



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Date: 11/8/94

 Microfilm
 Public Records
 Press

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THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 3936



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 1994

Thomas M. Sealy, Treasurer
Neal For Congress
508 Western Ave.,
Joliet, Illinois 60435

RE: MUR 3936
Neal For Congress and Thomas M.
Sealy, as treasurer

Dear Mr. Sealy:

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to find that there is no reason to believe that Neal For Congress and Thomas M. Sealy, as treasurer, violated the federal election law, specifically 2 U.S.C. § 441d(a), as alleged in the complaint filed in this matter. This document will be placed on the public record as part of the file of MUR 3936.

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

Sincerely,

Phillip L. Wise
Phillip L. Wise
Attorney

Enclosure
Statement of Reasons

94043591665



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 4, 1994

Michael Dillon
2464 N. Lincoln, Apt. 38
Chicago, Illinois 60614

RE: MUR 3936
Neal for Congress and
Thomas M. Sealy, as treasurer

Dear Mr. Dillon:

By letter dated October 4, 1994, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against Neal for Congress and Thomas M. Sealy, as treasurer.

Enclosed please find a Statement of Reasons adopted by the Commission explaining its decision to find that there is no reason to believe that the Neal Committee violated the federal election law, specifically 2 U.S.C. § 441d(a), as alleged in your complaint. This document will be placed on the public record as part of the file of MUR 3936.

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

Sincerely,

Phillip L. Wise
Phillip L. Wise
Attorney

Enclosure
Statement of Reasons

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3936

DATE FILMED 11-8-94 CAMERA NO. 4

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

February 20, 1994

FEB 25 11 26 AM '94

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

Re: 11th Congressional District of Illinois
David Neal

MUR 3936

94 FEB 25 PM 2:29

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL

Dear Madam or Sir,

I would like to make a formal complaint against David Neal a candidate for Congress in Illinois' 11th congressional district.

Enclosed are copies of two pieces of literature from David Neal. As you can see, the literature does not have an authorization notice stating who authorized or paid for the campaign literature. This literature could have been illegally printed in violation of federal law.

I would appreciate you investigating this matter.

Thank you,

Michael Dillon
2464 N. Lincoln
Apartment 3S
Chicago, IL 60614

Subscribed and Sworn to before me by Michael Dillon this 21st day of February, 1994.

Notary Public

"OFFICIAL SEAL"
ANITA D. SMITH
Notary Public Cook County, Illinois
My Commission Expires Sept. 29, 1995

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DAVE NEAL

* **Age 38.** Dave has the winning combination of youth and experience. Dave is an accomplished trial lawyer with twenty years experience in Democratic politics.

* **A hard campaigner.** Dave Neal responds to the challenge. Almost always an underdog Dave is known to outwork his opponent and enjoy a challenge.

* **A lifelong resident of the 11th Congressional District.** Dave graduated in a class of 88 students from Coal City High. A graduate of Lewis University and Northern Illinois University Law School, Dave chose to remain in the 11th Congressional District and make it his home for life. Five generations of Dave's family have lived in the 11th Congressional District.

* **Respects tradition.** The grandson of Italian immigrants, Dave is of Irish-Italian descent. Dave began working in family businesses as a child.

* **A Friend of Labor.** In his prior campaigns Dave has sought and received the endorsement of every labor organization in the district. Dave understands that friendship is a two way street.

* **A winner.** In his most recent death penalty trial Dave faced a defense attorney who had never lost a death penalty hearing in six prior cases. Dave fought for, and received, a guilty verdict and death penalty. Whether it is a jury trial or political campaign, Dave is a proven winner.

* **Known throughout the district.** Dave has worked in Grundy, Will, LaSalle and Kankakee counties. Dave's father and maternal grandparents are from Will County. Dave has received extensive media attention from Chicago to Peru.

* **A team player.** Dave will work with State and local candidates to put together a winning team.

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Neal receives key endorsements

11th District Congressional candidate Dave Neal has announced that he has received the endorsement of the Democratic County Chairmen from Will, Grundy and Kankakee counties.

"I am proud to have the personal endorsement of Will County Democratic Chair Larry Walsh, Grundy County Democratic Chair Puffy Burt and Kankakee County Democratic Chair Caryl Wadley-Foy," said Neal. "The Democratic leaders of these counties recognize that I am the person with the best chance of keeping this seat Democratic in November."

Neal stressed that the Democratic Chairmen were



Dave Neal

making personal endorsements and that he did not claim the endorsement of the Democratic Committee in the respective counties. "Each county committee has

its own rules and procedures. Some committees will make endorsements and some will choose not to, preferring an open primary. But, these three Democratic leaders have chosen to openly endorse my candidacy and I am grateful for their help."

Will County Chairman Larry Walsh stressed the electability of Neal. "Dave Neal is the most electable candidate in November. I have known Dave and worked with him for several years. I respect Dave's tough position on gang crime and his commitment to bringing new jobs to this area. Dave Neal will continue the great representation we have come to expect from Congressman Sangmeister."

Committee looks at Neal run for seat in Congress

Grundy County State's Attorney Dave Neal has authorized the formation of a legislative advisory committee.

"I have received a great deal of enthusiastic encouragement to seek legislative office at both the federal and state level," said Neal. "This committee will help me to evaluate our options to determine where we can have the greatest impact."

"During the past five years I have worked hard to shorten lengthy delays in death penalty cases, protect the rights of crime victims and deal with a gang problem that is getting out of control."

"It can be extremely frustrating to see politicians who fail to place priorities on the things that really matter to everyday people."

Neal, 38, has been at the forefront of legislative efforts of the Illinois State's Attorney's Association. He has authored leg-



DAVE NEAL

islation which makes it illegal for prison inmates to contact their victims from prison and which closed a loophole that allowed drunk drivers who caused serious injury to escape punishment.

The Grundy County State's Attorney is a member of the 11th Congressional District and 30th

State Senate District. He is vice president of the Illinois State's Attorney's Association, the Illinois director to the National District Attorney's Association and a member of the Board of Governors of the Illinois Appellate Practitioners.

Neal was elected to the Democratic state board of representatives from the congressional district in 1990. Elected as state's attorney in 1988, he is the first democrat in the history of the county to hold that position.

"I truly love my job, which makes this a tough decision," said Neal. "However, this is a natural next step - taking my experience as a prosecutor and putting it to work where we can help more people."

Neal is a co-author of Illinois' new tougher stalking law and the Illinois Crime Victim's Rights legislation. He has also been an advocate of children's issues.

Neal files for nomination in 11th Congressional District

Grundy County State's Attorney Dave Neal filed nominating petitions for the vacancy occurring in the 11th Congressional District due to the retirement of Congressman George Sangmeister.

"The retirement of our Congressman leaves a tremendous void within this district," said Neal. "I seek to continue the programs and policies Sangmeister has worked so hard to implement."

Neal, age 38, is a conservative Democrat. "My views are probably closer to those of the mainstream voter in this district than any candidate in this race," noted Neal. "I intend to take care of the district first by focusing on issues which affect our quality of life—crime and jobs."

A two term prosecutor, Neal is running a law and order campaign. "I strongly support the death penalty," said Neal. "All over this district people tell me they are fed up with the endless delays in implementing capital punishment. I'll work hard to end these delays."

Neal has legislative experience at the state and federal level serving as the chairman of the Illinois State's Attorney's Association Legislative Committee. He also represents Illinois' State's Attorneys on the governing



Dave Neal

board of the National District Attorney's Association.

"I have worked to re-focus the criminal justice system to recognize the rights of victims and good people who need fair protection," said Neal. "I know that I can have the greatest impact by going to Congress and speaking for everyday people who deserve a fair shake."

Neal will run a district-wide campaign with co-ordinators from each county in the district. "The support I have received is overwhelming. This is a huge district and it will take a team effort to win. I'm confident that our team will carry us through the primary with the momentum we need to win in November."

Grundy Co. imprint on new stalker law

An occurrence in Grundy County became the basis of a new tougher stalking law in Illinois.

Grundy County State's Attorney Dave Neal became aware of a situation in which an adult male became obsessed with a local 15 year old girl. The man followed the girl here from another state and made inappropriate calls by telephone, sat continually outside of the victim's home, and approached the home when the victim's parents were not home.

"The prior history of the offender coupled with inappropriate behavior which got worse as time went on caused a victim's family to be rightfully concerned."

said Neal. "The old stalking law was of little value."

Neal met with other State's Attorneys and a new, more inclusive stalking law was introduced. "The old law virtually required a verbal threat" noted State's Attorney Neal. "This law looks toward the conduct of the offender."

"When times the offender makes no verbal threat. However, the behavior of the offender is such that the victim is placed into a terrifying situation. The new law seeks to remedy this."

There were a relatively few number of stalking cases charged under the old law. Hopefully this change will make it easier for prosecutors to protect victims.

Neal Named To National District Attorney's Board

Grundy County State's Attorney Dave Neal has been named a member of the Board of Directors of the National District Attorney's Association. Neal was named by the Illinois State's Attorney's Association to serve as the Illinois State Director to the National Board.

"I'm looking forward to the challenges I will face on the governing board of our nation's prosecutors," said Neal. "I will have the opportunity to make my voice heard by federal and state legislators especially in the area of death

penalty reform. The necessary changes must come."

Neal will join state directors from each of the 50 states and other prosecutors representing some large urban jurisdictions. The National District Attorney's Association's motto is "To be the voice of America's prosecutors and to protect the rights and safety of the people."

State's Attorney Neal will be seated to the National District Attorney's Association Board at the fall meeting in San Antonio, Tex.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

March 4, 1994

Michael Dillon
2464 N. Lincoln, Apt. 3S
Chicago, IL 60614

RE: MUR 3936

Dear Mr. Dillon:

This letter acknowledges receipt on February 25, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3936. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar
Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

94043591830



FEDERAL ELECTION COMMISSION

WASHINGTON, D. C. 20543

March 4, 1994

David Neal
Neal for Congress
P.O. Box 802
Morris, IL 60450

RE: MUR 3936

Dear Mr. Neal:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3936. Please refer to this number in all future correspondence.

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

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

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David Neal
Page 2

If you have any questions, please contact Joan McEnery at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar
Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

March 4, 1994

Thomas M. Sealy, Treasurer
Neal for Congress
P.O. Box 802
Morris, IL 60450

RE: MUR 3936

Dear Mr. Sealy:

The Federal Election Commission received a complaint which indicates that the Neal for Congress Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3936. Please refer to this number in all future correspondence.

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

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

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Thomas M. Sealy, Treasurer
Neal for Congress
Page 2

If you have any questions, please contact Joan McEnery at
(202) 219-3400. For your information, we have enclosed a brief
description of the Commission's procedures for handling
complaints.

Sincerely,

Mary E. Taksar
Mary E. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

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Neal for Congress
Thomas M. Sealy, Treasurer
 508 Western Ave., Joliet, IL 60435
 (815) 727-3634

RECEIVED
 FEDERAL ELECTION
 COMMISSION
 ADMINISTRATIVE DIVISION

Jun 16 9 09 AM '94

May 28, 1994

Ms. Mary L. Taksar
 Federal Election Commission
 999 E Street N.W.
 Washington, D.C. 20463

RE: MUR 3936

Dear Ms. Taksar:

I am writing in answer to the complaint from one Michael Dillon regarding an alleged violation of Federal Election Law by the Committee or myself as treasurer.

The documents complained of consist of a biographical data sheet and a xerox copy of various newspaper articles about the candidate. I was told by the candidate that these documents were created by him and his campaign manager using in-house equipment at the request of the Will County Democratic Party to aid them in their decision whether to support any of the seven candidates in this race. All candidates were requested to furnish this material. This material was then in turn passed out to the party precinct committeemen at their various local meetings. Copies were sent to committeemen who did not attend these meetings.

I wish to impress upon the Commission that this material was in no way disseminated to the general public by any means including U.S. mail or handouts. I have no clue as to how Mr. Dillon obtained a copy of it unless it was from someone who attended one of the local meetings.

I wish to also advise the Commission that neither the Committee nor myself had any knowledge of the creation of these documents or participated in any way in the publication or dissemination of them.

I hope this letter answers your questions regarding this complaint.

Sincerely Yours,

Thomas M. Sealy
 Thomas M. Sealy
 Treasurer

RECEIVED
 FEDERAL ELECTION
 COMMISSION
 OFFICE OF GENERAL
 COUNSEL
 Jun 16 9 51 AM '94

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

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

SEP 19 12 17 PM '94

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MURs #3935 and #3936
DATE COMPLAINTS RECEIVED
BY OGC February 25, 1994
DATE OF NOTIFICATION TO
RESPONDENTS: March 4, 1994

COMPLAINANT: Michael Dillon

RESPONDENTS: Giglio for Congress Committee and Tina J.
Paterek, as treasurer.

Neal for Congress and Thomas M. Sealy,
as treasurer.

RELEVANT STATUTES: 2 U.S.C. § 441d(a)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: NONE

I. GENERATION OF MATTER

These matters were initiated by signed sworn complaints filed with the Federal Election Commission ("The Commission") on February 25, 1994, by Michael Dillon from Chicago, Illinois. (Attachments 1 and 2). In the complaint with regard to MUR 3935, Mr. Dillon alleges that campaign literature he received from Frank Giglio, a candidate for Congress in the 11th congressional district of Illinois, failed to contain a statement identifying who authorized and paid for the campaign literature. In the complaint with regard to MUR 3936, Mr. Dillon alleges that campaign literature he received from David Neal, a candidate for Congress in the 11th congressional

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district of Illinois, failed to contain a statement identifying who authorized and paid for the campaign literature.^{1/}

On March 4, 1994, notification of the filing of these complaints, along with a copy of the appropriate complaint were mailed to the Giglio for Congress Committee ("Giglio Committee") and Tina J. Paterek, as treasurer, and Neal for Congress ("Neal Committee") and Thomas M. Sealy, as treasurer. (Attachment 3 and 4). On April 6, 1994, the Giglio Committee responded to the complaint. (Attachment 5). On June 16, 1994, the Neal Committee responded to the complaint. (Attachment 6).

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441d(a), whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication, if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. If such communication is paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, the communication shall clearly

^{1/} Frank Giglio and David W. Neal, both democrats, were opponents in the 1994 Primary in the 11th congressional district of Illinois. Frank Giglio won the Primary with 21% of the vote. David W. Neal obtained 19% of the vote.

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state that it is paid for by such other persons and authorized by such authorized political committee. If such communication is not authorized by a candidate, an authorized political committee of a candidate, or its agents, the communication shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

1. NUR 3935--The Giglio Committee

As stated above, Mr. Dillon alleges that campaign literature he received from Frank Giglio, a candidate for Congress in the 11th congressional district of Illinois, failed to contain a statement identifying who authorized and paid for the campaign literature. In support of his allegations Mr. Dillon submitted copies of the campaign material he allegedly received from the Giglio Committee. The campaign material submitted by Mr. Dillon clearly advocates the election of Frank Giglio. In addition, the material does not identify who paid for or authorized the communication.

In responding to the complaint the Giglio Committee asserts that a limited number of the communications were distributed that did not identify who authorized and paid for the campaign material. The Giglio Committee claims that prior to distributing the campaign material at issue, they received information from an Information Specialist at the Commission indicating that no disclaimer was necessary. In addition, the Giglio Committee asserts that once it was discovered that the communication required the disclaimer, the campaign material was

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reprinted with the appropriate disclaimer.

The Giglio Committee argues that in 1987, with regard to state elections, the Illinois General Assembly declared such disclaimer requirements unconstitutional unless solicitations for contributions were involved. The Giglio Committee contends that the Commission's Information Specialist represented that federal law was consistent with the current status of Illinois law. Accordingly, the Giglio Committee argues that since it relied on the representations made by the Commission staff, the Commission should take no further action in this matter.

In addressing the Giglio Committee's allegation a staff member from this Office contacted the Information Specialist named in the response. The Information Specialist states that he did not make the representation attributed to him by the Giglio Committee.

Despite the argument presented by the Giglio Committee, the campaign literature expressly advocated the election of a clearly identified candidate; however it did not include the disclaimer identifying whether it was authorized by the candidate and who paid for the production of the campaign material, as required by 2 U.S.C. § 441d(a). The Giglio Committee's failure to include the disclaimer, on campaign literature which clearly advocates the election of Frank Giglio to the congressional seat from the 11th congressional district of Illinois, appears to be a violation of 2 U.S.C. § 441d(a).

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2. NUR 3936--The Neal Committee

As stated above, Mr. Dillon alleges that campaign literature he received from David Neal, a candidate for Congress in the 11th congressional district of Illinois, failed to contain a statement identifying who authorized and paid for the campaign literature. In support of his allegations Mr. Dillon submitted copies of the campaign material he allegedly received from the Neal Committee. The campaign material submitted by Mr. Dillon clearly advocates the election of David Neal. In addition, the material does not identify who paid for or authorized the communication.

In responding to the complaint the Neal Committee asserts that the documents complained about consisted of a biographical data sheet and a Xerox copy of various newspaper articles about the candidate. According to the Neal Committee these documents were created by the candidate and his campaign manager using in-house equipment, at the request of the Will County Democratic Party. The Neal Committee states that the Will County Democratic Party wanted this information from all seven Democratic candidates to help with its decision on which candidate to support in this race. The Neal Committee then asserts that the Will County Democratic Party passed out this material to the party precinct committeemen at their various local meetings. The Neal Committee also avers that this material was not disseminated to the general public, and accordingly states that they do not know how Mr. Dillon obtained a copy.

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The campaign literature expressly advocated the election of a clearly identified candidate, however did not include the disclaimer identifying whether it was authorized by the candidate and who paid for the production of the campaign material, as required by 2 U.S.C. § 441d(a). The Neal Committee's failure to include the disclaimer, on campaign literature which clearly advocates the election of David Neal to the congressional seat from the 11th congressional district of Illinois, appears to be a violation of 2 U.S.C. § 441d(a).

3. Conclusions

It is apparent that the campaign materials, which are the subject of the complaints in the above-referenced matters failed to contain the disclaimer required by 2 U.S.C. § 441d(a). This Office feels it would be important and instrumental in completing this matter to obtain information with regard to how widely this material was disseminated, the cost associated with production and dissemination, and the period of time the material was used by the appropriate committee.^{2/} To obtain the

^{2/} The Illinois Primary election was held on March 15, 1994. Therefore, we reviewed the April Quarterly and Pre-Primary Reports, (covering 1/1/94 to 3/31/94) to find disbursements possibly related to the advertisements at issue in this matter. However, with the limited known information about the mailings (e.g. no dates, indication of size of production) it is not possible to positively identify which expenditures were for the advertisements.

With regard to Neal, no entries were found that can be attributed to the complained about documents. With regard to Giglio, the subject mailing appears to be a palm card. In the Giglio committee's two reports checked, only one palm card project was identified. The expenditure was reported as being made by the candidate to be reimbursed by the Committee. The cost associated with the entry is \$1,140.00. Note that this

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foregoing information in the most efficient manner this Office recommends that the Commission authorize subpoenas for documents and answers to questions from both the Giglio Committee and the Neal Committee.

IV. RECOMMENDATIONS

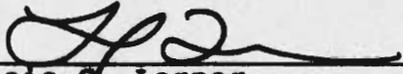
1. Find reason to believe that the Giglio for Congress Committee and Tina J. Paterek, as treasurer, violated 2 U.S.C. § 441d(a).
2. Find reason to believe that Neal for Congress and Thomas M. Sealy, as treasurer, violated 2 U.S.C. § 441d(a).
3. Approve the attached Factual and Legal Analyses.
4. Approve the attached subpoena to Giglio for Congress Committee and Tina J. Paterek, as treasurer.
5. Approve the attached subpoena to Neal for Congress and Thomas M. Sealy, as treasurer.
6. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date

9/19/94

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Complaint in MUR 3935
2. Complaint in MUR 3936
3. Notification letter in MUR 3935
4. Notification letter in MUR 3936
5. Giglio response
6. Neal response
7. Factual and Legal Analysis Giglio
8. Factual and Legal Analysis Neal
9. Subpoenas

(Footnote 2 continued from previous page)
amount may or may not be the total cost of the mailing and may include the corrected reprinting, postage, distribution, etc.

94043591842



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. ENNON^{ESW} / E. SHARON HUGHES
COMMISSION SECRETARY

DATE: SEPTEMBER 22, 1994

SUBJECT: NUR 3935 & 3936 - FIRST GENERAL COUNSEL'S REPORT
DATED SEPTEMBER 19, 1994

The above-captioned document was circulated to the
Commission on MONDAY, SEPTEMBER 19, 1994 4:00.

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

Commissioner Aikens	<u>XXX</u>
Commissioner Elliott	<u>XXX</u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Potter	<u> </u>
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda
for TUESDAY, SEPTEMBER 27, 1994.

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

94043591843

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Giglio for Congress Committee and) MURS 3935
Tina J. Paterek, as treasurer;) AND 3936
Neal for Congress and Thomas M.)
Sealy, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on September 27, 1994, do hereby certify that the Commission decided by a vote of 6-0 to reject the recommendations in the General Counsel's September 19, 1994 report and instead take the following actions with respect to MUR 3935 and MUR 3936:

1. Find reason to believe that the Giglio for Congress Committee and Tina J. Paterek, as treasurer, violated 2 U.S.C. § 441d(a), send the respondents an admonishment letter and an appropriate factual and legal analysis, but take no further action with respect to this violation.
2. Find no reason to believe that Neal for Congress and Thomas M. Sealy, as treasurer, violated 2 U.S.C. § 441d(a), but send them an appropriate letter pursuant to the Commission discussion, and take no further action.

(continued)

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Federal Election Commission
Certification for MURS 3935
and 3936
September 27, 1994

Page 2

3. Close the files in these matters.

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

Attest:

9-29-94
Date

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

94043591845



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 4, 1994

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Michael Dillon
2464 N. Lincoln, Apt. 3S
Chicago, Illinois 60614

RE: MUR 3936
Neal for Congress and
Thomas M. Sealy, as treasurer

Dear Mr. Dillon:

On September 27, 1994, the Federal Election Commission reviewed the allegations of your complaint dated February 22, 1994, and found that on the basis of the information provided in your complaint, and information provided by Neal for Congress and Thomas M. Sealy, as treasurer ("Neal Committee"), there is no reason to believe that the Neal Committee violated the federal election law, specifically 2 U.S.C. § 441d(a), as alleged in your complaint. Accordingly, on September 27, 1994, the Commission closed the file in this matter. A Statement of Reasons providing a basis for the Commission's decision will follow.

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

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Certification of Commission action

94043591846



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 4, 1994

Thomas M. Sealy, Treasurer
Neal For Congress
508 Western Ave.,
Joliet, Illinois 60435

RE: MUR 3936
Neal For Congress and Thomas M.
Sealy, as treasurer

Dear Mr. Sealy:

On March 4, 1994, the Federal Election Commission notified Neal For Congress ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

After reviewing the allegations made in the complaint and your response thereto, on September 27, 1994, the Commission determined that there was no evidence that the committee and you as treasurer had violated the Act as alleged in the complaint filed in this matter. Accordingly, the Commission found no reason to believe that Neal for Congress and Thomas M. Sealy, as treasurer, violated 2 U.S.C. § 441d(a). Accordingly, the Commission closed its file in this matter.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY:

Lois Lerner *LL*
Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: COMMISSIONERS
GENERAL COUNSEL NOBLE
STAFF DIRECTOR SURINA
PRESS OFFICER HARRIS

FROM: *MURS* MARJORIE W. EMMONS/BONNIE J. ROSS *[Signature]*
SECRETARY OF THE COMMISSION

DATE: OCTOBER 27, 1994

SUBJECT: STATEMENT OF REASONS FOR MURS 3935 AND 3936

Attached is a copy of the Statement of Reasons in MURS 3935 and 3936 signed by all Commissioners. This was received in the Commission Secretary's Office on Thursday, October 27, 1994 at 12:00 p.m.

Attachment

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STATEMENT OF REASONS

In the Matter of)
)
Giglio for Congress Committee and) MUR 3935
Tina J. Paterek, as treasurer)
)
Neal for Congress and Thomas M.) MUR 3936
Sealy, as treasurer)

On September 27, 1994, with regard to MUR 3935, the Federal Election Commission ("the Commission") declined to adopt, by a six-to-zero vote, the recommendation of the Office of the General Counsel to issue a subpoena for documents and answers to interrogatories to the Giglio for Congress Committee and Tina J. Paterek, as treasurer ("Giglio Committee"). The Commission found reason to believe the Giglio for Congress Committee and Tina J. Paterek, as treasurer violated 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act ("FECA") with respect to the 1994 primary campaign in the 11th congressional district of Illinois. However, using its prosecutorial discretion the Commission decided to take no further action, issue an admonishment letter and close the file in MUR 3935.

On September 27, 1994, with regard to MUR 3936, the Federal Election Commission declined to adopt, by a six-to-zero vote, the recommendation of the Office of the General Counsel to find reason to believe Neal for Congress and Thomas M. Sealy, as treasurer ("Neal Committee"), violated the Federal Election Campaign Act ("FECA") with respect to the 1994 primary campaign in the 11th congressional district of Illinois. Rather, the Commission found no reason to believe that respondents violated 2 U.S.C. § 441d(a) and closed the file in MUR 3936.

These matters were initiated by signed sworn complaints filed with the Federal Election Commission on February 25, 1994, by Michael Dillon from Chicago, Illinois. In these complaints Mr. Dillon alleged that campaign literature he received from Frank Giglio and David Neal, candidates for Congress in the 11th congressional district of Illinois, failed to contain a statement identifying who authorized and paid for the campaign literature.

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In responding to the complaint in MUR 3935, the Giglio Committee explained that a limited number of the communications were distributed that did not identify who authorized and paid for the campaign material.

In responding to the complaint in MUR 3936 the Neal Committee explained that the documents complained about consisted of a biographical data sheet and a xerox copy of various newspaper articles about the candidate. According to the Neal Committee these documents were created by the candidate and his campaign manager using in-house equipment, at the request of the Will County Democratic Party. The Neal Committee stated that the Will County Democratic Party wanted this information from all seven Democratic candidates to help with its decision on which candidate to support in this race. The Neal Committee stated further that the Will County Democratic Party passed out this material to the party precinct committeemen at their various local meetings. The Neal Committee specifically contended that this material was not disseminated by it to the general public.

After reviewing the allegations made in the complaints and the respondents' responses thereto, in MUR 3935 the Commission found reason to believe the Giglio for Congress Committee and Tina J. Paterek, as treasurer violated 2 U.S.C. § 441d(a). In view of the apparently small number of communications which were distributed, the Commission exercised its prosecutorial discretion and took no further action, issued an admonishment letter and closed the file in MUR 3935.

With regard to MUR 3936, the Commission determined that there was no evidence the respondents had violated FECA as alleged in the complaint filed in this matter. First, there was no indication in the factual record that the material was disseminated to the general public. Second, even if the material was publicly disseminated, there is no evidence in the record to suggest that it was done by the Neal Committee. Accordingly, the Commission found no reason to believe that Neal for Congress and Thomas M. Sealy, as treasurer, violated 2 U.S.C. § 441d(a) and closed the file in MUR 3936.

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10/27/94
Date

T. Potter
Trevor Potter
Chairman

10/27/94
Date

Danny E. McDonald
Danny E. McDonald
Vice-Chairman

10/27/94
Date

Joan D. Aikens
Joan D. Aikens
Commissioner

10/27/94
Date

Lee Ann Elliott
Lee Ann Elliott
Commissioner

10/27/94
Date

John Warren McGarry
John Warren McGarry
Commissioner

10/27/94
Date

Scott E. Thomas
Scott E. Thomas
Commissioner

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3936

DATE FILMED 11-8-94 CAMERA NO. 4

CAMERAMAN JMN

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