-Hour Notices"), and include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. Forty-Eight-Hour Notices are required in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B).

The statutory basis for the Commission's authority to initiate compliance proceedings is found in 2 U.S.C. § 437g.

III. THE FACTS

The General Election for the Presidency of the United States was held on November 3, 1992. Pursuant to the Act, Respondents, the principal campaign committee for H. Ross Perot and its treasurer, were required to notify the Commission, in writing, of all contributions of $1,000 or more received from October 15 to October 31, 1992, within 48 hours of their receipt.

On October 26, 1992, the Commission received 48-Hour Notices of nine contributions totaling $10,055,633 which had been made by the candidate to his Committee between October 15 and October 22, 1992. Each of these contributions was reported two to nine days late. At that time, Commission staff also discovered the untimely notification, on October 21, 1992, of three contributions totaling $3,000, which had been made by individual contributors on October 16, 1992. These three contributions were reported three days past the 48-hour deadline for proper reporting.

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IV. THE ANALYSIS

1. Substantive Issues

The requirement for filing 48-Hour Notices is clear and unmistakable. Respondents failed to fulfill that requirement for twelve separate contributions, which totaled more than ten million dollars.

In fact, Respondents concede that the contributions at issue were not properly reported,[1] but argue that because the Committee "reported each of these contributions well before the election .... the disclosure purpose of the statute was fulfilled," (Response of Perot '92 and Mike Poss, Treasurer, January 8, 1993, p.2 (emphasis in original)), and "any violation that occurred was promptly corrected." Id. at p.8.

Respondents claim that they "made substantial, good faith efforts to comply with 2 U.S.C. § 434(a)(6)" by establishing "comprehensive procedures intended to comply with the 48-hour

---

1. In their supplemental response, Respondents stated that $7,367,032 of the candidate contributions consisted of personal purchases of radio and television broadcast time which were reported within 48 hours of the actual broadcasts. Respondents argued that these purchases were in-kind contributions which need not be reported until the goods or services are actually provided, and that reporting within 48 hours of the broadcasts fulfills that requirement. (Supplemental Response of Perot '92, July 9, 1993). Although Respondents were correct that candidate purchases are reported as in-kind contributions, such contributions are deemed made when provided by the contributor, 11 C.F.R. § 110.1(b)(6), and are reportable when made. FEC v. American Fed'n of State, County and Mun. Employees, Civ. Action No. 88-3208, (D.D.C., July 10, 1990). Here, the candidate provided not the air time, but the funds for the media buy. Thus, the contribution occurred, and was reportable, when the broadcast time was purchased; the time of broadcast is irrelevant. Respondents no longer appear to be making this argument.

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rule, as well as all other reporting requirements." Id. at p.1. Respondents maintain that the reporting violations occurred, despite those procedures, because of "a misunderstanding within the campaign about whether a candidate's personal contributions were subject to the 48-hour rule," and "the unique personnel of the campaign", which consisted "almost entirely [of] volunteers with little or no prior campaign experience and grassroots efforts. There was a minimum of paid staffers or volunteers with prior campaign experience or any knowledge of FEC requirements." Id. at p.2.

Contrary to Respondents' assertion, "substantial, good faith efforts" are not tantamount to compliance. Any corrective action taken upon discovery of the violation may constitute a mitigating circumstance in negotiating the amount of a civil penalty. It does not, however, absolve the violation.

Respondents' argument that the failure to properly report was due to "the unique personnel of the campaign" is without merit. Even if that were true, it does not justify the violation. See e.g., MUR 3044 (Commission rejected arguments concerning pressures of campaign, including inexperienced staff, and found probable cause to believe that committee violated the 48-Hour Notice requirement). Further, Respondents' argument that the violation occurred because the Committee relied largely on inexperienced volunteers is inconsistent with their claim that the Committee established "comprehensive procedures" to avoid such reporting problems.

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Respondents' explanation that the failure to properly report was due to "a misunderstanding" about whether candidate contributions were subject to the reporting requirement is specious. In fact, this claim is directly contradicted by the Committee's own interoffice memorandum, dated September 15, 1992, supplied to this Office by Respondents, which clearly states that 48-Hour Notices are required for "contributions made by the candidate." Additionally, when Perot '92 registered with the Commission, with Poss as its treasurer, the Commission automatically mailed to Poss, as it did to all treasurers of registered committees, information regarding reporting and filing requirements. This information included the brochures entitled Committee Treasurers and 10 Questions from Candidates, which explained the 48-hour reporting requirements. Further, the Commission sent Poss the January 1992 issue of the FEC publication the RECORD, which included an article entitled "LAST-MINUTE CONTRIBUTIONS: 48-HOUR NOTICES REQUIRED." Respondents had ample notice of this reporting requirement.

Finally, Respondents attempt to argue that the Commission's reporting requirements were obviated by media coverage of the candidate's statements that he planned to personally finance his campaign. Respondents describe their failure to timely file the required 48-Hour Notices as "totally harmless." Apparently, Respondents would have the Commission abdicate to the news media its responsibility to ensure the collection and dissemination of accurate information for the

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public. Their argument fails to address how the level of press coverage of any campaign would be determined sufficiently adequate to replace the Commission's reporting requirements, or how candidates would be required to address inaccurate press coverage. Further, as occurred in the media coverage of the contributions at issue in this MUR, important information concerning the precise figures and the precise timing of contributions may not be made public.

2. Procedural Issues

Respondents also argue that procedural defects exist in this matter. Respondents claim that their rights of due process were violated because "the Commission brought this action against Respondents without following the proper procedure for either [its external or internal] method." (Letter from Counsel for Respondents, April 29, 1994).

This matter was not generated by a complaint, and thus the procedures for an externally generated matter would not apply. Instead, this matter was generated based on information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. See, 2 U.S.C. § 437g(a)(2); see also FEC v. Stein, No. CV88-4345-PAR (C.D. Cal. 1988) (unpublished memorandum and order) (affirming FEC jurisdiction to commence an investigation based on newspaper articles, and proceed if it finds the allegations sufficiently corroborated by in-house documents).

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Respondents argue that for the violation to have properly been detected under Commission procedures, the Commission would have been required to establish a project based upon a uniform policy of review of a particular category of candidates or reports before it could generate a referral for non-routine review of reports. See, Commission Directive No. 6, Section II, Subsection C.

Respondents' reliance on this procedure is misplaced. The Commission's power to remedy violations it finds in the normal course of carrying out its supervisory responsibilities is not limited to matters detected merely by a routine review of filed reports. In many cases of non-filing, no reports exist to review. In this instance, the discrepancy came to light when a Commission staff member was asked, in the normal course of business, for reports verifying the amount of personal funds the candidate spent in his campaign. A review of the Committee's 1992 filings made after the Pre-General report revealed that no 48-Hour Notices disclosing any contributions by the candidate had been filed. It was then clearly within the Commission's authority to pursue the possible violations by initiating an internally generated enforcement matter. No random, non-routine review of Respondents' reports was conducted.

The Commission Directive does contain guidelines for "Referrals From Operating Divisions of the Commission," the procedures that were properly followed in this matter. See, Commission Directive No. 6, Section II, Subsection A. This

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section states that "[w]hen ... the Public Disclosure Division, in the course of carrying out its duties, obtains information suggesting a violation of the Act, such Division shall, through the Staff Director, forward such information to the Office of the General Counsel." Id. According to the Commission Directive, the General Counsel must then determine whether to open a matter under review based on the referral from the Operating Division. Id. These are precisely the procedures that were followed in this matter. Thus, the generation of and subsequent actions taken regarding this matter were proper and in accordance with the Commission's stated procedures.

V. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6).

July 20, 1994
Date

Lawrence M. Noble
General Counsel

Attachment

1. FEC v. Stein, No. CV88-4345-PAR (C.D. Cal. 1988) (unpublished memorandum and order)

5043625444

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 1994

FACSIMILE AND
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esq.
1440 New York Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3721
Perot '92 and Mike Poss,
as treasurer

Dear Mr. Gross:

On March 23, 1994, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30 day period for negotiations will soon expire. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

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

Sincerely,

Tonda M. Phalen
Staff Attorney

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C.

MARCH 23, 1994

Kenneth A. Gross, Esq.
1440 New York Avenue, N.W.
Washington, D.C. 20005

RE: MUR 3721
Perot '92 and Mike Poss,
as treasurer

Dear Mr. Gross:

On December 1, 1992, the Federal Election Commission found reason to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6). On May 25, 1993, the Commission entered into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. A proposed conciliation agreement was mailed to your clients on October 23, 1993.

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on March 22, 1994, the Commission revoted to find reason to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6), and to approve the Factual and Legal Analysis previously mailed to your clients. You should refer to that document for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

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The Commission also approved the enclosed conciliation agreement.

If your clients agree with the provisions of the enclosed agreement, please sign and return it to the Commission. Please make the check for the civil penalty payable to the Federal Election Commission.

Given the unique circumstances engendered by the NRA decision, conciliation negotiations, prior to a finding of probable cause to believe, will be limited to a maximum of 30 days.

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

For the Commission,

Trevor Potter
Chairman

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3721
Perot '92 and Mike Poss, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 22, 1994, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 3721:

1. Open a MUR.

2. Find reason to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6), and enter into conciliation prior to a finding of probable cause to believe.

3. Approve the Factual and Legal Analysis attached to the General Counsel's report dated November 6, 1992.

4. Approve the conciliation agreement recommended in the General Counsel's Report dated May 5, 1993

(continued)

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5. Approve the appropriate letter as recommended in the General Counsel's Report dated March 3, 1994.

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

Attest:

3-22-94
Date

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

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SKADDEN, ARPS, SLATE, MEAGHER
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-21
(202) 371-7000

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COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 9 12 10 PM '94

August 1, 1994

VIA FAX AND FIRST CLASS MAIL

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

Re: MUR 3721 - Perot '92 and Mike Poss as Treasurer

Dear Ms. Zimmerman:

This is to request an extension of fifteen (15) days for responding to your probable cause brief dated July 21, 1994. Due to August vacation schedules of the attorneys assigned to this matter coupled with a heavy work load, we will need this additional time to respond.

Thank you for your consideration of this request.

Respectfully,

Kenneth A. Gross

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 1, 1994

VIA FAX--(202) 393-5760

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 3721
Perot '92 and Mike Poss,
as Treasurer

Dear Mr. Gross:

This is in response to your letter dated August 1, 1994, requesting an extension of fifteen days in which to respond to the General Counsel's Brief in the above-referenced 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 August 23, 1994.

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

Sincerely,

Caryn L. Zimmerman
Attorney

5043625451

SKADDEN, ARPS, SLATE, MEAGHER & FLOM
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August 23, 1994

RECEIVED
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OFFICE OF GENERAL
COUNSEL
AUG 23 4 34 PM '94

Caryn L. Zimmerman, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 3721 - Perot '92 and Mike Poss, as Treasurer

Dear Ms. Zimmerman:

Please find enclosed thirteen copies of the Response Brief of Perot '92 and Mike Poss, as Treasurer, to the General Counsel's Probable Cause Brief, dated July 21, 1994.

If you have any questions, please call me at (202)371-7007.

Sincerely,

Ki P. Hong

Enclosures

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 23 4 35 PM '94

FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	**MUR 3721**
Perot '92 and Mike Poss,	)	
as Treasurer	)	

RESPONSE OF PEROT '92 AND MIKE POSS, AS TREASURER TO THE GENERAL COUNSEL'S PROBABLE CAUSE TO BELIEVE RECOMMENDATION

This is a response by Perot '92 and Mike Poss, as Treasurer ("Respondents"), to the General Counsel's Brief recommending that the Federal Election Commission ("FEC" or "Commission") find probable cause to believe that a violation has occurred. There are serious substantive and procedural deficiencies in the General Counsel's argument which warrant that this case be dismissed.

I. STATEMENT OF THE CASE

This case originates from an inquiry made by an unidentified person to the FEC regarding contributions made to Perot '92. See General Counsel's Brief, at 7 (July 21, 1994). Pursuant to this inquiry from an unidentified person, the FEC initiated the present action. See id. The FEC claims that Respondents violated the 48 hour pre-election reporting requirement under 2 U.S.C. § 434(a)(6)(A) by reporting nine contributions from Ross Perot totalling $10,055,633 and three $1,000 third party

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contributions between two to nine days after the 48 hour period immediately following receipt of those contributions.

II. THIS ACTION HAS NO BASIS IN FACT OR LAW

This case should never have been initiated. The General Counsel is recommending action against Perot '92 that has never been taken against any other campaign under similar circumstances. The action serves no function because Perot '92 has complied with the purpose of the 48 hour rule in all respects. In fact, this case boils down to the General Counsel erroneously alleging that the public was deprived of critical campaign information merely because a small portion of Mr. Perot's overall expenditures were reported on October 26, 1992, rather than a few days earlier. For good reason, the Commission has never invested its resources into pursuing a delay in the filing of a 48 hour report when the campaign filed the reports before the date of the election. In fact, based on our review of the public record, the Reports Analysis Division has never even sent an inquiring letter to a campaign which filed its 48 hour reports prior to the election, even if those reports were filed after the 48 hour period.

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The contributions from Mr. Perot at issue in this case are the result of Mr. Perot independently making expenditures out of his own personal office and funds, which is why those contributions were unknown to Perot '92 for a brief period of time. Furthermore, despite the diligent efforts of Perot '92 in ensuring and accomplishing compliance with the federal election laws, the General Counsel continues its inexplicable pursuit of this matter. Perot '92 established internal procedures to ensure that the acceptance of all contributions within the rule's coverage were promptly reported to the campaign's headquarters staff so as to permit reporting of the contributions to the Commission within 48 hours of receipt. Perot '92 and Mike Poss established comprehensive procedures intended to comply with the 48 hour rule, as well as all other reporting requirements. Moreover, Perot '92 reported all contributions well before the election and publicly disclosed, even before the contributions were made, that Mr. Perot was going to spend $60,000,000 of his personal funds on his campaign. The purpose of the 48 hour rule is "to let the public know who supports a candidate and to whom that candidate may be beholden." Testimony by Senator Helms, Legislative

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History Federal Election Campaign Act Amendments of 1974, at 278 (1974). That purpose was inarguably fulfilled.

A. CONTRIBUTIONS TOTALLING $7,367,032 WERE TIMELY REPORTED

The General Counsel's Brief agrees that Mr. Perot's purchases of air time should be reported as in-kind contributions. See General Counsel's Brief, at 3, footnote 1. Under FEC regulations, in-kind contributions are valued at the amount equal to the usual and normal value on the date received. 11 C.F.R. § 104.13(a)(1) (emphasis added). The General Counsel attempts to create a distinction between the date an in-kind contribution is "provided by the contributor" and the date the in-kind contribution is received by the campaign. That distinction, however, is a completely novel concept not found in or consistent with the law. Absent broadcast on the air time, Perot '92 would not have been benefitted. The purchases of air time were timely reported within 48 hours after the in-kind contributions had been made. The fact that the contributions of air time were received at the time of broadcast and not when Mr. Perot reserved the air time or subsequently wired prepayment is underscored by the fact that the purchases of air time were cancellable and completely refundable.

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The General Counsel's Brief, however, asserts that Mr. Perot "provided not the air time, but the funds for the media buy" and that "thus, the contribution occurred, and was reportable, when the broadcast was purchased." General Counsel's Brief, at 3, footnote 1 (July 21, 1994). This position attempts to equate in-kind contributions with the contribution of funds to a campaign, a position which defies the law as well as logic.

In-kind contributions are defined as "goods or services," and not as the provision of funds directly to the campaign. 11 C.F.R. § 100.7(a)(1)(iii)(A). The General Counsel's Brief is contradictory because it asserts both that the purchases of air time are in-kind contributions and that Mr. Perot made a contribution for purposes of the 48 hour rule when he used his <u>funds</u> to purchase that air time. Had Mr. Perot given funds to the campaign to purchase air time, the 48 hour report would have been required within 48 hours of Mr. Perot's cash contribution to the campaign. The General Counsel cannot have it both ways. The expenditure must have been either a direct contribution of funds, which the General Counsel acknowledges it was not, or it must have been an in-kind contribution.

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The flaw in the General Counsel's argument is highlighted by the fact that Mr. Perot's expenditures were fully refundable from the media companies which sold the air time and which have a strong preference for airing advertisements not subject to lowest rate political pricing. Those refunds would go not to the campaign but to Mr. Perot. As an in-kind contribution, the purchase must be reported within 48 hours of the receipt of the goods or services purchased. That is precisely what Perot campaign did regarding $7,367,032 of air time purchased by Mr. Perot.

The General Counsel's Brief acknowledges that in-kind contributions are deemed to be made when "provided by the contributor" to a campaign. General Counsel's Brief, at 3, footnote 1 (July 21, 1994). Furthermore, in the factual and legal analysis accompanying the reason to believe finding, the General Counsel states that the 48 hour rule "requires notification to be made within 48 hours after the <u>receipt</u> of the contribution." FEC Letter to Respondents (December 7, 1992) (emphasis added). Logic and common sense dictate that a good or service cannot be "provided" to a campaign unless the campaign actually receives the good or service. As an analogy, consider the contributor who buys a roll of postage

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stamps. Those stamps cannot be considered in-kind contributions until the contributor gives those stamps to the campaign. That reasoning is inherent in the FEC regulation which requires in-kind contributions to be valued on the date of receipt. 11 C.F.R. § 104.13(a)(1). If the rule were otherwise, in-kind contributions which are received by a campaign prior to an election but are paid for by the contributor after that election would be non-reportable, thereby thwarting the purpose of the 48 hour rule. The in-kind contribution of air time, therefore, was made when Perot '92 received the service, i.e., when broadcasts were aired, and the in-kind contribution was reported within 48 hours after Perot '92 received the contribution.

B. PEROT '92 MADE EXTRAORDINARY EFFORTS THEREBY COMPLYING WITH THE 48 HOUR RULE UNDER THE BEST EFFORTS STANDARD

There was never an intention other than full disclosure on the part of Perot '92. Indeed, to ensure compliance with FEC regulations, Perot '92 made extensive efforts, some of which Perot '92 believes to be unprecedented.

At the request of the General Counsel of the Perot Petition Committee ("PPC"), John E. Harper of Ernst & Young, the accounting firm hired by Perot '92 to assist

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with general accounting and FEC report preparation, prepared a memorandum in September of 1992 outlining the additional reports required to be filed with the FEC in the months of October and November. See Exhibit 1. Although Mr. Perot was not an active candidate at that time, the memorandum follows the Commission's regulations in summarizing the required reports. The memorandum sets forth the specific requirements for filing 48 hour reports for contributions of $1,000 or more received after the 20th day but more than 48 hours before the day of the general election. The memorandum points out that the requirement applies to all contributions of $1,000 or more, including those made by the candidate.

In response to Mr. Harper's memorandum, Bob Daniell, the Chief Financial Officer of PPC, asked Zora Golaboff, also of Ernst & Young, to develop procedures for state and local offices to report to the PPC headquarters contributions greater than $1,000 within 48 hours of their receipt. Ms. Golaboff prepared a memorandum dated September 22, 1992, which sets forth the specific procedures to be implemented by the PPC to comply with FEC 48-hour rule. See Exhibit 2. In connection with Ms. Golaboff's memorandum, on October 12, 1992, Dean Phillips, a consultant with Aristotle Industries,

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Inc. ("Aristotle"), a computer software firm retained by PPC in April to assist in the collection of data for FEC reports, sent a memorandum to all Perot '92 state coordinators and treasurers concerning the 48-hour notification requirements. See Exhibit 3. This memorandum describes the 48 hour rule in detail and provides clear instructions to the volunteer state coordinators and treasurers to report the receipt of any contributions of $1,000 or more, whether cash or in-kind, to Linda Cintron of Perot '92 headquarters by facsimile on the date of receipt. Ms. Cintron's direct telephone extension is also provided so that the state coordinators could confirm Ms. Cintron's receipt of the contribution information.

Perot '92 also made the following extraordinary and expensive efforts to ensure compliance with the FEC reporting requirements:

First, Perot '92 hired Aristotle, a distributor of political software, to assist in FEC reporting matters. Perot '92 licensed software from Aristotle. That firm also organized Perot '92's database and assisted in meeting federal election law reporting requirements, including recordkeeping and financial disclosure.

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Second, Perot '92 leased or purchased computers for its volunteer offices around the country and provided the Aristotle software to its local volunteer treasurers to assist them in recordkeeping and financial disclosure of information necessary for the FEC reports. Perot '92 spent thousands of dollars to equip each office to compile the information necessary to comply with the Commission's regulations.

Third, Dean Phillips, a co-founder of Aristotle, relocated to Dallas and worked full-time at Perot '92's headquarters from June, 1992, through November, 1992. Mr. Phillips' sole responsibility was to ensure proper utilization of the Aristotle software and to assist in the preparation of Perot '92's FEC reports. Mr. Phillips trained Perot '92's staff to use the software and assisted in preparation of the monthly FEC reports and compliance with recordkeeping and financial disclosure requirements.

Fourth, at Perot '92's expense, Aristotle hired at least six other consultants with FEC reporting and compliance expertise who traveled to Perot '92 volunteer offices across the country to train local volunteer treasurers on how to use the Aristotle software and to instruct them about FEC reporting and compliance matters.

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Some of those Aristotle consultants also spent time in the Dallas headquarters answering queries from the volunteer treasurers and Perot '92 field staff. In fact, one of those consultants was formerly an FEC auditor. Perot '92 attempted to employ an individual with extensive FEC experience to ensure that its procedures complied in all respects with FEC regulations.

Fifth, as discussed above, Perot '92 hired Ernst & Young in March, 1992, to assist in gathering information and documentation, to assemble and reconcile authorized volunteer bank account records, to answer phone calls from volunteers in the field with questions about FEC reporting and compliance matters, to review Perot '92's FEC reports, and to make sure that information contained in the FEC reports was complete and accurate. From April through November 1992, at least two (and usually four) Ernst & Young accountants worked at Perot '92 headquarters in Dallas on a full-time basis. At various times, at least 15 different Ernst & Young accountants have worked with Perot '92 in preparing its FEC reports and amendments.

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Sixth, during the height of campaign activity from March through November, Perot '92 also maintained a headquarters staff consisting, at various times, of five to ten persons whose duties related solely to FEC compliance, reporting and gathering of documentation. Two of these staff members were responsible for including data received from various state volunteer offices in Perot '92's FEC report. The Ernst & Young accountants reviewed the information in the reports for accuracy and compliance with FEC reporting requirements. The Aristotle consultants made sure that the software program was operating properly and oversaw the completion of each monthly report.

Therefore, Perot '92 made comprehensive efforts at great expense, including millions of dollars for accounting, legal, and consulting services, to achieve full compliance with all applicable FEC regulations. Such efforts were necessary only due to the unique nature of the Perot '92 campaign and the rigid regulatory scheme that does not contemplate the unique challenges facing a grassroots campaign. Those regulations arguably prohibit activities and expenditures by independent volunteers from being considered "independent" if communication is made with those grassroots organizations. Therefore,

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Perot '92 voluntarily embraced those independent volunteers as part of the campaign to report their political activities. Although Perot '92 communicated with those volunteers, Perot '92 had no control over those volunteers, their expenditures or their activities. Despite the extraordinary efforts of Perot '92, the FEC's General Counsel notes that nine contributions made by Mr. Perot to Perot '92 between October 15-22, as well as certain third-party contributions, failed to be reported to the FEC within 48 hours of their receipt.

1. CONTRIBUTIONS MADE BY MR. PEROT

Mr. Perot's contributions that are at issue in this case were reported on October 26, 1992 due to a misunderstanding within the campaign about whether a candidate's personal contributions were subject to the 48 hour rule. However, all of those contributions were reported on the very same day that Perot '92 realized the misunderstanding.

The memoranda prepared by Perot '92 staff and consultants that outlined the 48-hour notice requirements and implemented procedures for compliance were not sent to or seen by Mr. Poss, who maintained an office in a building separate from Perot '92. The Perot '92 staff did not anticipate that Mr. Perot would initiate wire

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transactions through Mr. Poss' location independent of the PPC and the Perot '92 financial and accounting office. Mr. Poss was not informed of the 48-hour notification requirement until October 26, 1992.

With respect to Mr. Perot's contributions and in spite of the memoranda, Mr. Daniell, PPC's Chief Financial Officer, misunderstood the 48 hour rule and believed the 48 hour rule to cover only contributions made by third parties. Mr. Daniell believed that contributions from candidates would not be covered because candidates are presumed to attempt to influence their own election, and the purpose of the 48 hour rule is to disclose who is attempting to influence the election. On October 26, Mr. Daniell realized his error. Mr. Daniell was aware of three wire transfers by Mr. Perot since October 15 because those three wire transfers were received by Perot '92. Mr. Daniell at once prepared reports of those transfers and inquired of Mr. Poss whether Mr. Perot had made any other expenditures constituting contributions to the campaign after October 15, 1992. See Exhibit 4. Mr. Poss recalled six other wire transfers totaling $6,880,270 that had been initiated since October 15, 1992. He and Perot '92 immediately reported a total of nine contributions amounting to $10,055,633 made by Mr.

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Perot. Mr. Poss and Perot '92 used their best efforts to immediately report the contributions to the FEC.

The misunderstanding described above, however, turned out to be harmless because from its inception, Perot '92 publicly disclosed that it would be financed exclusively from Mr. Perot's personal funds. Well before the contributions at issue were made, it was widely publicized that Mr. Perot was the campaign's principal contributor, and that his contributions were in the tens of millions of dollars. Spokespersons for the Perot campaign were daily asked questions by the media regarding total expenditures made by Mr. Perot during the period at issue in this case and with respect to costs of specific programs. In fact, during the latter half of October, the media reported that Mr. Perot's expenditures would be at the $60-70 million level (well in excess of the $48 million of total disbursements as of October 14, reported by Perot '92 to the FEC on October 22, 1992). Furthermore, during the final Presidential debate on October 19, Mr. Perot told the nation that he would spend over $60 million of his own funds on the campaign. See Exhibit 5. Without in any way minimizing the importance of complying with the 48-hour rule, the public domain was not deprived of any new information simply because Perot '92 reported

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six of Mr. Perot's contributions on October 26, rather than a few days earlier.

2. THE THREE $1,000 THIRD PARTY CONTRIBUTIONS

The three $1,000 contributions, which were received by volunteer field offices on October 16, 1992, and then used by those volunteer field offices, were reported on the same day that the Dallas headquarters staff was made aware of them. The short delay regarding the three $1,000 contributions was the result of the unique nature of the campaign.

Perot '92 relied solely on the efforts of the volunteers to report their expenditures to volunteer state coordinators and, in turn, on volunteer state coordinators to report expenditures to Perot '92 for timely reporting. Perot '92 is unaware of the specific reason why any volunteer did not timely report such contributions but can surmise that the volunteers were immersed in an intense campaign. The volunteers who served as state coordinators and treasurers were political neophytes. They had little or no prior campaign or grassroots experience. However, once the Dallas headquarters became aware of a contribution, it was reported immediately.

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Despite the extraordinary nature of this grassroots campaign, Perot '92's compliance with the FEC's reporting provisions was exceptional. The General Counsel seems to hold it against the campaign that it had established such comprehensive procedures as described above to avoid reporting problems. The General Counsel argues that Perot '92's extensive procedures to avoid reporting violations contradicts Respondents' argument that the late reporting of the three $1,000 third party contributions to volunteer organizations was caused by inexperienced volunteers. See General Counsel's Brief, at 4-5 (July 21, 1994). In fact, the comprehensive procedures resulted in a very high quality of timely reporting despite inexperienced personnel. Unfortunately, an inexperienced volunteer did not report three of the almost countless in-kind contributions made by third parties exactly on time to Perot '92 headquarters.

Furthermore, the General Counsel seems to summarily dismiss that Perot '92 was required to deal with the unique circumstances of having to educate and rely on such grassroots volunteers on a national basis to comply with the letter and the spirit of the campaign finance laws. The General Counsel cites MUR 3044 in support of its dismissal of Perot '92's defense relating to its

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unique situation. General Counsel's Brief, at 4 (July 21, 1994).

In MUR 3044, however, the "unique circumstance" involved a special election and not the extraordinary circumstances present in this case involving a national grassroots campaign. See MUR 3044, General Counsel's Report, at 3 (October 14, 1990). Moreover, in MUR 3044, the General Counsel stated that a prior case was dismissed for unique circumstances because it only "involved three $1,000 contributions which were simply reported a few days late." Id., at 2 (referring to the disposition in MUR 2200). That is precisely the situation we have in the present case regarding the three third party contributions.

3. PEROT '92 COMPLIED BY EXERCISING BEST EFFORTS

The Federal Election Campaign Act of 1971, as amended ("FECA"), provides that a political committee's reports to the FEC will be considered in compliance if that committee can demonstrate best efforts in obtaining information. 2 U.S.C. § 432(i). In MUR 3044, the General Counsel stated that the "best efforts rule was designed to allow political committees flexibility in obtaining information from persons who are not under its

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control." MUR 3044, General Counsel's Report, at 6 (October 14, 1990) (citing H.R. Rep. No. 422, 96th Cong., 1st Sess. 1979, reprinted in 1979 U.S.C.C.A.N. 2860, 2874).

Perot '92 could not have reported the information regarding the three third party contributions any sooner than it did. This is apparent in that Perot '92 reported the contributions at issue as soon as it became aware of them. The extensive efforts and procedures implemented by Perot '92 to capture and report information in an accurate and timely manner more than meet the best efforts standard regarding Mr. Perot's contributions as well as the third party contributions. 2 U.S.C. § 432(i). Furthermore, Perot '92's communication with its independent volunteers did not constitute control of those volunteers.

C. THIS ACTION AGAINST PEROT '92 IS UNPRECEDENTED AND UNREASONABLE

The Commission has never pursued a political committee for the late filing of 48-hour notices when all the notices were filed prior to the election. In this case, singling out Perot '92 is particularly noteworthy because it appears from the public record that both the Clinton and Bush campaigns violated the same provision

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with no indication of any action by the Commission.[1] In the case of those two campaigns, however, the public did not know who was financing the campaigns, unlike the present case where it was widely known and reported well before the election that Mr. Perot was financing his own campaign in the amount of $60,000,000.

Furthermore, even in situations where late 48 hour reports were filed by other campaigns after the date of the election, only a small penalty was imposed. According to our review, the highest civil penalty paid for late 48 hour reports filed after the election was $7,500. See, e.g., MUR 1483 (no action taken); MUR 1762 ($500 fine); MUR 2219 (no action); MUR 2304 ($1,500 fine); MUR 2676 (no action); MUR 2699 ($700 fine); MUR 2766 ($3,500 fine); MUR 3491 ($1,000 fine); MUR 3464 ($1,000 fine); MUR 3462 ($1,000 fine); MUR 3459 ($2,600 fine); MUR 3445 (no action); MUR 3433 ($3,000 fine).

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[1] According to the public record, Clinton-Gore '92 had 284 contributions which were reported in violation of the 48 hour reporting requirement. Furthermore, of these contributions which were reported late; 27 were reported 11 days after the 48 hour period; 10 were reported 10 days after the 48 hour period; 13 were reported 7 days after the 48 hour period; and 144 were reported 6 days after the 48 hour period. From public records, it is apparent that Bush-Quayle '92 also reported contributions of $1,000 or more after the 48 hour period.

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III. PROCEDURAL DEFICIENCIES

A. THE FEC DID NOT COMPLY WITH ITS OWN POLICY AND STATUTORY AUTHORITY

Both the FECA and FEC regulations require that enforcement actions be generated in either one of two ways, the externally generated written complaint which must be sworn to and notarized or the internally generated enforcement action based upon information ascertained in the normal course of the FEC's supervisory responsibilities. 2 U.S.C. § 437g(a); 11 C.F.R. §§ 111.3, 111.4. The FEC failed to comply with either of those two prescribed methods.

The General Counsel's Brief alleges that the present matter originated

> when a Commission staff member [in the Public Disclosure Division] was asked . . . for reports verifying the amount of personal funds the candidate spent in his campaign. A review of the Committee's 1992 filings made after the Pre-General report revealed that no 48-hour Notices disclosing any contributions by the candidate had been filed.

General Counsel's Brief, at 7 (July 21, 1994) (emphasis added). That review of Respondents' report allegedly led to a referral from the Public Disclosure Division. See id.

1. THE FEC DID NOT COMPLY WITH ITS OWN POLICY AND STATUTORY AUTHORITY FOR EXTERNALLY INITIATING ENFORCEMENT ACTIONS

The General Counsel's Brief confirms that the FEC did not follow proper procedures for externally generating enforcement actions under the FECA. See id., at 6 (July 21, 1994). Congress' purpose in establishing a strict and formalistic complaint procedure for externally initiating enforcement actions is to prevent the FEC from conducting an investigation on the basis of an anonymous complaint. See, e.g., House bill to 1979 Amendments, Legislative History Federal Election Campaign Act Amendments of 1979, at 409 (1979); House bill and Senate bill to 1976 Amendments, Legislative History Federal Election Campaign Act Amendments of 1976, at 862, 1039 (1976). The FECA is explicit: "the Commission may not conduct any investigation or take any other action . . . solely on the basis of a complaint of a person whose identity is not disclosed to the Commission." 2 U.S.C. § 437g(a)(1). The General Counsel defends its improper pursuit of an external complaint with the conclusory and tautological defense that "[t]his matter was not generated by a complaint, and thus the procedures for an externally generated matter would not apply." General Counsel's Brief, at 6 (July 21, 1994). That is the sum total of the FEC's

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explanation for thwarting strict congressionally crafted procedures for handling outside complaints. This matter did not generate spontaneously; it was generated by an external inquiry that was pursued by the FEC outside of its statutory authority.

The FEC cannot circumvent the statutory requirements for externally initiating enforcement actions by relying on informal, apparently oral public requests. In fact, Directive 6, FEC's policy statement prescribing procedures for internally generating enforcement actions, explicitly prohibits using oral reports of possible violations as the basis of an internally generated action. Directive 6, Federal Election Commission, § II.D. Rather, the FEC must require the anonymous person making the inquiry to file a formal complaint. In lieu of such a formal complaint, assuming Directive 6 is a valid method of generating matters, the FEC could internally generate this matter by making a non-routine review of reports of a category of candidates in accordance with § II.C of Directive 6, as described later in this brief. None of these procedures were followed in this case.

The manner in which the present case was initiated is especially offensive because the Public Disclosure Division represents itself as the office which holds the

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requests it gets in confidence. A person making an inquiry to the Public Disclosure Division should not have to expect his inquiry to be used as the basis of an action against him or anyone else.

2. THE FEC DID NOT COMPLY WITH ITS OWN POLICY AND STATUTORY AUTHORITY FOR INTERNALLY INITIATING ENFORCEMENT ACTIONS

The purpose of FEC's Directive 6 is to provide a method for internally initiating certain enforcement actions. Directive 6, Federal Election Commission. That Directive is primarily relied upon so that the Commission can base enforcement actions on newspaper articles. As described later in this response, there is a question as to whether Directive 6, which was not subjected to the statutorily prescribed rulemaking procedures, can be relied upon by the FEC for internally generating enforcement actions. Moreover, even if the methods prescribed in Directive 6 were valid, the FEC did not follow those methods in this case.

According to Directive 6, an operating division may refer matters to the Office of the General Counsel only if that division obtains <u>in the course of carrying out its duties</u> information suggesting a violation of the FECA. <u>See</u> <u>id.</u>, § II.A (emphasis added). In the present case, the Public Disclosure Division did not learn of the

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alleged 48 hour reporting violation in the normal course of carrying out its duties. As stated in the General Counsel's Brief, information suggesting the alleged 48 hour reporting violation was uncovered only after the Public Disclosure Division infringed upon the Reports Analysis Division's functions by reviewing Respondents' 1992 reports. See General Counsel's Brief, at 7 (July 21, 1994). Reviewing reports is not part of the Public Disclosure Division's duties; it is rather a duty of the Reports Analysis Division.[2]

Furthermore, referring possible enforcement cases to the Office of the General Counsel is definitely not part of the Public Disclosure Division's functions. The Public Disclosure Division is a storefront operation that serves the public in providing information but is not a place for members of the public to register their complaints or to fear that information divulged will be referred to the Office of the General Counsel. What would happen if an individual asked for assistance and a

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[2] Even if the Public Disclosure Division had learned of the possible violations directly from the unidentified person who made the inquiry, Directive 6 explicitly prohibits using such oral reports of possible violations as the basis for an internally generated enforcement action. Directive 6, Federal Election Commission, § II.D.

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staff member of the Public Disclosure Division happened to notice an apparent reporting violation in a report? Would that staff member be duty-bound to report that information to the General Counsel? Moreover, would that duty attach in spite of the Reports Analysis Division's practice of not referring such violations which are promptly corrected, as is the situation in the present case? That has certainly not been the practice of the FEC, nor should it be, given the Public Disclosure Division's sensitive role. In fact, Respondents are unaware of any other referrals from the Public Disclosure Division out of the over 4,000 enforcement actions generated by the FEC.

Directive 6 allows a review of reports to be a basis for a referral under only two circumstances, where there is a routine review of reports by the Reports Analysis Division or where there is a non-routine review of reports under section II.C of Directive 6. See Directive 6, Federal Election Commission, §§ II.A, II.C. In the present case, there was no routine review of reports because the review took place pursuant to a request by an outside person. Moreover, the non-routine review of Respondents' reports which initially shed light on the alleged violation in the present case did not comply with

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section II.C's requirement that such reviews be done for a particular category of candidates. See id., § II.C. As discussed above, the other two 1992 general election presidential campaigns violated the 48 hour requirement but the Reports Analysis Division made no referral to the Office of the General Counsel nor did they send a Request for Additional Information to those campaigns. Therefore, there could not have been a routine review by the Reports Analysis Division because the Reports Analysis Division sends Requests for Additional Information providing committees with an opportunity to correct reporting errors before considering a referral to the Office of the General Counsel. In this case, Respondents had no such opportunity.

Based on the procedures under Directive 6, the details of how this matter was generated may be contained in an internal document, i.e., a memorandum, between the Public Disclosure Division and the Office of the General Counsel. The General Counsel has not provided that document to Respondents; in fact, no such document may exist. Without knowing whether there was such a referring document and without access to that document, it is difficult for Perot '92 to be aware of all the procedural irregularities that may exist in this case.

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B. THE FEC VIOLATED PRINCIPLES OF ADMINISTRATIVE LAW

Even if the FEC had followed the methods prescribed in Directive 6, Directive 6 violates principles of administrative law because it was never properly disclosed to the public. Directive 6 is an informal policy statement created to comply with the FECA's requirements for internally generating enforcement actions. In short, Directive 6 is a "stealth" document. It is known only to a few practitioners who regularly practice before the Commission. It is not made available in any Commission publication despite the fact that the Commission has an extensive public records office and prides itself on outreach to the regulated community.

In addition, Directive 6 was not subjected to the statutorily prescribed rulemaking procedures. It is well established that such policy statements interpreting a statute and expressing the agency's intent to follow that interpretation must be disseminated to the public. See Pacific Gas & Electric Co. v. Federal Power Commission, 506 F.2d 33, 38 (D.C. Cir. 1974); see also General Motors Corporation v. Federal Energy Regulatory Commission, 613 F.2d 939, 945 (D.C. Cir. 1979); Panhandle Producers & Royalty Owners Association v. Economic Regulatory Admin-

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istration, 847 F.2d 1168, 1174-1175 (5th Cir. 1988). In fact, the sole purpose of allowing informal policy statements is that

> [a]s an informational device, the general statement of policy encourages public dissemination of the agency's policies prior to their actual application in particular situations. Thus the agency's initial views do not remain secret but are disclosed well in advance of their actual application.

Pacific Gas & Electric Co., 506 F.2d at 38 (emphasis added). Given that Directive 6 is an invalid policy statement, the FEC would have to prescribe a formal rule or validly create a policy statement to expand its enforcement capabilities.

Furthermore, Directive 6 has a binding effect on the public thereby requiring Directive 6 to be subjected to the statutorily required notice and comment procedures for prescribing a formal rule. See id., at 38. Given that Directive 6 requires specific procedures to be followed in enforcing the FECA, it has a binding effect on the public's actions to comply with the FECA.

Without Directive 6, the Commission's authority to initiate the present action falls short of the statutory requirements for internally generating enforcement

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actions. The FEC has no normal course of review procedures for the Public Disclosure Division as it does for the Reports Analysis and Audit Divisions. Without a valid regulation setting forth standards for ascertaining possible violations in the normal course of review, the pursuit of this matter from a division of the FEC that has no regular function or procedure to detect possible violations of the law is invalid as a matter of law. Moreover, if the Public Disclosure Division is to refer cases to the General Counsel, the public should be made aware that the Public Disclosure Division is a division of the FEC involved in referring to the General Counsel possible violations of the law that it may detect in carrying out its functions.

C. THE FEC VIOLATED RESPONDENTS' CONSTITUTIONAL RIGHTS

The FEC in this case did not comply with the statutorily required procedures for generating an enforcement action, either externally or internally. Rather, the FEC evaded those requirements by relying on oral statements of an anonymous source. In so doing, it violated its own long-standing regulations and policies. By not complying with its own long-standing rules and policies regarding the procedures for generating an en-

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forcement action, the FEC has violated Respondents' right to Due Process under the Fifteenth Amendment of the Constitution. See, e.g., Morton v. Ruiz, 415 U.S. 199, 235 (1973); Ruiz v. Estelle, 503 F. Supp. 1265, 1356 (S.D. Tex. 1980); Mass. Fair Share v. Law Enforcement Assistance, 758 F.2d 708, 711 (D.C. Cir. 1985); NLRB v. Welcome-Am. Fertilizer Co., 443 F.2d 19, 20 (9th Cir. 1971). By neglecting its own procedures, the FEC also neglected Respondents' constitutional rights.

IV. CONCLUSION

There is no factual or legal basis for continuing this investigation. Of the $10,058,633 of contributions at issue in this case, contributions totalling $7,367,032 were timely reported. As for the remaining contributions, Respondents exercised best efforts to comply with the FEC's reporting requirements and made full disclosure prior to the election. Furthermore, there are overwhelming mitigating circumstances that warrant a dismissal of this case. No conceivable purpose could be fulfilled by pursuing this case. By initiating this matter, the FEC also acted outside its statutory authority and breached its own regulations and policies. The FEC violated well established principles of administrative law as well as Respondents' constitutional rights. Given such substan-

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tive and procedural deficiencies, the FEC should cease taking any further action in this matter.

Place: Washington, D.C.
Date: August 23, 1994

Respectfully submitted,

By: Kenneth A. Gross
Ki P. Hong
SKADDEN, ARPS, SLATE, MEAGHER & FLOM
1440 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-7000

Attorneys for Respondents, Perot '92 and Mike Poss, as Treasurer

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EXHIBIT 1

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Perot Petition Committee

6606 LBJ Freeway, Suite 150
Dallas, TX 75240

INTEROFFICE MEMORANDUM

TO: Bob Daniell
Clay Mulford
Dean Phillips

FROM: John E. Harper

DATE: September 15, 1992

RE: Reports to be filed with the F.E.C.

The September filing with the F.E.C. will be the last "normal" monthly report we file. We must file a Pre-Election report and Post-Election report in lieu of the November and December monthly reports "if the candidate runs in the general election." Listed below is the schedule of reports to be submitted between now and December 31, 1992.

Reports	Period Covered	Filing Date
August	August 1-31	September 20
September	September 1-30	October 20
* Pre-General	Oct. 1-Oct. 14	October 22
Post-General	Oct.15-Nov.23	December 3
Year End	Nov. 24-Dec.31	January 31, 1993

* If sent registered or certified mail, the pre-general report must be postmarked by October 19.

We must notify each state regarding the modified dates for the pre- and post- election reports as soon as possible.

In addition, authorized committees of candidates must file 48- hour notices (within 48 hours of contributions) of $1,000 or more received after the 20th day, but more than 48 hours, before the day of any election in which the candidate participates.

This requirement applies to all last-minute contributions of $1,000 or more:

- Contributions by check;
- In-kind contributions;
- Loans from personal funds;
- Guarantees and endorsements of bank loans; and
- Any of the above contributions made by the candidate.

cc: Zora Golboff
Laura Osborne
Dan Routman
Tracey Thornburn

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EXHIBIT 2

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MEMORANDUM

TO: Bob Daniell

FROM: Zora-Faye Golaboff

DATE: September 22, 1992

RE: Procedures for reporting contribution over $1,000 after October 21

In order to comply with the FEC rule that all contributions greater than $1,000 after October 21 must be reported within 48 hours, the following procedures will be implemented.

1. The states will be instructed to call Dallas with the following information for contributions greater than $1,000:

   * Name of Contributor
   * Address
   * Employer
   * Occupation
   * Purpose (if an in-kind contribution)

2. The attached form will be filled out for each contribution reported to Dallas.

3. At the end of each day a letter will be sent to the FEC via Federal Express (or fax) reporting all contribution reported to Dallas for that day.

4. A copy of the letter sent to the FEC and the contribution report form will be filed for future reference.

cc: Linda Cintron
John Harper
Jeff Medcalf
Laura Osborne
Dean Phillips
Shannon Story
Tracey Thornburn
Chris Wimpee

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CONTRIBUTION TO BE REPORTED WITHIN 48 HOURS TO FEC

STATE: _____

DATE OF CONTRIBUTION: _____

AMOUNT OF CONTRIBUTION: _____

NAME OF CONTRIBUTOR: _____

ADDRESS OF CONTRIBUTOR: _____
_____
_____

EMPLOYER: _____

OCCUPATION: _____

PURPOSE OF IN-KIND: _____

PERSON REPORTING CONTRIBUTION: _____

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EXHIBIT 3

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Perot '92
6606 LBJ Freeway, Suite 150
Dallas, TX 75240
(214) 716-6600

Dean Phillips
Aristotle Industries

TO: All State Coordinators and Treasurers

FROM: Dean Phillips

DATE: October 12, 1992

SUBJECT: 48 Hour notification laws

With the completion of your October 14 FEC filing with Dallas, we enter a phase that requires that we report all contributions of $1000.00 or more to the FEC in writing, within 48 Hours of their receipt. For purposes of this notification we must supply the FEC with the Name, Address, Employer and Occupation on any person who contributes whether in cash, or In-Kind to the campaign. Please follow the following method for reporting these contributions.

1) Obtain the Full Name, Address, Employer and Occupation from the contributor.

2) Determine if the contributor has exceeded the $1,000 limit for contributions. If the Contributor has exceeded the limit then return the contribution to the contributor immediately. If the contribution is an In-kind contribution then do not accept the contribution if the acceptance will put the contributor over $1,000 limit.

3) Xerox the check from the contributor.

4) Deposit the contribution into your account.

5) Fax the xerox of the check with the additional information of Full Name, Address, Occupation, Employer and, if it is an In-kind contribution, then include the description of the In-kind contribution in your fax. The dallas fax to use for the information is (214) 716-6669, attention Linda Cintron.

6) Call Linda Cintron at (214) 716-6464 to confirm her receipt of the information.

7) Report the contribution in your November report as you normally would.

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CONTRIBUTION TO BE REPORTED WITHIN 48 HOURS TO FEC

STATE:_____

DATE OF CONTRIBUTION:____/____/___

AMOUNT OF CONTRIBUTION:_____.__

NAME OF CONTRIBUTOR: _____

ADDRESS OF CONTRIBUTOR: _____

_____

_____

_____

EMPLOYER OF CONTRIBUTOR: _____

OCCUPATION OF CONTRIBUTOR: _____

PURPOSE OF IN-KIND: _____

PERSON REPORTING CONTRIBUTION:_____

XEROX CHECK BELOW

_____

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EXHIBIT 4

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PEROT '92

P.O. Box 517010, Dallas, Texas 75251-7010, Telephone (214)716-6600

Interoffice Memorandum

TO: Mike Poss

FROM: Bob Daniell Bob

DATE: October 26, 1992

I have been informed today that a contribution by the Candidate must be reported to the FEC within 48 hours of its receipt. This regulation is effective for all transactions executed since October 15, 1992. Our records currently reflect three wire transfers received from Mr. Perot which require reporting at this time. Please find attached three letters which must be filed with the FEC by way of fax.

Please give me a call so that we can discuss how to report future transactions.

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Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$2,166,114.00
Date:	10/22/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

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Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$149,849.00
Date:	10/20/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

5 0 4 3 6 2 5 4 9 6

Perot '92
6606 LBJ Freeway, 2nd Floor, Dallas, Texas 75240
Telephone (214) 716-6600

Mike Poss
Treasurer

Direct Dial Number
(214) 788-3030

VIA FAX 202-219-3880

Federal Election Commission
c/o Pat Sheppard
999 E Street, N. W.
Washington, D.C. 20463

Dear Ms. Sheppard:

In compliance with the Code of Federal Regulations Section 104.6(f), Perot '92 is reporting the receipt of the following contribution for the benefit of electing H. R. Perot to the position of President of the United State of America:

Contributor:	H. Ross Perot
Address:	12377 Merrit Drive #1700 Dallas, TX 75251
Employer:	self
Occupation:	Businessesman
Amount:	$859,400.00
Date:	10/19/92

If there are any questions regarding this transaction, please contact me by telephone at (214) 788-3030.

Respectfully,

Mike Poss

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EXHIBIT 5

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21ST STORY of Focus printed in FULL format.

Copyright 1992 Gannett Company, Inc.
GANNETT NEWS SERVICE

October 19, 1992, Monday

LENGTH: 827 words

HEADLINE: [illegible]

BYLINE: Gannett News Service

KEYWORD: POL-QUOTES

BODY:

Here are key quotes from President George Bush, Democratic nominee Bill Clinton and independent candidate Ross Perot Monday night in the final presidential debate:

''Mr. and Mrs. America, when you hear him say he's going to tax only the rich, watch your wallet.'' - George Bush.

- - -

''My plan is a departure from trickle-down economics, just cutting taxes on the wealthiest Americans ... It's also a departure from tax-and-spend economics because you can't tax and divide an economy that isn't growing. ... I believe we can increase investment and reduce the deficit at the same time, if we not only ask the wealthiest Americans ... to pay their share.'' - Bill Clinton.

- - -

''What I don't like is trickle down government. And therein, I think Governor Clinton keeps talking about trickle down, trickle down, and he's still talking about spending more and taxing more.'' - George Bush.

- - -

''It's hard to outspend Congress, but he tried to for the last three years.'' - Bill Clinton.

- - -

''The American people ought to be glad they have a president who will stand up to a spending Congress.'' - George Bush.

- - -

''Going back 23 years, I don't know, Helen (Thomas). I was opposed to the war. I couldn't help that. I felt very strongly about it, and I didn't want to go at the time. It's easy to say in retrospect I would have done something differently.'' - Bill Clinton.

- - -

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LEXIS·NEXIS LEXIS·NEXIS LEXIS·NEXIS

''I was wrong because I thought the tax compromise, going along with one Democratic tax increase, would help the economy. I see no evidence that it has done it. So what would I have done? What should I have done? I should have held out for a better deal that would have protected the taxpayer and not ended up doing what we had to do, or what I thought at the time would help. ... So I made a mistake.'' - George Bush.

- - -

''You implement that NAFTA, the Mexican trade agreement, where they pay people a dollar an hour, have no health care, no retirement, no pollution controls, et cetera, et cetera, et cetera, and you're going to hear a giant sucking sound of jobs being pulled out of this country right at a time when we need the tax base to pay the debt and pay down the interest on the debt and get our house back in order.'' - Ross Perot.

- - -

''What's his mistake? Admit it, that Arkansas is doing very, very badly against any standard - environment, support for police officers, whatever it is.'' - George Bush.

- - -

''I could say that I ran a small grocery store on the corner, therefore I could extrapolate that to say that I can run Wal-Mart. That's not true.'' - Ross Perot.

- - -

''I would rather not critique the two candidates.'' - Ross Perot.

- - -

''I think the General Motors thing is very relevant. I did everything I could to get General Motors to face its problems in the mid-80s while it was still financially strong. They just wouldn't do it, and everybody now knows the terrible price they're paying by waiting until it's obvious to the brain- dead that they have problems.'' - Ross Perot.

- - -

''I put my wallet on the table for you and your children. Over $ 60 million will go into this campaign.'' - Ross Perot.

- - -

''I wondered if when Gov. Clinton was talking to the automobile workers he also talked about CAFE standards - 40 mph that would put people out of work.'' - George Bush.

- - -

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LEXIS·NEXIS LEXIS·NEXIS LEXIS·NEXIS

''There is this pattern that has plagued him in the primaries about trying to play it both ways.'' - George Bush.

- - -

''He said trickle down economics was voodoo economics. Now he's its biggest practitioner.'' - Bill Clinton.

- - -

''101 in leadership is to be accountable for what you do.'' - Ross Perot.

- - -

''The mistake was making the 'read my lips' promise in the first place just to get elected.'' - Bill Clinton.

- - -

''My favorite bumper sticker is 'Annoy the Media, Re-elect George Bush' '' - George Bush.

- - -

''We've got a very good record of promoting women to positions of trust.'' - George Bush.

- - -

''I don't think it would be appropriate for a president to say the banking system is not sound. There are some problem banks out there.'' - George Bush.

- - -

''The real problem in this country is that most people are working harder and falling farther behind.'' - Bill Clinton.

- - -

''I will not raise taxes on the middle class to pay for their programs. I am not going to raise taxes on the middle class to pay for these programs. ... Read my plan.'' - Bill Clinton.

- - -

''The person responsible for domestic policy in my administration is going to be Bill Clinton.'' - Bill Clinton.

''That's what worries me.'' - George Bush.

- - -

''If you talk about it in Washington, you think you did it. If you talk about it on television, you think you did it.'' - Ross Perot.

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. . .

''We can do much much better if we have the courage to change.'' - Bill Clinton.

SUBJECT: EXCERPT; DEBATE; CANDIDATE:; PRESIDENTIAL CANDIDATE DEBATE:QUOTE:DEBATE ANALYSIS

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64TH STORY of Focus printed in FULL format.

Copyright 1992 The Atlanta Constitution
The Atlanta Journal and Constitution

October 20, 1992

SECTION: NATIONAL NEWS; Section A; Page 16

LENGTH: 769 words

HEADLINE: ELECTION '92 AT A GLANCE Perot only partly right in saying details of Iraq policy not shared

KEYWORD: elections; campaigns; presidents; politics; media; television

BODY:

Washington - Ross Perot was only partly correct Monday night when he charged that the Bush administration failed to give Congress and the public the details of its diplomatic instructions prior to Iraq's invasion of Kuwait.

"We told him that he could take the northern part of Kuwait," Mr. Perot charged in the final presidential debate. ''And if we didn't tell him that, why won't we even let the Senate Foreign Relations Committee and the Senate Intelligence Committee see the written instructions to [former] Ambassador [April] Glaspie?"

Following the debate, a spokesman for the Democratic-controlled Senate Foreign Relations Committee said it is true that the State Department has adamantly refused to make the documents public despite the committee's objections. But the spokesman said the State Department did allow the committee access to a number of secret cables, on the basis that they would remain classified.

These included "a sampling of the State Department instructions" to the embassy in Baghdad in the weeks and months prior to the Iraqi invasion of Kuwait on Aug. 2, 1990. The spokesman said the State Department has maintained that there was no specific cable of instructions to Ambassador Glaspie immediately before the crucial meeting she held with Iraqi President Saddam Hussein on July 25, 1990, a week before the invasion of Kuwait.

NEEDLING THE MEDIA: President Bush joked Monday night that his favorite campaign bumper sticker reads, "Annoy the Media: Re-Elect President George Bush." "I know I'm going to pay for this later," Mr. Bush said, looking out at the panel of reporters at the third and final presidential debate. He made the crack after rival Ross Perot took issue with media criticism of his proposal to hold town hall meetings with voters if elected president.

THE WINNER IS . . . Ross Perot apparently gained the most from the debate, said post-debate polls. In a CNN-USA Today poll, 37 percent said Mr. Perot did the best job to 28 percent each for Mr. Bush and Mr. Clinton. In an NBC poll, 35 percent rated Mr. Clinton the best, 30 percent Mr. Perot and 23 percent Mr. Bush. An ABC poll found 36 percent rated Mr. Clinton as the winner, 26 percent said Mr. Perot and 21 percent said Mr. Bush. But it was Mr. Perot whose support increased, from 11 percent to 19 percent in the ABC Poll. Support for the other two was largely static.

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DEBATE COACHES WEIGH IN: An Associated Press panel of debate coaches voted Mr. Bush the winner. They gave him a total score of 126 points to 125 for Mr. Clinton and 122 for Mr. Perot. The best possible score was 150.

GETTING HIS RAZORBACK UP: Bill Clinton winced when President Bush pronounced A rkansas "the lowest of the low" among the states. Mr. Clinton, whose record as governor was repeatedly questioned by Mr. Bush in their final presidential debate in East Lansing, Mich., Monday night, shot back that "I have to defend the honor of my state."

Even some Arkansas Republicans thought Mr. Bush was being too harsh. "I wouldn't have picked those words he used, but it's indisputable that we rank at the lower end of a lot of different categories," said Richard Bearden, executive director of the state GOP in Little Rock.

Democratic state legislator Charlotte Shexnayder of Dermot said she took the comment as "a personal affront."

$ 60 MILLION MAN: Ross Perot said that he is willing to spend as much as $ 60 million of his own fortune running for president."I put my wallet on the table for you and your children," the Texas billionaire said in his third debate with President Bush and Bill Clinton. Mr. Perot said Mr. Bush and Mr. Clinton were financing their campaigns with taxpayer financing while "I'm spending my money." He said he was willing to spend as much as $ 60 million. The latest campaign spending reports showed Mr. Perot had spent $ 18 million on his independent presidential campaign, $ 16 million of it his own money.

PEROT INFOMERCIAL SCORES HIGH: Ross Perot's political commercials continue to be more popular than some regular prime-time entertainment shows. Mr. Perot's 30-minute commercial on NBC on Friday night scored a 9 national rating, and the A.C. Nielsen Co. estimated that 13 million people watched the commercial.

WHERE THEY ARE: Mr. Clinton is in Chicago, Milwaukee and Little Rock, Ark. On Wednesday he goes to Colorado, Wyoming, Montana and Oregon.

Mr. Bush boards a train in Atlanta and makes campaign stops in Norcross, Gainesville and Cornelia, Ga., and Spartanburg, S.C., then on to North Carolina.

Mr. Perot did not announce his schedule for today and Wednesday.

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19TH STORY of Focus printed in FULL format.

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Newsday

October 20, 1992, Tuesday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 18
Other Edition: City Pg. 6

LENGTH: 186 words

HEADLINE: [redacted]

BYLINE: David Firestone

KEYWORD: ROSS PEROT; PRESIDENT; CANDIDATE; CAMPAIGN; ISSUE; FUND RAISING; COST; ELECTION; 1992

BODY:

Ross Perot finally put a dollar figure on the fraction of his wealth that he is spending to remain a presence in the presidential race, vowing last night to lay out $ 60 million before the campaign is over. That would amount to a bit less than 2 percent of his estimated net worth of $ 3.3 billion.

Perot made the remark in response to a question about his steadfastness in light of his July 16 withdrawal from politics. The amount he is spending, he said, is evidence enough of his commitment.

"I put my wallet on the table for you and your children," he said. "Over $ 60 million at least will go into this campaign to lead the American dream to you and your children, to get this country straightened out, because if anybody owes it to you, I do."

Most of Perot's spending has been for television commercials on the three major networks promoting his deficit-slashing plan and discussing his boyhood. Perot has bought more blocks of time before the election. He also plans to make personal appearances in key states in the next few days, most likely in California, Michigan, Texas and Florida.

GRAPHIC: AP Photo- Perot gestures to Mich. crowd

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48TH STORY of Focus printed in FULL format.

Copyright 1992 The New York Times Company
The New York Times

October 24, 1992, Saturday, Late Edition - Final

SECTION: Section 1; Page 8; Column 1; National Desk

LENGTH: 913 words

HEADLINE: THE 1992 CAMPAIGN: Campaign Finances;
Despite Economy, Clinton Sets Record for Funds

BYLINE: By STEPHEN LABATON, Special to The New York Times

DATELINE: WASHINGTON, Oct. 23

BODY:

Despite their earlier fears that the recession would discourage contributors, Democratic fund-raisers have collected $62 million for the Presidential campaign, exceeding their record money drive of 1988 by about 20 percent, a senior Democratic official said today.

Rahm Emanuel, Gov. Bill Clinton's finance director, also said the party planned to spend $12 million, much of it in the final days of the race, on advertising that does not use the candidates' names but will nonetheless hammer home the party message, reminding voters of the stagnant economy. Four years ago, Mr. Emanuel said, the party spent $1 million for such advertising, which is not restricted by campaign spending laws.

Republican fund-raisers report that they have raised $59.9 million, also better than their 1988 showing, when they were slightly outspent by the Democrats. But according to filings with the Federal Election Commission, much of the Republican money arrived before the summer, when the Republicans were out-raising the Democrats by ratios of better than 3 to 1 in some months, and before opinion polls began to show a change in voter preferences against President Bush and for Mr. Clinton.

Ross Perot has given his campaign $46 million as of Oct. 14, $26 million alone in the first two weeks of October. The Texas independent, whose wealth is estimated by some to exceed $3 billion, has said he expects to spend more than $60 million by the time the race is over -- which will amount to only a couple of weeks' interest on his vast holdings.

The fund raising by the Democrats and Republicans supplements $55.24 million received by the Clinton campaign in July and by the Bush camp in August from the Federal Government in exchange for pledges by the candidates to limit direct campaign contributions.

About $10 million of the privately raised money may be spent directly on the Presidential campaign. Most of the rest is so-called soft money, which can be used for generalized advertising, voter drives and registration appeals. Soft money is also used for such things as bumper stickers and local canvassing, and is funneled to pivotal state and local races on which the Presidential candidates are running on the same slate.

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Over the last decade, soft-money fund raising has grown from a relatively inconsequential aspect of Presidential campaigning to a dominant one. In 1980, for instance, the Republican spent only $15.1 million in soft money and the Democrats spent $4 million, according to the Citizens' Research Foundation, a California group that studies the role of money in politics.

Critics point to the extensive party fund raising as proof that the election laws have done little to limit the impact of big money in political contests. Indeed, the contributions have been raised with verve by the candidates' own financial aides acting in the name of the party as if contributing and spending restrictions hardly existed.

'Loopholes' in Financing System

"At the Presidential level, huge amounts of private money are being raised, in a system designed to prohibit just that," said Ellen S. Miller, executive director of the Center for Responsive Politics, a nonpartisan research group. "Today's Presidential public financing system is so ridden with loopholes that the public can take little comfort in it as a way of eliminating the influence of special interest contributions."

She noted that more contributions of greater than $100,000 were given this year than in the Watergate days, when the political excesses of large corporate donations prompted Congress to adopt laws intended to limit big donations. And five corporate contributors have given more than $100,000 to both the Democrats and the Republicans. They are Archer-Daniels-Midland, Atlantic Richfield, RJR Nabisco, Philip Morris and the Tobacco Institute.

But the Democrats have also benefited significantly from contributors who gave less than $200, particularly during the Democratic and Republican National Conventions. In June, July and August, Mr. Clinton reported receiving almost $7.2 million in small contributions, compared with about $3.4 million from larger contributors.

In the same period, the Bush campaign received only about $208,000 from small contributors and $3.3 million from larger donors. Democratic fund-raisers have said they had their single best mail-solicitation fund raiser on the Monday after the Republican convention.

Robert A. Farmer, the treasurer to the Clinton-Gore campaign and the main fund-raiser for Michael S. Dukakis, the Democratic Presidential nominee in 1988, said the main difference this year was that the Democrats continued to take in large contributions through the fall.

"In the Dukakis campaign, our money slowed down considerably in September and October" as Mr. Dukakis slid in the polls, he said.

Political experts expressed surprise at the strong financial results, especially since the economy has been weak. For Mr. Clinton, who only six months ago had to go deeply into debt to keep his campaign alive, the large contributions surprised even his close aides.

Party fund-raisers and political scientists attributed the successful Democratic drive to Mr. Clinton's huge popularity gains after the Democratic

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and Republican conventions, particularly among smaller contributors, and to a fall finance drive that gained steadily from the growing perception that the Arkansas Governor was heading to the White House.

GRAPHIC: Graphs: "Distrobution of Campaign Contributions" shows monthly contributions for the Rupublican National Committeem the Democratic National Committee, the Bush Campaign, and the Clinton Campaign. (Source: Center for Responsive Politics]

SUBJECT: PRESIDENTIAL ELECTION OF 1992; FINANCES; POLITICAL ADVERTISING

NAME: BUSH, GEORGE (PRES); CLINTON, BILL (GOV); LABATON, STEPHEN

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49TH STORY of Focus printed in FULL format.

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USA TODAY

October 24, 1992, Saturday, INTERNATIONAL EDITION

SECTION: NEWS; Pg. 7A

LENGTH: 564 words

HEADLINE: Polls: 5 women lead in Senate contests

KEYWORD: CONGRESSIONAL CANDIDATE:FEMALE CANDIDATE

BODY:

Polls show five of the 10 Democratic women who won Senate nominations this year are leading their races:

- Sen. Barbara Mikulski of Maryland, one of two elected women now in the Senate, is heavily favored over black conservative activist Alan Keyes.

- Carol Moseley Braun of Illinois, seeking to be the first black female senator, has lost support recently but still leads former Reagan aide Richard Williamson 52%-33%.

- Washington state Sen. Patty Murray, self-styled ''Mom in tennis shoes,'' leads GOP Rep. Rod Chandler 50%-41%.

- California polls showed Dianne Feinstein leading GOP Sen. John Seymour 51-35% and Rep. Barbara Boxer over former TV commentator Bruce Herschensohn 47%-36%.

Two other races are closer:

- Pennsylvania, where Democrat Lynn Yeakel, who's never run for office, challenged GOP Sen. Arlen Specter. The latest poll shows Specter leading 49%-42%.

- Missouri, where Geri Rothman-Serot, a St. Louis councilwoman, faces GOP Sen. Christopher Bond. Bond led in a September poll 48%-30%, but analysts think it's closer now.

Four other female candidates are running uphill battles:

- Charlene Haar, the only GOP female Senate candidate, trails Democrat Sen. Tom Daschle in South Dakota.

- Democrat Claire Sargent challenging Arizona GOP Sen. John McCain, who has a 2-1 edge.

- Democrat Jean Lloyd-Jones challenging Iowa GOP Sen. Charles Grassley, a member of the Senate Judiciary Committee who leads 67%-24% in polls.

- Democrat Gloria O'Dell, who is running in Kansas against Senate GOP Leader Robert Dole.

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CLINTON PLEA: Bill Clinton is asking TV networks to delay projecting a presidential winner on election night until the polls close on the West Coast. And he vows not to make any early forecasts either. By promising to delay any victory or concession speech, Clinton was addressing the concerns of West Coast politicians of both parties who believe voter participation is discouraged by the early projections and announcements. Specifically, many Democrats believe their party was hurt when President Carter conceded to Ronald Reagan in 1980 before Western polls closed.

CAMPAIGN SPENDING: Ross Perot leads the presidential spending race, bankrolling $2 million a day since re-entering the fray this month. The Texas billionaire's spending Oct. 1-14 - $26 million - outdid President Bush and Democrat Bill Clinton combined, reports filed with the government showed this week. Should he maintain the pace - and his plans suggest he will - Perot will likely exceed the $65.5 million to which Clinton and Bush are limited by law. Perot has no limit because he's using his own money. Bush and Clinton are bound by spending limits because they accepted full taxpayer financing.

ROCKIN' WITH CLINTON: When the Clinton campaign bus rolls through the USA in the next 10 days, the jazzy rifts of Rockin' with the Man from Little Rock will fill the air. A recording of the tune, a favorite of the bus volunteers, was submitted by a couple of Clinton supporters from the Netherlands. The tune is by Coco York, a U.S. jazz singer and teacher at the Rotterdam Conservatory. She's also a native of Strong, Ark., in Clinton's home state. The lyrics are by Roberta Enschede, co-chair of Democrats Abroad in the Netherlands. Says Clinton-Gore worker Lois Pot: ''We played the music all over the Deep South. They loved it.''

TYPE: Electionline

SUBJECT: WOMEN; CANDIDATE; POLITICAL POLL

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51ST STORY of Focus printed in FULL format.

The Associated Press

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October 23, 1992, Friday, PM cycle

SECTION: Political News

LENGTH: 585 words

HEADLINE: Perot Outspends Bush and Clinton Combined in Early October

BYLINE: By JOHN SOLOMON, Associated Press Writer

DATELINE: WASHINGTON

KEYWORD: Perot's Spending

BODY:

Ross Perot may still be third in the polls but he's quickly surged to the front of the presidential spending race, bankrolling $ 2 million a day since re-entering the fray this month.

In fact, the Texas billionaire's spending in the first 14 days of October - $ 26 million - outdid President Bush and Democrat Bill Clinton combined, reports filed with the government showed Thursday.

Should he maintain the pace - and his plans for heavy advertising through the final days suggest he will - Perot will likely exceed the $ 65.5 million to which Clinton and Bush are limited by law.

Perot has no limit because he's using his own money. Bush and Clinton are bound by spending limits because they accepted full taxpayer financing.

"Perot is in their league and certainly spending at an incredible rate given it's all coming out of his pocket," said Christopher Arterton, dean of the Graduate School for Political Management.

"The question now is whether he'll begin spending in such a way that goes after winning the election, particularly by attacking Clinton," Arterton said.

If Perot charges hard in the final days and has success in some states, he could affect the way Bush and Clinton had planned to spend their campaign funds, he said.

"But so far his strategy has almost in a way been directed at not winning the election but having an effect on the nation as a whole," Arterton said.

Perot's poll numbers have doubled in less than a week after widely applauded performances in the debates and a wave of network television advertising.

He has begun spot advertising in select states and his aides are urging him to hit the campaign trail, something he has avoided entirely since re-joining

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the race Oct. 1.

The presidential candidates filed their final spending reports Thursday with the Federal Election Commission before Election Day.

Perot reported spending $ 26 million in the first 14 days of October, compared with Bush's $ 12.3 million and Clinton's $ 11.9 million over the same period.

Perot has spent a total of $ 48 million on his election bid, all but $ 1.3 million of it his own money. During Monday's last debate, he predicted his tab would run at least $ 60 million.

The majority of his expenditures in October - $ 23.62 million - went to his advertising team, which staged a $ 17 million network television ad blitz immediately after Perot's re-entry and has another big push that began Thursday and continues into the weekend.

The rest was split among promotional materials, expenses of his volunteer organization and travel.

The Democrats have already spent most of their money; Republicans had the entire amount still available at the start of October.

In the battle among the legally limited spenders, Bush's expenditures in early October left him with $ 23.7 million for the final three weeks while Clinton finished with $ 14.5 million.

Perot has already contributed more of his own money to his campaign than any other candidate for federal office in modern history.

" Ross Perot is the first independent candidate who has a good chance and more than enough resources to continue his rise rather than fade as other independents have as the election nears," said Larry Sabato, a University of Virginia political scientist.

However, it's unlikely he'd break Richard Nixon's spending record - estimated at $ 104 million - set in 1972 before campaign finance reforms began public funding of presidential campaigns and added strict spending limits, Arterton said.

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
) MUR 3721
Perot '92 and Mike Poss,)
as Treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On December 1, 1992, the Commission found reason to believe that Perot '92 and Mike Poss, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6) by failing to timely file six 48-hour notifications for twelve contributions totaling $10,058,633.

On May 25, 1993, the Commission voted to enter into preprobable cause conciliation negotiations with Respondents, and approved a proposed civil penalty

On March 22, 1994, the Commission revoted to find reason to believe that Respondents violated 2 U.S.C. § 434(a)(6), and approved a conciliation agreement identical to the one it approved on May 25, 1993.[2]

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2. The Commission made those findings consistent with FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), cert. granted, 114 S. Ct. 7203 (1994).

On July 21, 1994, this Office submitted to Respondents the General Counsel's Brief, setting forth its position on the legal and factual issues of the matter, and its recommendation that the Commission find probable cause to believe that the violations occurred.[3]

II. ANALYSIS

This Report incorporates by reference the General Counsel's Brief and all arguments and authorities contained therein. In addition to previous submissions by the General Counsel's Office, the following is submitted in response to the arguments presented by Respondents in their response to the General Counsel's Brief.

A. Statement of the Law

A complete statement of the law is contained in the General Counsel's Brief at pages 1-2.

3. On August 1, 1994, this Office granted Respondents' request for an additional fifteen days in which to submit their responsive brief.

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B. Discussion

Respondents' only new argument is that the Commission's procedures for internally generating enforcement matters, Directive 6, violates principles of administrative law. Respondents' Brief at pp. 28-30. Respondents contend that Directive 6 is a "policy statement", and is subject to statutorily prescribed rulemaking procedures, including the notice and comment requirements of the Administrative Procedures Act. In fact, Directive 6 is a rule of agency practice or procedure, specifically exempt from the general rulemaking requirements of the APA. 5 U.S.C. § 553(b)(A).

Contrary to Respondents' assertions, Directive 6 relates solely to the Commission's internal practices and procedures, and has no "binding effect on the public's actions to comply with FECA." Respondents' Brief at p. 29. In fact, Directive 6 merely "sets forth the applicable procedures and standards for internally-generated MURs." FEC v. Stein, No. CV88-4345-PAR at 7 (C.D. Cal. 1988) (unpublished memorandum opinion and order). In affirming the Commission's application of Directive 6, the court in Stein went on to say that the "FEC policy of internally generating enforcement matters ... reflects an interpretation of statutory language which is not self-defining, is not contradicted by any explicit legislative history, and plainly advances FECA's enforcement goals." Id. at 8. Numerous courts have affirmed an agency's right to set forth its own procedures.

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"Absent constitutional constraints or extremely compelling circumstances, the 'administrative agencies "should be free to fashion their own rules of procedures and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties."'" Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc., 435 U.S. 519, 543-44 (1978) (quoting FCC v. Schreiber, 381 U.S. 279, 290 (1965) (quoting FCC v. Pottsville Broadcasting Co., 309 U.S. 134, 143 (1940))). See also Seacoast Anti-Pollution League v. Costle, 597 F.2d 306, 308 (1st Cir. 1979) ("Absent law to the contrary, agencies enjoy wide latitude in fashioning their procedural rules"); U.S. v. McCall, 727 F. Supp. 1252, 1254 (N.D. Ind. 1990) ("It is well-settled that 'rules of agency organization, procedure, or practice' need not be published to be effective"). The Federal Election Commission, too, is entitled to follow its own internal procedures as set forth in Directive 6.

Respondents do not dispute the untimely reporting of $2,691,601 of the contributions at issue. They have, however, resurrected their argument that because the remaining $7,367,032 of the contributions consisted of candidate purchases of broadcast time, these in-kind contributions should not be deemed made until the advertisements actually aired, when they consider the benefit to actually have been conferred. Respondents cite to 11 C.F.R. § 104.13(a)(1), which requires that in-kind contributions be valued on the date received, to support their argument that they need not be reported until the date the benefit is actually conferred.

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In fact, such candidate purchases are deemed made, and thus are reportable, when "provided" by the contributor. 11 C.F.R. § 110.1(b)(6). Section 104.13(a)(1) specifies the date on which in-kind contributions are to be valued. Section 110.1(b)(6) addresses when in-kind contributions must be reported. The contribution is provided and, thus, reportable, when either the expenditure is made, or the benefit is actually conferred, whichever comes first. Respondents' reasoning would result in the delay in reporting of any purchase made in advance of the use or distribution of the goods or services purchased, even though the goods or services were purchased solely for use by the campaign, and the campaign was relying on that advance purchase. In this case, the benefit was actually conferred on the campaign when the candidate committed his resources on its behalf. See FEC v. American Fed'n of State, County and Mun. Employees, Civ. Action No. 88-3208, (D.D.C., July 10, 1990).

As they have in their several earlier submissions, Respondents reiterate Perot '92's "extraordinary efforts" to ensure compliance with all FEC filing requirements, including hiring accountants and computer consultants, and leasing computer hardware and software. They also describe and attach, as Exhibits 1 and 2, the September 15 and 22, 1992, memoranda circulated to campaign staff which detail the requirements for 48-hour filings. Respondents assert that they exercised their "best efforts" to comply with the filing requirements. They also describe how two key members of the campaign, including Mr. Poss, inadvertently were never made aware of the reporting procedures. Respondents'

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Brief at pp. 7-19. As discussed in the General Counsel's Brief at pages 3-4, the existence of their detailed reporting procedures undercuts their argument that the untimely filings should be excused because theirs was a grassroots campaign relying primarily on inexperienced volunteers. Respondents' Brief at pp. 16-18. See General Counsel's Brief at pp. 4-5. These arguments may serve as mitigating factors; none of them excuses the violations.

Once again, Respondents argue that the statutorily required 48-hour filings were unnecessary in this case because of the extensive media coverage given to the fact that this candidate was financing his own campaign. Respondents' Brief at pp. 15-16. As discussed previously, Respondents' suggestion that the Commission should abdicate to the news media its responsibility to ensure the collection and dissemination of accurate information for the public raises a host of regulatory and constitutional issues. See General Counsel's Brief at pp. 5-6; General Counsel's Report, July 13, 1994, at pp. 2-3.

Respondents again raise procedural issues with regard to how this matter was generated. Respondents' Brief at pp. 21-27, 30-31. As discussed previously, these arguments are simply incorrect. This matter was properly generated pursuant to the Commission's lawful procedures. General Counsel's Brief at pp. 6-8.

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III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office recommends that the Commission submit to Respondents a proposed conciliation agreement

IV. RECOMMENDATIONS

1. Find probable cause to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6).

2. Approve the attached conciliation agreement.

3. Send an appropriate letter

5043625519

10-4-94
Date

LMNoble (ZP)
Lawrence M. Noble
General Counsel

Attachment:

1. Conciliation Agreement

Staff assigned: Caryn L. Zimmerman

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: OCTOBER 6, 1994

SUBJECT: MUR 3721 - GENERAL COUNSEL'S REPORT DATED OCTOBER 4, 1994.

The above-captioned document was circulated to the Commission on Tuesday, October 4, 1994 at 4:00.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Potter	XXX
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for Tuesday, October 18, 1994.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3721
Perot '92 and Mike Poss, as Treasurer	)	
	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 18, 1994, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 3721:

1. Find probable cause to believe that Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6).

2. Approve the conciliation agreement recommended in the General Counsel's report dated October 4, 1994, and amended by the General Counsel's October 13, 1994

(continued)

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3. Send an appropriate letter

Commissioners Aikens, Elliott, McDonald, Potter, and Thomas voted affirmatively for the decision; Commissioner McGarry was not present.

Attest:

10-19-94
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 1994

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 3721
Perot '92 and Mike Poss,
as Treasurer

Dear Mr. Gross:

On October 18, 1994, the Federal Election Commission found that there is probable cause to believe your clients, Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6), a provision of the Federal Election Campaign Act of 1971, as amended, by failing to timely file six 48-hour notifications for twelve contributions totaling $10,058,633.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make the check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Caryn L. Zimmerman, the attorney assigned to this matter, at (202) 219-3400. Please be advised, however, that there is now less room for negotiation of the civil penalty than there might be in other circumstances, because more

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than one year of conciliation negotiations with your clients has elapsed without any resolution of this matter, and because of the stage in the proceeding in which this offer comes.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

5043625524

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA FAX: 202-393-5760 November 16, 1994

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 3721
Perot '92 and Mike Poss,
as Treasurer

Dear Mr. Gross:

On October 21, 1994, you were notified that the Federal Election Commission found probable cause to believe that your clients, Perot '92 and Mike Poss, as treasurer, violated 2 U.S.C. § 434(a)(6). On that same date, you were sent a conciliation agreement offered to your clients by the Commission in the settlement of this matter.

Pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. As of this date, this Office has not heard from you on this matter.

Please note that 30 days will elapse on November 22, 1994. As we noted in our last letter to you, pre-probable cause conciliation negotiations were quite lengthy. To ensure that our current negotiations proceed expeditiously, we expect a response from you by November 22, 1994.

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

Sincerely,

Caryn L. Zimmerman
Enforcement Attorney

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

SENSITIVE

FEB 1 3 35 PM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3721
Perot '92 and Mike Poss,	)	
as Treasurer	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been submitted to the Commission as a counteroffer on behalf of Perot '92 and Mike Poss, as treasurer. (Attachment 1). The agreement has been signed and a check for the proposed civil penalty has been received.

On October 18, 1994, the Commission found probable cause to believe that Respondents violated 2 U.S.C. § 434(a)(6), and entered into conciliation

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II. **ANALYSIS**

The attached conciliation agreement has been submitted as a counteroffer to the agreement approved by the Commission. The agreement contains an admission of violations of 2 U.S.C. § 434(a)(6).

The agreement provides for a civil penalty of $65,000,

In light of the concerns and positions expressed at the Commission meetings regarding this matter, this Office recommends that the Commission accept Respondents' proposed civil penalty

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Respondents have admitted to violations of 2 U.S.C. § 434(a)(6) and have submitted a check in the full amount of $65,000 for the civil penalty. Therefore, the General Counsel recommends that the Commission accept this agreement and the $65,000 civil penalty.

III. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Perot '92 and Mike Poss, as treasurer.

2. Close the file.

3. Approve the appropriate letter.

2/1/95
Date

Lawrence M. Noble
General Counsel

Attachment:

1. Respondents' Proposed Conciliation Agreement

Staff assigned: Caryn L. Zimmerman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Perot '92 and Mike Poss, as Treasurer.	)	MUR 3721
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 6, 1995, the Commission decided by a vote of 6-0 to take the following actions in MUR 3721:

1. Accept the conciliation agreement with Perot '92 and Mike Poss, as treasurer, as recommended in the General Counsel's Report dated February 1, 1995.

2. Close the file.

3. Approve the appropriate letter, as recommended in the General Counsel's Report dated February 1, 1995.

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

Attest:

2-6-95
Date

for Delores Hardy
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., Feb. 01, 1995 3:35 p.m.
Circulated to the Commission: Wed., Feb. 01, 1995 4:00 p.m.
Deadline for vote: Mon., Feb. 06, 1995 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 8, 1995

Kenneth A. Gross, Esq.
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 3721
Perot '92 and Mike Poss,
as Treasurer

Dear Mr. Gross:

On February 6, 1995, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of the above-referenced matter. Accordingly, the file has been closed 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.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Caryn L. Zimmerman
Enforcement Attorney

Enclosure
Conciliation Agreement

5043625531

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3721
Perot '92 and	)	
Mike Poss, as Treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Perot '92 and Mike Poss, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(6).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation, pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Perot '92 is a political committee within the meaning of 2 U.S.C. § 431(4), and is the authorized principal

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campaign committee for H. Ross Perot's 1992 Presidential campaign.

2. Mike Poss is the treasurer of Perot '92.

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate, the Clerk of the U.S. House of Representatives or the Commission, as appropriate, and the Secretary of State, of each contribution totaling $1,000 or more, received by any authorized committee of the candidate after the 20th day but more than 48 hours before any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a)(6)(B). The treasurer of a political committee is personally responsible for the timely and complete filing of each report. 11 C.F.R. § 104.14(d).

4. In the 1992 election cycle, the Commission made special efforts to educate candidates and treasurers about the 48-hour notice provision, including mailing to all treasurers of registered committees information regarding reporting and filing requirements.

5. Perot '92 established internal procedures to ensure compliance with the 48-hour requirements, and all Perot '92 state coordinators and state treasurers were notified by internal memoranda of those requirements.

6. Respondents received between October 15 and October 31, 1992, twelve (12) contributions of $1,000 or more totaling $10,058.633.

7. On October 21, 1992, the Commission received notification of three (3) contributions totaling $3,000, which were made on October 16, 1992 by individual contributors. On October 26, 1992, the Commission received untimely notification of nine (9) contributions and expenditure totaling $10,055,633, which were made between October 15 and October 22, 1992 by the candidate to his committee. Between October 21, 1992 and October 26, 1992, Respondents filed 48-hour notices of five (5) contributions on a timely basis.

8. Respondents filed the late notifications with the Commission at least one week before the election.

V. 1. With respect to the candidate's nine personal contributions to his committee totaling $10,055.633, Respondents contend that they reported those contributions immediately upon learning of their failure to timely file the required 48-hour notices. Respondents further contend that all of their late filings occurred due to an honest mistake, and that they acted with no intentional or willful disregard for the Commission's reporting requirements.

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2. Respondents contend that the candidate contributions and expenditures that were not filed on a timely basis were made by wire transfers initiated by Mr. Poss, who maintained an office in a building separate from Perot '92.

3. Respondents contend that during the period in which the contributions reported in the untimely 48-hour notices were made, the campaign publicly disclosed expenditures and contributions by the candidate. Respondents further contend that the candidate repeatedly stated throughout his campaign that he was financing the campaign from his own funds, rather than seeking contributions or spending public funds. Respondents contend, also, that the candidate's self-financing received widespread media attention.

VI. Respondents failed to report twelve (12) campaign contributions of $1,000 or more totaling $10,058,633, each received after the 20th day, but more than 48 hours before the general election, within 48 hours of receipt of the contributions, in violation of 2 U.S.C. § 434(a)(6).

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of sixty-five thousand dollars ($65,000), pursuant to 2 U.S.C. § 437g(a)(5)(A), to avoid further costs.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil

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action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

5043625536

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: _____ 2/8/95
Lawrence M. Noble
General Counsel

Date

FOR THE RESPONDENTS:

By: _____ January 17, 1995
Kenneth A. Gross
Counsel for Perot '92
and Mike Poss, as Treasurer

CE NUMBER	DATE	DESCRIPTION	GROSS	DEDUCTIONS	AMOUNT PAID
3721					**$65,000.00

DETACH STATEMENT BEFORE DEPOSITING

PEROT PETITION ACCOUNT

NATIONSBANK OF TEXAS, N.A.
DALLAS, TX
32-2/1110

CHECK NO. 8880

DATE	AMOUNT
01/18/95	**$65,000.00**

SIXTY FIVE THOUSAND AND NO/100 DOLLARS

THE ORDER OF:

FEDERAL ELECTION COMMISSION
999 E STREET N.W.
WASHINGTON, DC 20463

BY J Michael Rom
AUTHORIZED SIGNATURE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3721

DATE FILMED 2-28-95 CAMERA NO. 2

CAMERAMAN JMH

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 3/3/95

_____ Microfilm
✓ Public Records
_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 3721

9504363005 5

PEROT '92
12377 MERIT DRIVE
DALLAS, TEXAS 75251

214-788-3030

February 27, 1995

General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 3721

Dear Sir:

We request that the enclosed letter be placed in the file regarding the above-referenced matter and made available to the public.

PEROT '92

Mike Poss

Mike Poss, Treasurer

9504300056

Fax Rec'd 3/3/95

PEROT '92
12377 MERIT DRIVE
DALLAS, TEXAS 75251

214-788-3030

February 27, 1995

Federal Election Commission
999 E Street, NW
Washington, DC 20463

To the Members of the Commission:

Perot '92 did not violate the letter or spirit of the 48 Hour reporting rule, which requires campaigns to notify the FEC within two days of receipt of contributions during the last two weeks of an election.

The purpose of the 48 Hour rule is to inform the public of who is "trying to influence" an election in the last two weeks of a campaign.

No action has ever been taken by the FEC on 48 Hour reports filed prior to the election, even if not filed within 48 hours.

This whole issue arises from the fact that in certain instances Ross Perot wired money directly to the networks to reserve television time.

The FEC says the campaign should have reported the wires within 48 hours of the time of the wires to the networks instead of the time the programs were broadcast.

All of the *Perot* '92 media purchases were publicly announced at daily press conferences and reported in national newspapers so that voters would know the dates the programs would be shown — which is far more public than filing with the FEC.

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It was publicly known that Ross Perot was paying for his own campaign in contrast to the Democrats and Republicans who were being funded by taxpayer dollars.

The *Perot '92* 48 Hour reports were filed at least one full week before the election.

The FEC has always ignored even technically late 48 Hour reports from Democrats and Republicans if the reports are filed prior to the election.

In 1992, both the Clinton and Bush campaigns filed late 48 Hour reports, but no action was taken against them.

Conclusions:

- The 48 Hour rule was complied with by *Perot '92*: The public knew who paid for the broadcasts.
- The FEC is made up of three Democrats and three Republicans. Because this commission ignores late 48 Hour filings for Democrats and Republicans, and only makes an issue of the *Perot '92* filings, it is obvious that an independent candidate is held to a much higher standard by this commission than Democrats or Republicans.

Although *Perot '92* would prevail in court, it pays this settlement only to avoid the cost of months or years of litigation.

PEROT '92

Mike Poss

Mike Poss, Treasurer

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