FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3960

DATE FILMED 8/23/95 CAMERA NO. 1

CAMERAMAN EES

9504366487

OGC 1107

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION
'94 10 55 AM '94

CONGRESS

2012 S. Main St., Hopkinsville, KY 42240
(502) 886-7232

April 21, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
'94 APR 26 11 30 AM

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

MUR 3960

Dear Counselor:

Enclosed you will find evidence and documents that show campaign literature that has been in flagrant violation of Section 441-d, of the Federal Election Law. This is a formal complaint being filed against W. Edward Whitfield and his campaign committee. The committee address is Whitfield for Congress Committee, P.O. Box 0135, Gracey, Ky 42224.

The first item of contest is a mass mailing sent on 2/22/94 without a disclaimer. A copy of the invitation is enclosed and we have an unopened invitation. This item was published in the Kentucky New Era on 2/28/94 without a disclaimer.

The second item is a letter requesting campaign funds and again there is no disclaimer on either page. Distribution of this letter was to selected Republicans in the district.

The photos show the fact that his campaign signs are without disclaimers. This is true for yard signs and larger signs.

The last item is an invitation to a reception to raise funds for his campaign, again without disclaimers.

If there is anything more you require, please contact us at the above address. Thank you for your time and concern.

Sincerely yours,

Steve Hamrick

Subscribed and sworn to before me by Steve Hamrick
this 21st day of April, 1994

Connie J. Johnson
(signature of Officer)

Notary Public My commission expires 1-14-97

He will cut it in Congress

Paid for by the Steve Hamrick for Congress 94 Committee

9 5 0 4 3 6 6 4 3 6 8

E. O. & JENNIE WHITFIELD
Cordially Invite
You and Your Family
to the
Congressional Campaign Kick-off
of Their Son
ED WHITFIELD

Monday Evening
February 28th
7:00 p. m.

Memorial Building
1202 S. Virginia Street
Hopkinsville, KY

RSVP (502) 886-VOTE

(Refreshments will be served)

THIS WAS PRINTED IN NEW ERA
WITHOUT DISCLAIMER

Coal Car 1870s
13.2 Bulk Rate
USA

BOWLING GREEN KY 421 02-22-94

[redacted]

9 5 0 4 3 6 6 4 8 6 9

ttempt' y clash

sends a message "clearly rmly" that "strengthens the of the other statements by and the United Nations."

r also said he did not think dent would have any impact sh troops delivering humani- id in Bosnia.

as Pickering, U.S. ambas- o Russia, contacted senior officials in Russia today to the NATO action, said an ration official, speaking on n of anonymity. Moscow did ress any reservations, said ial.

resident said he was noti- morning of the action over where two American F-16 ets shot down four Bosnian craft that violated the U.N. ns over Bosnia.

White House situation room poff ready for Clinton when up at 6 a.m. EST, said the ration official. National Se- dviser Tony Lake briefed an hour later, the official

er official, speaking under e condition, said Lake was of the shooting about 2 a.m. nd ordered the report pre- r Clinton.

ed against the cold and a little tired, Clinton spoke e South Lawn of the White as he prepared to fly to to discuss health care and nd then to Pittsburgh. His ere not commenting about ting.

y attempt was made to the our knowledge to avoid this er," Clinton said.

e attempting to get more w," he said. "We're also brief every one involved in rt to bring peace to Bosnia e facts."

hootdowns were carried out ATO command — not as a l American action.

tucky New Era.

ESTABLISHED 1869
Published Every Afternoon
Except Sunday

Main Office — 886-4444
Dial Departments Direct
For Faster Service
rtment 887-3239

Pamela A. Ison, *M.Ed.*
CCC/A, Audiologist

Ask Pamela Ison
Audiologist

Q: Why Do You Feel That 3M Hearing Aids Are Superior?

Our practice sells many brands of hearing aids, but none have the "hearing technology" that the 3M models offer. 3M has developed a hearing aid that looks similar from the outside but inside they are programmed to change to different listening environments. Not only are they fitted to meet your individual loss but they respond to your listening needs as well. Call for additional information on the 3M hearing aids.

HEARING SERVICES OF KENTUCKY

Pamela Ison
Audiologist

1717 High Street, Suite 2C • Hopkinsville, KY • 886-8468

E.O. & JENNIE WHITFIELD
Cordially Invite
You and Your Family
to the
Congressional Campaign Kick-off
of Their Son
ED WHITFIELD

Monday Evening
February 28th
7:00 p.m.

Memorial Building
1202 S. Virginia Street
Hopkinsville, KY

RSVP (502)886-VOTE
(Refreshments will be served)
Entertainment provided by Hot Dancin

PUT YOUR HEART INTO IT!

ED WHITFIELD
for a
New Congress

200 East Ninth Street, Hopkinsville, Ky. 42240 • (502)886-VOTE • (502)887-9935 Fax

March 21, 1994

Rev. Joe Geary
c/o Concord United Methodist Church
5178 Hwy 60 West
Paducah, Ky. 42001

Dear Rev. Geary:

I'm running for Congress in the 1st Congressional District and I need your help.

You probably know I have a primary election opponent, the same fellow who ran two years ago and lost so badly to Tom Barlow. History shows that candidates who run a distant second only lose worse the second time around.

That was the past; let's look to the future. We're building a solid leadership team throughout the District. From Paducah to Columbia, Republican leaders are determined not to let this opportunity to pick up a winnable seat be squandered as it was in 1992. They're joining my campaign because they are convinced I will win the Primary and that I can be elected in November.

I've committed myself to a full-time candidacy because I believe **America must have A NEW CONGRESS...one that is guided by COMMON SENSE, FISCAL RESPONSIBILITY, and PERSONAL INTEGRITY...a Congress that shares our faith in the ability of individual citizens to be responsible for their lives rather than rely on a bigger and more intrusive government.**

My family and friends are sacrificing their time, energy and money for this cause -- as I am -- and I am committed to putting up the most vigorous campaign this District has ever seen!

To do that, I need your support financially as soon as possible. March 31 is an important date for our campaign. We must report the amount of funds we've raised by the 31st and we need to send a strong message that this time, we're not going to settle for second place. You understand the need to make a strong impression on the media, and more importantly, the Democrats we need to build a winning coalition. We must look like winners!

95043664871

Please send your donation to our campaign for a New Congress today. Mail your personal check for $100, $50 or $25 right away so we will receive it BEFORE THE MARCH 31 DEADLINE.

The March 31 report is a critical early challenge and I hope you will help us meet it. Please...take this first step with me and let's work together to rewrite the political history of the 1st Congressional District. 1994 is our year; together, we can win!

Thank you for your donation and trust. I won't let you down!

Sincerely yours,

Ed Whitfield

Ed Whitfield

P.S. Please make your check payable to: Whitfield for Congress and return it in the enclosed envelope. Send it today!

95043366472

Ed Whitfield

Candidate for United States Congress

invites you to a

reception

featuring

U.S. Congressman Jack Fields

of Texas

Committee Assignments
Merchant Marine & Fisheries
Energy & Commerce
Telecommunications & Finance Subcommittee

at the home of

Mr. & Mrs. Bruce Pope

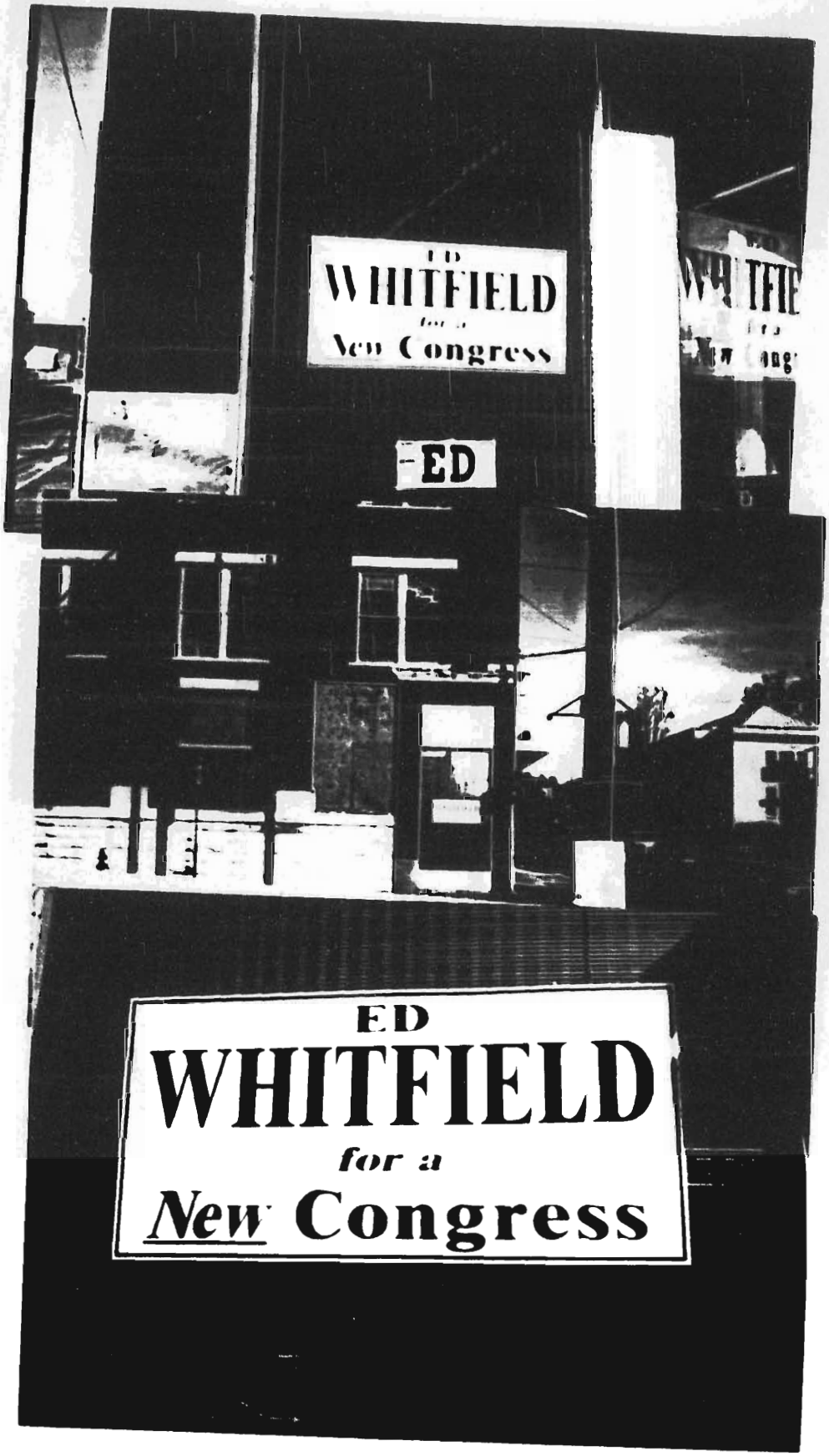
450 Friedman Lane, Paducah

Friday, April 22, 1994

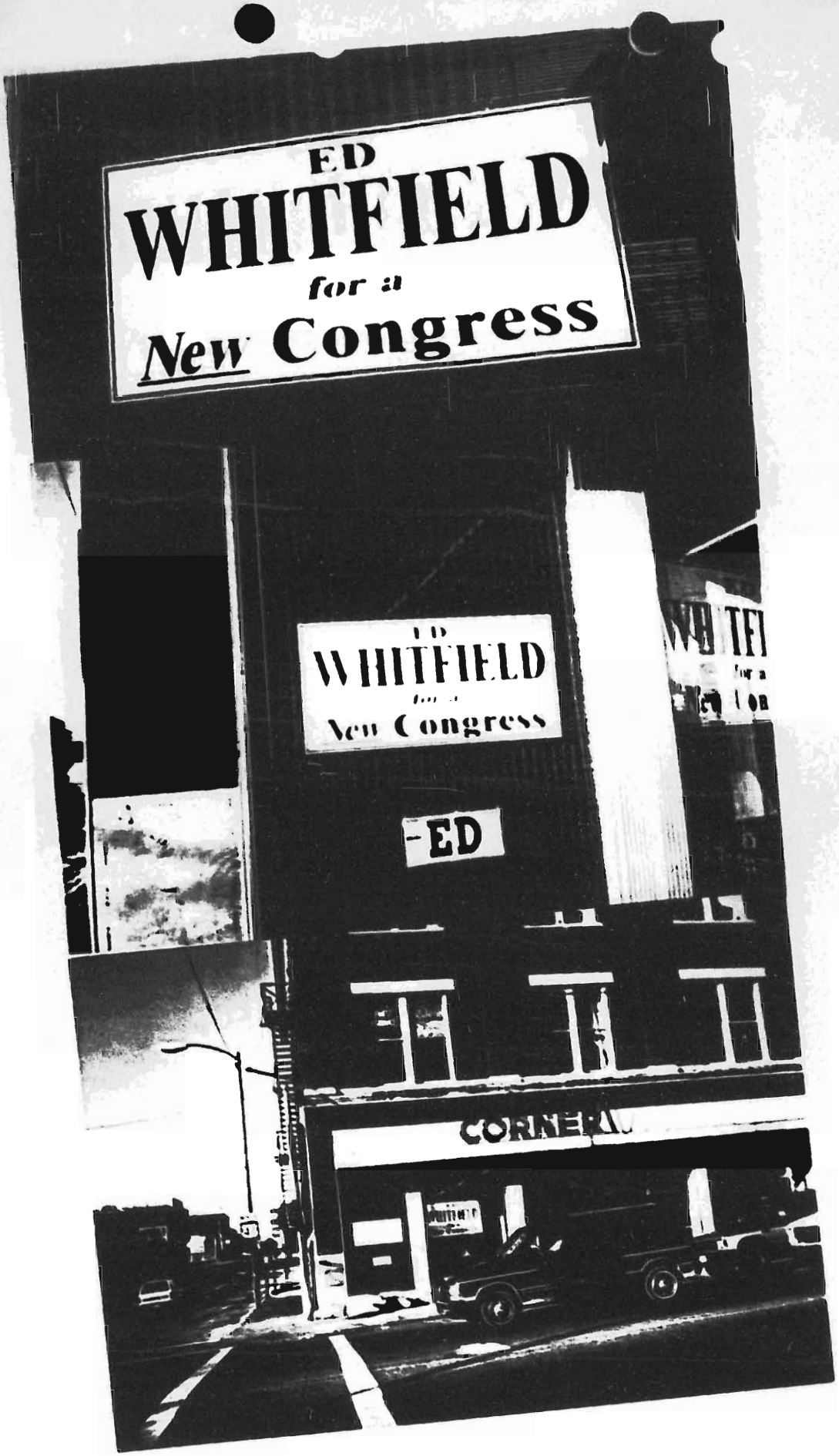
6:30 p.m.

$100 per person or $150 per couple

9 5 0 4 3 6 6 4 8 / 3



9 5 0 4 3 6 6 4 8 7 4



95043664375

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 9, 1994

Steve Hamrick
c/o Steve Hamrick for Congress
2012 S. Main Street
Hopkinsville, KY 42240

RE: MUR 3960

Dear Mr. Hamrick:

This letter acknowledges receipt on April 26, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondents will be notified of this complaint.

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 3960. 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

95043366436/6

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MAY 9, 1994

W. Edward Whitfield
c/o Whitfield for Congress Committee
200 E. 9th Street
Hopkinsville, KY 42240

RE: MUR 3960

Dear Mr. Whitfield:

The Federal Election Commission received a complaint which indicates that you may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3960. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

9504366487 7

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

9504366408/8

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MAY 9, 1994

E.O. Whitfield, Treasurer
Whitfield for Congress Committee
200 E. 9th Street
Hopkinsville, KY 42240

RE: MUR 3960

Dear Mr. Whitfield:

The Federal Election Commission received a complaint which indicates that the Whitfield for Congress Committee ("Committee") and you, as treasurer, may have violated sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3960. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. 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 Office of the General Counsel, 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.

9504366479

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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OGC#1497

E. O. Whitfield
108 Alumni Avenue
Hopkinsville, Kentucky 42240

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE DIVISION
12 17 AM '94

May 20, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 31 2 53 PM '94

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

Re: MUR 3960

Dear Ms. Tasker:

I am E.O. Whitfield, the father of Ed Whitfield and treasurer of his campaign for the Republican nomination in the 1st Congressional District of Kentucky. As you requested, I am responding on behalf of the campaign to our opponent's complaints.

Before getting into specifics, I want to assure you that it has been my intention and my son's instruction to observe all the laws and rules that apply to this campaign. I have let that policy be known repeatedly to all the people who work in our headquarters, volunteers or otherwise. I am a retired railroader with no previous campaign involvement, but I've tried very hard to do things the right way. I believe we have done that. However, if any mistakes were made, they were unintentional.

Item # 1. This was an invitation my wife and I sent to friends, relatives and some registered Republicans here in our home county. We did not ask for money or ask anybody to vote for our son, we just invited them to be with us for the campaign kickoff. We understood that such items did not have to have the disclaimer.

I honestly don't know whether we or the newspaper are to blame for the fact that the disclaimer was left off the February 28th ad in the Kentucky New Era. Our ad on February 26th in that same paper did have the disclaimer (see enclosure).

Item # 2. The letter in question was sent with a contributor card carrying our disclaimer (see enclosure). It was our understanding that this complies with the rules. Any letter processed by our volunteers that went out without the contributor card was not in keeping with our standard procedure, clear policy and intention.

Item # 3. (a) The photos sent to you by Mr. Hamrick show signs inside the windows of

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our headquarters in downtown Hopkinsville. We never thought that a disclaimer was necessary in that instance. However, the homemade "ED" sign did have a disclaimer (see enclosure).

(b) This campaign did not have yard signs at the time of our opponent complained to you. Less than 200 yard signs now have been printed, all carrying the disclaimer.

(c) As for "larger signs", we have only one, an oilcloth banner measuring 4' x 8' on the back inside wall of our headquarters. Frankly, since the intent of the disclaimer rule seems to be to protect candidates and voters from anonymous attacks or misinformation, we never even considered that a disclaimer would be needed for a banner inside our own headquarters, especially one that could not be seen from outside the building, apparently not even by our opponent and his camera.

Item # 4. Again, Mr. Hamrick failed to include the contributor response card carrying the disclaimer, which we enclosed with the invitation he complained about (see enclosure).

I hope this satisfies your request for information and satisfactorily responds to Mr. Hamrick's complaints. However, to avoid future complaints like this, it is now the voluntary policy of this campaign that all items we produce will carry a disclaimer, whether required or not.

The last thing in the world I want is to do anything that might hurt my son's effort. I assure you that if any mistakes have been made, they were, as we say here, "mistakes of the head, not the heart." Please let me know if I can be of further assistance.

Sincerely yours,

E. O. Whitfield

E. O Whitfield

Enclosures

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Item 1.

Ky. New Era
2-26-94

9 5 0 4 3 6 6 4 8 8 3

You Are Invited!

Campaign

KICKOFF

7 p.m. — Monday, Feb. 28th

War Memorial Building
1202 S. Virginia St., Hopkinsville

COME AND MEET

ED WHITFIELD

for a
NEW Congress

Born
- Hopkinsville, Kentucky

Education
- Hopkinsville High School
- University of Kentucky Business School
- University of Kentucky Law School
- Asbury Wesley Theological Seminary

Military
- 1st Lt. U.S. Army Reserve 100th Division

Profession
- Practiced law in Hopkinsville ten years
- Operated a small family oil distributorship in the Western Kentucky coal fields
- Vice-President: Federal Railroad Affairs for CSX Corporation (formerly Louisville and Nashville Railroad)
- Legal Counsel to the Chairman of the Interstate Commerce Commission

Politics
- Represented Christian and Trigg counties in the Kentucky State Legislature

Family
Married — Cecilia Whitfield
Daughter — Kate Whitfield

Entertainment provided by **Hot Dancin**

Paid for by Whitfield for Congress, E.D. Whitfield, Treas.

ExpertTire
$15
All-season tire
Steel-belted
Blackwall
155/80R13 $
165/80R13
165/80R15
175/70SR13
185/70SR13
185/70SR14
195/70SR14

ExpertTire
$40
All-season tire
2-speed rated
White Letters
P195/70R13 $4
P205/70R14 4
P215/70R14
P225/70R15
P215/60R15
P215/60R14
P235/60R15

ExpertTire
$56
Tiny steel belts
Self-cleaning tre
Raised outline
white letters
White Letters
P215/70R15 $
P235/70R15XL
30x9R15
31x10R15
32x11R15
33x12R15

WE ACCEPT TI
INSTANT CREDIT
*If you do not achieve may vary. 1Free Fli materials or 3 years Bridgestone and Fir See us for copy of
** We are not an auth

Item 2.

Yes, I want to help ED WHITFIELD be part of a *New* Congress!

Enclosed is my contribution

____ $100 ____ $250 ____ $500 ____ $1000 ____ Other

Please make checks payable to: *Whitfield for Congress*

Name _____

Address _____

City _____ State _____ Zip _____

Home Phone _____ Office Phone _____

Federal law requires the following information:

Occupation _____

Employer _____

Corporate contributions are prohibited by law

Paid for by Whitfield for Congress Committee

Item 4.

___Yes, I will attend the April 22nd reception. Enclosed is my personal check in the amount of $ ____ for ____ reservations @ $100 per person or $150 per couple.

___No, I cannot attend the reception but I do want to help Ed Whitfield be part of a New Congress.

Enclosed is my personal check for:

___ $100 ___ $500 ___ $1,000 ___ Other

Corporate Contributions are prohibited by law.
Paid for by Whitfield for Congress Committee
E.O. Whitfield, Treasurer

9504366483 4

ED WHITFIELD

New Congress

[illegible] Hopkinsville, Kentucky

Education

- Madisonville High School
- University of Kentucky Business School
- University of Kentucky Law School
- Attended Wesley Theological Seminary

Military

- 1st Lt. U.S. Army Reserve 100th Division

Profession

- Practiced law in Hopkinsville ten years
- Operated a small, family oil distributorship in the Western Kentucky coal fields
- Vice-President Federal Railroad Affairs for CSX Corporation, formerly Louisville and Nashville Railroad
- Legal Counsel to the Chairman of the Interstate Commerce Commission

Politics

- Represented Christian and Trigg counties in the Kentucky State Legislature

Family

Married - Connie Whitfield
Daughter - Kate Whitfield

(888) 886-VOTE

ED

ISSUE

Crime

Since 1960, crime has increased 500 percent United States. Seventy percent of the crime committed by just 7 percent of the criminals. I mandatory minimum sentences. ***Criminals sh denied parole after committing two, not thr lent felonies***

Taxes

In 1993 the Democrat controlled Congress pa largest tax increase in our history. The tax incr gasoline and social security benefits have affecte one in the First District. The Clinton administr now proposing a tax on tobacco and small busine for its Health Care Plan. ***I will oppose any ne on the people of the First District***

Congressional Reform

The same party has controlled the House of R tatives for forty years. **IT'S TIME FOR CONGRESS.** Congress should not exempt it laws it applies to the rest of us. Congress shoul a balanced budget amendment, allow the Presid item veto, rotate committee assignments, and ad ingful campaign finance reform.

Health Care

Our doctors, hospitals and medical technology finest in the world. The Clinton Health C ***creates a monstrous bureaucracy chok health delivery system, requires small bu absorb the cost of universal coverage, a those employee health benefits that are Clinton-prescribed package.*** Any health l must provide incentives that ensure adequate h for rural communities.

Agriculture

Agriculture is key to the economic wel of our district. I strongly favor a mark agricultural policy based on supply and deman work hard to expand overseas export mark products.

Paid for by **Whitfield for Congress Com P. O. Box 0136, Graves, KY E. O. Whitfield, Treasurer**

95043664885

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ED WHITFIELD

New Congress

1 • Hopkinsville, Kentucky
ation

- Madisonville High School
- University of Kentucky Business School
- University of Kentucky Law School
- Attended Wesley Theological Seminary

ry

- 1st Lt. U.S. Army Reserve 100th Division

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- Legal Counsel to the Chairman of the Interstate Commerce Commission

ce

- Represented Christian and Trigg counties in the Kentucky State Legislature

ly

Married - Connie Whitfield
Daughter - Kate Whitfield

(502) 886-VOTE

ED

ISSUES

Crime

nce 1960, crime has increased 500 percent in the United States. Seventy percent of the crimes are mmitted by just 7 percent of the criminals. I support ndatory minimum sentences. *Criminals should be ied parole after committing two, not three vio- t felonies.*

Taxes

1993, the Democrat-controlled Congress passed the largest tax increase in our history. The tax increases on ncome and social security benefits have affected every- e in the First District. The Clinton administration is w proposing a tax on tobacco and small business to pay r its Health Care Plan. *I will oppose any new taxes the people of the First District.*

Congressional Reform

The same party has controlled the House of Representa- tives for forty years. IT'S TIME FOR A CHANGE IN CONGRESS. Congress should not exempt itself from laws it applies to the rest of us. Congress should pass a balanced budget amendment, allow the President a line- em vote, rotate committee assignments, and adopt meaning- gful campaign finance reform.

Health Care

Our doctors, hospitals and medical technologies are the finest in the world. The Clinton Health Care Plan creates a monstrous bureaucracy clubbing our health delivery system, requires small business to absorb the cost of universal coverage, and taxes those employee health benefits that are above a *limited-prescribed package*. Any health legislation must provide incentives that ensure adequate health care for rural communities.

Agriculture

Agriculture is key to the economic well being of our district. I strongly favor a market oriented agricultural policy based on supply and demand, and will work hard to expand overseas export markets for our products.

Paid for by Whitfield for Congress Committee
P. O. Box 0135, Graves, KY 42232-0135
E. O. Whitfield, Treasurer

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

APR 18 5 22 PM '95

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

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR #3960
DATE COMPLAINT FILED: 04/26/94
DATE OF NOTIFICATION: 05/09/94
DATE ACTIVATED: 07/05/94
STAFF MEMBER: Robert A. Ridenour

COMPLAINANT: Steve Hamrick

RESPONDENTS: E.O. Whitfield; Ed Whitfield; Whitfield for Congress and E.O. Whitfield, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441d(a)
2 U.S.C. § 441d(a)(2)
11 C.F.R. § 110.11(a)(1)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter arises from a complaint received on April 26, 1994, by the Federal Election Commission ("the Commission"). Attachment 1. Steve Hamrick[1] ("Complainant") alleges that Ed Whitfield and his campaign committee, Whitfield for Congress and E.O. Whitfield, as treasurer, ("Respondents") violated 2 U.S.C. § 441d(a) by financing communications of express advocacy and contribution solicitations that lacked the disclaimers required by the Federal Election Campaign Act of 1971, as amended ("the Act"). On May 9, 1994, the Commission notified

1. Mr. Hamrick was a candidate for the 1994 primary nomination for U.S. Representative in the First District of Kentucky; Ed Whitfield was his opponent. Ed Whitfield won the nomination, with 53 percent of the vote, compared to Mr. Hamrick's 47 percent of the vote.

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Respondents of the complaint, and they have filed a response denying the allegations. Attachment 2.

II. FACTUAL AND LEGAL ANALYSIS

A. Legal Framework

The Act requires that a disclaimer notice be affixed to any communication that expressly advocates the election or defeat of any candidate for Federal office or which solicits contributions for any candidate for Federal office through any type of general public advertising. 2 U.S.C. § 441d(a). If paid for and authorized by a candidate or an authorized political committee of a candidate, the communication must clearly state that it was paid for by such candidate or authorized committee. 2 U.S.C. § 441d(a)(1). If paid for by persons other than a candidate or an authorized political committee of a candidate, but authorized by a candidate or his or her committee, it must clearly state that the communication has been paid for by such other persons and authorized by such political committee. 2 U.S.C. § 441d(a)(2). The disclaimer must appear in a clear and conspicuous manner, giving the reader adequate notice of the identity of persons who paid for the communication. 11 C.F.R. § 110.11(a)(1). The disclaimer need not appear on the front face or page of a communication, so long as it appears somewhere within the communication. Id. In addition, the Commission has held that a letter, contributor card, and return envelope comprise the entire communication, and the placement of a disclaimer upon the

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contributor card satisfies the requirements of the Act. Advisory Opinion 1980-145, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5599, at p. 10,741 (March 19, 1981).

Neither the Act nor Commission regulations define the standard of "express advocacy" cited in 2 U.S.C. § 441d(a). The Commission has acknowledged that the U.S. Supreme Court created the "express advocacy" standard in Buckley v. Valeo, 424 U.S. 1 (1976), to "avoid problems of overbreadth in regulating speech, i.e., the application of reporting requirements to communications as to public issues that also happened to be campaign issues." Advisory Opinion 1992-23, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 6064, at p. 11,882 (Aug. 10, 1992). In order to ensure that expenditures made for pure issue discussion would not be reportable under the Act, the Supreme Court construed these requirements "to reach only funds used for communications that expressly advocate the election or defeat of a clearly defined candidate." Buckley, 424 U.S. at 80. The Supreme Court also gave examples of words of express advocacy, such as "vote for," "elect," "support," "defeat," and "reject." Id. at 44, n.52. Later, in Federal Election Commission v. Massachusetts Citizens for Life, Inc. (FEC v. MCFL), 479 U.S. 238, 249 (1986), the Supreme Court clarified the scope of the standard, noting that express advocacy was not limited to the "buzzwords" cited in Buckley. The Supreme Court explained that express advocacy could be "less direct" than the examples given in Buckley so long as the "essential nature" of the communication "goes beyond issue discussion to express electoral advocacy." Id. If the message

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contained an "explicit directive" to vote for or against a candidate, it is express advocacy. Id.

Applying Buckley, the Ninth Circuit concluded in Federal Election Commission v. Furgatch, 807 F.2d. 857, 863 (9th Cir.), cert. denied, 484 U.S. 850 (1987), that in order to be considered "express advocacy" under the Act, communications must, "when read as a whole and with limited reference to external events, be susceptible of no other reasonable interpretation but [as] an exhortation to vote for or against a specific candidate." Id. at 864. The standard adopted by the Ninth Circuit has three components. First, a political communication's message is "express" if "its message is unmistakable and unambiguous, suggestive of only one plausible meaning." Id. Second, the message is "advocacy" if it presents a clear plea for action, and thus is not merely informative. Third, the message is "express advocacy" if it is clear what action is advocated; it is not express advocacy "when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action." Id. The Court of Appeals emphasized that "if any reasonable alternative reading of speech can be suggested, it cannot be express advocacy." Id.

B. Factual Allegations and Analysis

1. Summary of Complaint

The Complainant alleges four "flagrant violation[s]" of the Act by Respondents' communications. Attachment 1. The first is an invitation to a February 28, 1994, campaign kick-off, which was both mailed and reprinted in a local newspaper. The text

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states, in main part: "E.O. and Jennie Whitfield Cordially Invite You and Your Family to the Congressional Campaign Kick-off of Their Son Ed Whitfield." The copies submitted by Complainant do not have disclaimers. Id. at 5 and 6. The second and fourth communications are pieces of mail: a letter, dated March 21, 1994, soliciting contributions and an invitation to a April 22, 1994, fundraiser.[2] Complainant enclosed copies of each. Neither copy bears a disclaimer. Id. at 2-4. The last communication concerns Respondents' campaign signs, including two displayed in the front window of Mr. Whitfield's campaign headquarters, "yard signs, and larger signs." Complainant alleges all of the signs lacked disclaimers. Id. at 1. Complainant provided photographs only of the two signs displayed in the front window of Mr. Whitfield's campaign headquarters. Id. at 7.

2. Response to Complaint

Respondents state that their policy is one of compliance with the Act and preface their remarks with the assertion that "if any mistakes were made, they were unintentional." Attachment 2. Respondents then address each of Complainant's allegations concerning the four communications.

a. Campaign Kick-off Communications

The first set of communications Complainant alleges violated 2 U.S.C. § 441d(a) was an invitation to a campaign kick-off that was mailed on February 22, 1994, and reprinted as an advertisement in a local newspaper on February 28, 1994. As noted previously,

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2. These communications are grouped together in this report because the issue raised by each is substantially the same.

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the invitation and the advertisement state, in main part, "E.O. and Jennie Whitfield Cordially Invite You and Your Family to the Congressional Campaign Kick-off of their Son Ed Whitfield." Attachment 1 at 5 and 6.

E.O. Whitfield, the candidate's father and the Committee's treasurer, replies that the mailed invitation was sent by him and his wife Jennie Whitfield to "friends, relatives and some registered Republicans." Attachment 2 at 1. Mr. Whitfield explains that because "[w]e did not ask for money or ask anybody to vote for our son, ... [w]e understood that such items did not have to have the disclaimer." Id. Further, he states that they "honestly don't know whether we or the newspaper are to blame for the fact that the disclaimer was left off" the newspaper advertisement. Id. Respondents submitted another advertisement from the same newspaper on February 26, 1994, which carried a disclaimer. Attachment 2 at 5.

As the Supreme Court has indicated, the purpose of the express advocacy standard is to avoid regulating issue discussion while insuring the electorate is adequately informed of the source of campaign advertising. See Buckley v. Valeo, 424 U.S. at 42; FEC v. MCFL, 479 U.S. at 249. This Office believes that the newspaper advertisement and the mailed invitation are express advocacy because the "essential nature" of the communication is not issue discussion but electoral advocacy. FEC v. MCFL, 479 U.S. at 249. On its face, this communication is wholly related to a congressional campaign and a named candidate, and does not discuss any issue. Specifically, the communication seeks

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the invitees' participation in kicking off the congressional campaign of Ed Whitfield, at an event which will include refreshments and entertainment.[3] Attachment 1 at 6. Further, the communication requests that invitees R.S.V.P. at "(502) 886-VOTE." Id. Thus, "when read as a whole, and with limited reference to external events," the reasonable interpretation of this invitation is to come kick-off, i.e., support, the congressional campaign of Ed Whitfield. FEC v. Furgatch, 807 F.2d. at 864.

The mailed invitation and the newspaper advertisement are essentially the same communication and both were publicly distributed in Ed Whitfield's congressional district. Respondents concede that the newspaper advertisement required a disclaimer because they state that they are unclear whether they or the newspaper "are to blame" for the disclaimer being "left off." Attachment 2 at 1. The mailed invitation also required a disclaimer because it was not a limited distribution, but was mailed to "friends, relatives and some registered Republicans." Id. The fact that it was sent to registered voters in the congressional district -- beyond just friends and relatives -- indicates that this was a public distribution.[4] Because the February 22, 1994, invitation and the February 28, 1994, newspaper advertisement did not include the required disclaimer, there is

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3. In addition to paying for entertainment, the Committee's 1994 April Quarterly Report also shows the Committee made expenditures for flags, T-shirts, and caps for the campaign kick-off. Attachment 3 at 7.

4. Also, the copy of the invitation submitted by the Complainant shows that it was sent bulk rate. Attachment 1 at 7.

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reason to believe that whoever paid for these communications violated 2 U.S.C. § 441d(a).

Based upon the available record, it is not clear who paid for these communications. E.O. Whitfield responds that he and his wife "sent" the invitations, but that does not necessarily mean that they paid for them or the invitation printed in the newspaper.[5] A review of the Committee's April Quarterly Report for this time period also does not clarify who paid for these communications. On one hand, the report shows that E.O. Whitfield made a $625 contribution to the Committee on February 8, 1994, about two weeks before the invitations were mailed and about three weeks before the advertisement ran; it was not denoted as an in-kind contribution. Attachment 3 at 3. The report also shows that E.O. Whitfield was reimbursed for "printing costs" of $836.28 about one month after the campaign kick-off. Id. at 8. On the other hand, the same report indicates expenditures by the Committee for printing on February 18 and 24; postage on February 18, 22, and 26; and for advertisements in the Kentucky New Era newspaper on February 22 and March 1. Id. at 4-6.

Consequently, it appears that either the Committee or E.O. Whitfield may have paid for the invitations and the newspaper advertisement -- or they may have shared the expenses. There is no indication in the record that Jennie Whitfield financed any of these expenditures. Based on the foregoing, we recommend that the

5. Another newspaper advertisement for the campaign kick-off included a disclaimer stating that the Committee paid for the communication. Attachment 2 at 5.

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Commission find that there is reason to believe E.O. Whitfield violated 2 U.S.C. § 441d(a), and also that Whitfield for Congress and E.O. Whitfield, as treasurer, violated 2 U.S.C. § 441d(a).[6]

b. Solicitation and Invitation to Fundraiser

Respondents state that the March 21, 1994, contribution solicitation and the invitation to the April 22, 1994, fundraiser both included "contributor cards" bearing disclaimers. Respondents assert the Complainant failed to include the contributor cards with his complaint. Attachment 2 at 1 and 2. Respondents enclosed such cards in their response. Id. at 3 and 4. Both bear disclaimers. Respondents further state that any invitation or solicitation that was mailed without a disclaimer was "not in keeping with our standard procedure, clear policy, and intent." Id. at 1.

Aside from the allegations of the complaint, there is no evidence to dispute Respondents' claim that contributor cards were included in the communications. Further, Respondents' stance is bolstered by the fact that the contributor cards appear to correspond to the invitations. First, the March 21, 1994, solicitation letter refers to an enclosed envelope in which contributors may return contributions, and the contributor card which purportedly accompanied this letter requests certain

6. If the Commission were to find that these communications were not express advocacy, there would be no violation of 2 U.S.C. § 441d(a) because the invitations did not solicit contributions. See Advisory Opinion 1980-67, Fed. Election Camp. Fin. Guide (CCH) ¶ 5527, at 10,620 (Aug. 12, 1980).

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contributor identification information required by the Act. Attachment 1 at 3 and Attachment 2 at 3. In order to comply with the Act, Respondents need this identification information from contributors who contribute $200 or more. Because the contributor card proffered by Respondents requests this information and the letter references an enclosed envelope in which to return contributions, it is likely that the contributor card was included in the solicitation.

Similarly, it appears that the contributor card for the April 22, 1994, fundraiser was included with the invitation. The contributor card was an R.S.V.P. for the event and included the date of the fundraiser. Attachment 2 at 4. Based upon the foregoing, it appears that these communications included the requisite disclaimers required under 2 U.S.C. § 441(d)(a). 11 C.F.R. § 110.11(a)(1); Advisory Opinion 1980-145.

c. **Campaign Signs**

Last, Respondents address Complainant's allegations that some of Respondents' campaign signs lacked disclaimers. Attachment 1. The complaint included three photographs of signs apparently in the Respondents' campaign headquarters' window. The three photographs depict two signs, an upper and lower sign. Id. at 7. The photographs were taken at progressively closer vantages to the storefront. The upper sign states "Ed Whitfield for a New Congress" (emphasis in original). The lower sign, which is not shown in the photograph taken nearest to the window, states "ED" with writing apparent on both sides of the sign but illegible in the photograph. The Respondents submitted a copy of the lower

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sign with their response. Attachment 2 at 6 and 7. Attached to the sign is a platform statement of the candidate, which bears a disclaimer. Id. It is this sign, with a disclaimer, that is shown in the first two photographs, but is omitted from the photograph nearest the window. Attachment 1 at 7.

Respondents state the two signs depicted in Complainant's photographs were displayed "inside the windows of our headquarters in downtown Hopkinsville." Attachment 2 at 2. As noted above, the Respondents provided the Commission with the smaller sign, which bore a disclaimer. Id. at 6 and 7. Regarding Complainant's allegations that Respondents' "yard signs and larger signs" lacked disclaimers, Respondents state that on the date of the complaint "this campaign did not have yard signs" and as for larger signs, "we have only one, an oilcloth banner measuring 4' x 8' on the back wall of our headquarters." Id. at 2.

The lower sign had a disclaimer indicating that it was paid for by the Whitfield for Congress committee. Attachment 2 at 6 and 7. The upper sign, which lacked a disclaimer, clearly communicates a message of express advocacy of the election of the candidate: "Ed Whitfield For a New Congress" is an exhortation to vote for Ed Whitfield. Both signs were displayed in the window of the campaign's headquarters.

An argument may be made that, like a solicitation package made up of several pieces, both signs can be considered together as one "communication" in which the disclaimer on the lower sign

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serves as a disclaimer for the communication as a whole. See 11 C.F.R. § 110.11(a)(1); Advisory Opinion 1980-145, Fed. Election Camp. Fin. Guide (CCH) ¶ 5599, at p. 10,741 (March 19, 1981). On the other hand, an argument can be made that while authorization of the upper sign may be apparent from its location in the front window of the campaign headquarters, it does not necessarily follow that because the Committee paid for one sign, it also paid for the other, different sign. In order to satisfy the requirements of 2 U.S.C. § 441d(a), the disclaimer must give notice of both authorization and who paid for the communication. 2 U.S.C. § 441d(a).

Further, it is not apparent how many of the "Ed Whitfield for a New Congress" signs were made and displayed elsewhere by themselves. Although Respondents state that they did not have yard signs at the time of the complaint, it is unlikely that only one "Ed Whitfield for a New Congress" sign like the one in the window was printed.[7] While this sign in the Respondents' headquarters' window may have the benefit of the upper sign's disclaimer, that would not be the case for other signs appearing alone elsewhere.

Based on the foregoing, this Office recommends that the Commission find that there is reason to believe Whitfield for Congress and E.O. Whitfield, as treasurer, violated 2 U.S.C. § 441d(a). Because no evidence of personal involvement

7. For example, the Committee's 1994 April Quarterly Report shows an expenditure on February 28 of $238.50 for "campaign signs." Attachment 3 at 6.

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by the candidate was shown by the Complainant, this Office also recommends that the Commission find no reason to believe Ed Whitfield violated 2 U.S.C. § 441d(a) and close the file as to him.

III. **DISCUSSION OF CONCILIATION AGREEMENT AND CIVIL PENALTY**

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IV. RECOMMENDATIONS

1. Find reason to believe that Whitfield for Congress and E.O. Whitfield, as treasurer, violated 2 U.S.C. § 441d(a) and enter into conciliation prior to a finding of probable cause to believe.

2. Find reason to believe that E.O. Whitfield violated 2 U.S.C. § 441d(a) and enter into conciliation prior to a finding of probable cause to believe.

3. Find no reason to believe Ed Whitfield violated 2 U.S.C. § 441d(a), and close the file as to him.

4. Approve the attached Factual and Legal Analysis and Conciliation Agreement.

5. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

4/18/95
Date

BY: Lois G. Lerner
Associate General Counsel

Attachments
1. Complaint (with attachments).
2. Response (with attachments).
3. Excerpts from Whitfield for Congress' 1994 April 15 Quarterly report.
4. Factual and Legal Analysis for E.O. Whitfield and Whitfield for Congress and E.O. Whitfield as treasurer.
5. Proposed Conciliation Agreement with E.O. Whitfield and Whitfield for Congress and E.O. Whitfield, as treasurer.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/LISA R.DAVIS L.R.D.
COMMISSION SECRETARY

DATE: APRIL 24, 1995

SUBJECT: MUR 3960 - FIRST GENERAL COUNSEL'S REPORT DATED APRIL 18, 1995

The above-captioned document was circulated to the Commission on WEDNESDAY, APRIL 19, 1995 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	

This matter will be placed on the meeting agenda for TUESDAY, MAY 16, 1995.

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 3960
E.O. Whitfield;	)	
Ed Whitfield;	)	
Whitfield for Congress and	)	
E.O. Whitfield, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 16, 1995, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in MUR 3960:

1. Find reason to believe that Whitfield for Congress and E.O. Whitfield, as treasurer, violated 2 U.S.C. § 441d(a) and enter into conciliation prior to a finding of probable cause to believe.

2. Find reason to believe that E.O. Whitfield violated 2 U.S.C. § 441d(a) and enter into conciliation prior to a finding of probable cause to believe.

3. Find no reason to believe Ed Whitfield violated 2 U.S.C. § 441d(a), and close the file as to him.

4. Approve the Factual and Legal Analysis and Conciliation Agreement recommended in the General Counsel's April 18, 1995 report.

(continued)

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5. Approve the appropriate letters as recommended in the General Counsel's report dated April 18, 1995.

Commissioners Aikens, McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioner Elliott dissented. Commissioner Potter recused himself from this matter and was not present during its consideration.

Attest:

5-17-95
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 26, 1995

The Honorable Ed Whitfield
U.S. House of Representatives
1541 Longworth HOB
Washington, D.C. 20515-1701

RE: MUR 3960
Whitfield for Congress and
E.O. Whitfield, as treasurer

Dear Congressman Whitfield:

On May 9, 1994, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 16, 1995, the Commission found, on the basis of the information in the complaint, and information provided by Whitfield for Congress and E.O. Whitfield, as treasurer, that there is no reason to believe you violated 2 U.S.C. § 441d(a). Accordingly, the Commission closed its file in this matter as it pertains to you.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all other respondents involved. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 26, 1995

E.O. Whitfield, Treasurer
Whitfield for Congress
P.O. Box 391
Hopkinsville, KY 42241-0391

RE: MUR 3960
E.O. Whitfield
Whitfield for Congress and
E.O. Whitfield, as treasurer

Dear Mr. Whitfield:

On May 9, 1994, the Federal Election Commission notified Whitfield 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"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on May 16, 1995, found that there is reason to believe that the Committee and you, as treasurer and individually, violated 2 U.S.C. § 441d(a), a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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 additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer 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.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations,

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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.

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 attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Stephan Kline, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny L. McDonald

Danny L. McDonald
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

cc: Congressman Ed Whitfield

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: E.O. Whitfield MUR 3960
Whitfield for Congress and
E.O. Whitfield, as treasurer

I. GENERATION OF MATTER

This matter was generated by a complaint filed with the Federal Election Commission ("the Commission") by Steve Hamrick ("Complainant") concerning allegations of violations by E.O. Whitfield and Whitfield for Congress and E.O. Whitfield, as treasurer, ("Respondents") of the Federal Election Campaign Act of 1971, as amended ("the Act"). See 2 U.S.C. § 437g(a)(1).

II. FACTUAL AND LEGAL ANALYSIS

A. Legal Framework

The Act requires that a disclaimer notice be affixed to any communication that expressly advocates the election or defeat of any candidate for Federal office or which solicits contributions for any candidate for Federal office through any type of general public advertising. 2 U.S.C. § 441d(a). If paid for and authorized by a candidate or an authorized political committee of a candidate, the communication must clearly state that it was paid for by such candidate or authorized committee. 2 U.S.C. § 441d(a)(1). If paid for by persons other than a candidate or an authorized political committee of a candidate, but authorized by a candidate or his or her committee, it must clearly state that the communication has been paid for by such other persons and authorized by such political committee. 2 U.S.C. § 441d(a)(2).

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The disclaimer must appear in a clear and conspicuous manner, giving the reader adequate notice of the identity of persons who paid for the communication. 11 C.F.R. § 110.11(a)(1). The disclaimer need not appear on the front face or page of a communication, so long as it appears somewhere within the communication. Id. In addition, the Commission has held that a letter, contributor card, and return envelope comprise the entire communication, and the placement of a disclaimer upon the contributor card satisfies the requirements of the Act. Advisory Opinion 1980-145, 1 Fed. Election Camp. Fin. Guide (CCH) ¶ 5599, at p. 10,741 (March 19, 1981).

Neither the Act nor Commission regulations define the standard of "express advocacy" cited in 2 U.S.C. § 441d(a). The Commission has acknowledged that the U.S. Supreme Court created the "express advocacy" standard in Buckley v. Valeo, 424 U.S. 1 (1976), to "avoid problems of overbreadth in regulating speech, i.e., the application of reporting requirements to communications as to public issues that also happened to be campaign issues." Advisory Opinion 1992-23, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 6064, at p. 11,882 (Aug. 10, 1992). In order to ensure that expenditures made for pure issue discussion would not be reportable under the Act, the Supreme Court construed these requirements "to reach only funds used for communications that expressly advocate the election or defeat of a clearly defined candidate." Buckley, 424 U.S. at 80. The Supreme Court also gave examples of words of express advocacy, such as "vote for," "elect," "support," "defeat," and "reject." Id. at 44, n.52.

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Later, in Federal Election Commission v. Massachusetts Citizens for Life, Inc. (FEC v. MCFL), 479 U.S. 238, 249 (1986), the Supreme Court clarified the scope of the standard, noting that express advocacy was not limited to the "buzzwords" cited in Buckley. The Supreme Court explained that express advocacy could be "less direct" than the examples given in Buckley so long as the "essential nature" of the communication "goes beyond issue discussion to express electoral advocacy." Id. If the message contained an "explicit directive" to vote for or against a candidate, it is express advocacy. Id.

Applying Buckley, the Ninth Circuit concluded in Federal Election Commission v. Furgatch, 807 F.2d. 857, 863 (9th Cir.), cert. denied, 484 U.S. 850 (1987), that in order to be considered "express advocacy" under the Act, communications must, "when read as a whole and with limited reference to external events, be susceptible of no other reasonable interpretation but [as] an exhortation to vote for or against a specific candidate." Id. at 864. The standard adopted by the Ninth Circuit has three components. First, a political communication's message is "express" if "its message is unmistakable and unambiguous, suggestive of only one plausible meaning." Id. Second, the message is "advocacy" if it presents a clear plea for action, and thus is not merely informative. Third, the message is "express advocacy" if it is clear what action is advocated; it is not express advocacy "when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action." Id. The Court of

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Appeals emphasized that "if any reasonable alternative reading of speech can be suggested, it cannot be express advocacy." Id.

B. Factual Allegations and Analysis

1. Summary of Complaint

The Complainant alleges four "flagrant violation[s]" of the Act by Respondents' communications. The first is an invitation to a February 28, 1994, campaign kick-off, which was both mailed and reprinted in a local newspaper. The text states, in main part: "E.O. and Jennie Whitfield Cordially Invite You and Your Family to the Congressional Campaign Kick-off of Their Son Ed Whitfield." The copies submitted by Complainant do not have disclaimers. The second and fourth communications are pieces of mail: a letter, dated March 21, 1994, soliciting contributions and an invitation to a April 22, 1994, fundraiser. Complainant enclosed copies of each. Neither copy bears a disclaimer. The last communication concerns Respondents' campaign signs, including two displayed in the front window of Mr. Whitfield's campaign headquarters, "yard signs, and larger signs." Complainant alleges all of the signs lacked disclaimers. Complainant provided photographs only of the two signs displayed in the front window of Mr. Whitfield's campaign headquarters.

2. Response to Complaint

Respondents state that their policy is one of compliance with the Act and preface their remarks with the assertion that "if any mistakes were made, they were unintentional." Respondents then address each of Complainant's allegations concerning the four communications.

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a. Campaign Kick-off Communications

The first set of communications Complainant alleges violated 2 U.S.C. § 441d(a) was an invitation to a campaign kick-off that was mailed on February 22, 1994, and reprinted as an advertisement in a local newspaper on February 28, 1994. As noted previously, the invitation and the advertisement state, in main part, "E.O. and Jennie Whitfield Cordially Invite You and Your Family to the Congressional Campaign Kick-off of their Son Ed Whitfield."

E.O. Whitfield, the candidate's father and the committee's treasurer, replies that the mailed invitation was sent by him and his wife Jennie Whitfield to "friends, relatives and some registered Republicans." Mr. Whitfield explains that because "[w]e did not ask for money or ask anybody to vote for our son, ... [w]e understood that such items did not have to have the disclaimer." Further, he states that they "honestly don't know whether we or the newspaper are to blame for the fact that the disclaimer was left off" the newspaper advertisement. Respondents submitted another advertisement from the same newspaper on February 26, 1994, which carried a disclaimer.

As the Supreme Court has indicated, the purpose of the express advocacy standard is to avoid regulating issue discussion while insuring the electorate is adequately informed of the source of campaign advertising. See Buckley v. Valeo, 424 U.S. at 42; FEC v. MCFL, 479 U.S. at 249. This Office believes that the newspaper advertisement and the mailed invitation are express advocacy because the "essential nature" of the communication is

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not issue discussion but electoral advocacy. FEC v. MCFL, 479 U.S. at 249. On its face, this communication is wholly related to a congressional campaign and a named candidate, and does not discuss any issue. Specifically, the communication seeks the invitees' participation in kicking off the congressional campaign of Ed Whitfield, at an event which will include refreshments and entertainment.[1] Further, the communication requests that invitees R.S.V.P. at "(502) 886-VOTE." Thus, "when read as a whole, and with limited reference to external events," the reasonable interpretation of this invitation is to come kick-off, i.e., support, the congressional campaign of Ed Whitfield. FEC v. Furgatch, 807 F.2d. at 864.

The mailed invitation and the newspaper advertisement are essentially the same communication and both were publicly distributed in Ed Whitfield's congressional district. Respondents concede that the newspaper advertisement required a disclaimer because they state that they are unclear whether they or the newspaper "are to blame" for the disclaimer being "left off." The mailed invitation also required a disclaimer because it was not a limited distribution, but was mailed to "friends, relatives and some registered Republicans." The fact that it was sent to registered voters in the congressional district -- beyond just

1. In addition to paying for entertainment, the Committee's 1994 April Quarterly Report also shows the Committee made expenditures for flags, T-shirts, and caps for the campaign kick-off.

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friends and relatives -- indicates that this was a public distribution.[2]

Based upon the available record, it is not clear who paid for these communications. E.O. Whitfield responds that he and his wife "sent" the invitations, but that does not necessarily mean that they paid for them or the invitation printed in the newspaper.[3] A review of the Committee's April Quarterly Report for this time period also does not clarify who paid for these communications. On one hand, the report shows that E.O. Whitfield made a $625 contribution to the Committee on February 8, 1994, about two weeks before the invitations were mailed and about three weeks before the advertisement ran; it was not denoted as an in-kind contribution. The report also shows that E.O. Whitfield was reimbursed for "printing costs" of $836.28 about one month after the campaign kick-off. On the other hand, the same report indicates expenditures by the Committee for printing on February 18 and 24; postage on February 18, 22, and 26; and for advertisements in the Kentucky New Era newspaper on February 22 and March 1.

Therefore, based upon the available record, it appears that either E.O. Whitfield or the Committee may have made the expenditures financing these communications, or they may have shared these expenses. Based on the foregoing, there is reason to

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2. Also, the copy of the invitation submitted by the Complainant shows that it was sent bulk rate.

3. Another newspaper advertisement for the campaign kick-off included a disclaimer stating that the Committee paid for the communication.

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believe that E.O. Whitfield violated 2 U.S.C. § 441d(a) and also that Whitfield for Congress and E.O. Whitfield, as treasurer, violated 2 U.S.C. § 441d(a).

b. Solicitation and Invitation to Fundraiser

Respondents state that the March 21, 1994, contribution solicitation and the invitation to the April 22, 1994, fundraiser both included "contributor cards" bearing disclaimers. Respondents assert the Complainant failed to include the contributor cards with his complaint. Respondents enclosed such cards in their response. Both bear disclaimers. Respondents further state that any invitation or solicitation that was mailed without a disclaimer was "not in keeping with our standard procedure, clear policy, and intent."

Aside from the allegations of the complaint, there is no evidence to dispute Respondents' claim that contributor cards were included in the communications. Further, Respondents' stance is bolstered by the fact that the contributor cards appear to correspond to the invitations. First, the March 21, 1994, solicitation letter refers to an enclosed envelope in which contributors may return contributions, and the contributor card which purportedly accompanied this letter requests certain contributor identification information required by the Act. In order to comply with the Act, Respondents need this identification information from contributors who contribute $200 or more. Because the contributor card proffered by Respondents requests this information and the letter references an enclosed envelope in which to return contributions, it is likely that the contributor

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card was included in the solicitation. Similarly, it appears that the contributor card for the April 22, 1994, fundraiser was included with the invitation. The contributor card was an R.S.V.P. for the event and included the date of the fundraiser. Based upon the foregoing, it appears that these communications included the requisite disclaimers required under 2 U.S.C. § 441(d)(a). 11 C.F.R. § 110.11(a)(1); Advisory Opinion 1980-145.

c. Campaign Signs

Last, Respondents address Complainant's allegations that some of Respondents' campaign signs lacked disclaimers. The complaint included three photographs of signs apparently in the Respondents' campaign headquarters' window. The three photographs depict two signs, an upper and lower sign. The photographs were taken at progressively closer vantages to the storefront. The upper sign states "Ed Whitfield for a New Congress" (emphasis in original). The lower sign, which is not shown in the photograph taken nearest to the window, states "ED" with writing apparent on both sides of the sign but illegible in the photograph. The Respondents submitted a copy of the lower sign with their response. Attached to the sign is a platform statement of the candidate, which bears a disclaimer. It is this sign, with a disclaimer, that is shown in the first two photographs, but is omitted from the photograph nearest the window.

Respondents state the two signs depicted in Complainant's photographs were displayed "inside the windows of our headquarters in downtown Hopkinsville." As noted above, the Respondents

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provided the Commission with the smaller sign, which bore a disclaimer. Regarding Complainant's allegations that Respondents' "yard signs and larger signs" lacked disclaimers, Respondents state that on the date of the complaint "this campaign did not have yard signs" and as for larger signs, "we have only one, an oilcloth banner measuring 4' x 8' on the back wall of our headquarters."

The lower sign had a disclaimer indicating that it was paid for by the Whitfield for Congress committee. The upper sign, which lacked a disclaimer, clearly communicates a message of express advocacy of the election of the candidate: "Ed Whitfield For a New Congress" is an exhortation to vote for Ed Whitfield. Both signs were displayed in the window of the campaign's headquarters.

An argument may be made that, like a solicitation package made up of several pieces, both signs can be considered together as one "communication" in which the disclaimer on the lower sign serves as a disclaimer for the communication as a whole. See 11 C.F.R. § 110.11(a)(1); Advisory Opinion 1980-145, Fed. Election Camp. Fin. Guide (CCH) ¶ 5599, at p. 10,741 (March 19, 1981). On the other hand, an argument can be made that while authorization of the upper sign may be apparent from its location in the front window of the campaign headquarters, it does not necessarily follow that because the Committee paid for one sign, it also paid for the other, different sign. In order to satisfy the requirements of 2 U.S.C. § 441d(a), the disclaimer

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must give notice of both authorization and who paid for the communication. 2 U.S.C. § 441d(a).

Further, it is not apparent how many of the "Ed Whitfield for a New Congress" signs were made and displayed elsewhere by themselves. Although Respondents state that they did not have yard signs at the time of the complaint, it is unlikely that only one "Ed Whitfield for a New Congress" sign like the one in the window was printed.[4] While this sign in the Respondents' headquarters' window may have the benefit of the upper sign's disclaimer, that would not be the case for other signs appearing alone elsewhere.

Therefore, there is reason to believe Whitfield for Congress and E.O. Whitfield, as treasurer, violated 2 U.S.C. § 441d(a).

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4. For example, the Committee's 1994 April Quarterly Report shows an expenditure on February 28 of $238.50 for "campaign signs."

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3960

NAME OF COUNSEL: CONSTANCE B HARRIMAN

ADDRESS: 4006 No. 38th PLACE
ARLINGTON
VIRGINIA 22207

TELEPHONE: (703) 237-5708

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.

6-19-95
Date

Edward O. Whitfield
Signature

RESPONDENT'S NAME: WHITFIELD FOR CONGRESS COMMITTEE
E.O. WHITFIELD AS TREASURER

ADDRESS: 108 Alumni Ave
Hopkinsville Ky
42240

HOME PHONE: 502-886-3537

BUSINESS PHONE: 502-886-3537

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RECEIVED
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COMMISSION
SECRETARIAT
JUL 19 10 41 AM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
E.O. Whitfield	)	MUR 3960
Whitfield for Congress and	)	
E.O. Whitfield, as treasurer	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 16, 1995, the Federal Election Commission (the "Commission") found reason to believe that E.O. Whitfield; and Whitfield for Congress and E.O. Whitfield, as treasurer, ("Respondents") violated 2 U.S.C. § 441d(a). At the same time, the Commission determined to offer to enter into preprobable cause conciliation with Respondents and approved an agreement

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II. DISCUSSION OF PRE-PROBABLE CAUSE CONCILIATION

Based upon E.O. Whitfield's response to the Complaint and the Committee's April Quarterly Report for the relevant time period, there was reason to believe that E.O. Whitfield or the Committee -- or both -- paid for the invitations and newspaper

advertisement at issue. As we advised the Commission in our First General Counsel's Report (April 18, 1995) and at the Executive Session (May 16, 1995), if Respondents demonstrated that E.O. Whitfield did not pay for the mailed invitations and newspaper advertisement, this Office would recommend that the Commission take no further action against Mr. Whitfield personally

Based upon the documentation provided by Respondents, Mr. Whitfield did not pay for the invitations to the Campaign Kickoff or the advertisement in the Kentucky New Era. Respondents submitted copies of the bills for those items which indicated Whitfield for Congress was the party billed and receipts for payment for the ads from the Committee. Attachment 3. Based upon the foregoing, we recommend that the Commission take no further action against E.O. Whitfield.

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III. RECOMMENDATIONS

1. Take no further action against E.O. Whitfield.

2. Approve the attached conciliation agreement with Whitfield for Congress and E.O. Whitfield, as treasurer.

3. Approve the appropriate letters.

4. Close the file.

Lawrence M. Noble
General Counsel

7/18/95
Date

By: Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Civil Penalty Check
3. Campaign Expenditures

Staff assigned: Stephan O. Kline

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
E.O. Whitfield;	)	MUR 3960
Whitfield for Congress and	)	
E.O. Whitfield, as treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 24, 1995, the Commission decided by a vote of 5-1 to take the following actions in MUR 3960:

1. Take no further action against E.O. Whitfield.

2. Approve the conciliation agreement with Whitfield for Congress and E.O. Whitfield, as treasurer, as recommended in the General Counsel's Report dated July 18, 1995.

3. Approve the appropriate letters, as recommended in the General Counsel's Report dated July 18, 1995.

(continued)

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4. Close the file.

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

Attest:

7-25-95
Date

Delores Hardy
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Wed., July 19, 1995	10:41 a.m.
Circulated to the Commission:	Wed., July 19, 1995	4:00 p.m.
Deadline for vote:	Mon., July 24, 1995	4:00 p.m.

mwd

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Admin.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 1, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Hamrick
2012 S. Main Street
Hopkinsville, KY 42240

RE: MUR 3960
Whitfield for Congress and
E.O. Whitfield, as treasurer

Dear Mr. Hamrick:

This is in reference to the complaint you filed with the Federal Election Commission on April 26, 1994, concerning alleged disclaimer violations by the captioned committee.

The Commission found that there was reason to believe that E.O. Whitfield and Whitfield for Congress and E.O. Whitfield, as treasurer violated 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act of 1971, as amended, (the "Act") and conducted an investigation in this matter. The Commission also found there was no reason to believe that Congressman Ed Whitfield violated the Act. On July 24, 1995, a conciliation agreement with Whitfield for Congress and E.O. Whitfield, as treasurer, was accepted by the Commission, and the Commission took no further action against E.O. Whitfield individually. Accordingly, the Commission closed the file in this matter on the same day. A copy of this agreement is enclosed for your information.

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

Sincerely,

Stephan O. Kline

Stephan O. Kline
Attorney

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 1, 1995

The Honorable Ed Whitfield
U.S. House of Representatives
1541 Longworth HOB
Washington, D.C. 20515-1701

RE: MUR 3960
Whitfield for Congress and
E.O. Whitfield, as treasurer

Dear Congressman Whitfield:

This is to advise you that this matter is now closed. 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.

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

Sincerely,

Stephan O. Kline
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 1, 1995

Constance B. Harriman, Esq.
4006 N. 38th Place
Arlington, VA 22207

RE: MUR 3960
Whitfield for Congress and
E.O. Whitfield, as treasurer
E.O. Whitfield

Dear Ms. Harriman:

On July 24, 1995, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of Whitfield for Congress and E.O. Whitfield, as treasurer, in settlement of a violation of 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act of 1971, as amended. On the same day, the Commission took no further action against E.O. Whitfield. 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 respondents 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) 219-3690.

Sincerely,

Stephan O. Kline
Attorney

Enclosure
Conciliation Agreement

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
JUN 29 10 07 AM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Whitfield for Congress and E.O. Whitfield, as treasurer	)	MUR 3960

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint filed by Steve Hamrick ("Complainant"). The Federal Election Commission ("Commission") found reason to believe that Whitfield for Congress and E.O. Whitfield, as treasurer, ("Respondents") violated 2 U.S.C. § 441d(a). The Commission also found reason to believe that E.O. Whitfield violated 2 U.S.C. § 441d(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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. Whitfield for Congress is a political committee within the meaning of 2 U.S.C. § 431(4) and is the principal campaign

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committee of Ed Whitfield, who was a candidate for Kentucky's First Congressional District seat.

2. E.O. Whitfield is the the treasurer of Whitfield for Congress.

3. Pursuant to 2 U.S.C. § 441d(a), a disclaimer is required for communications that expressly advocate the election or defeat of a clearly identified candidate through any newspaper, direct mailing, or other form of general public political advertising. The disclaimer must clearly identify the person or political committee who paid for and authorized the communication. Id. If paid for and authorized by a candidate or the authorized political committee of a candidate, it must clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d(a)(1). If paid for by persons other than a candidate or an authorized political committee of a candidate, but authorized by a candidate or his or her committee, it must clearly state that the communication has been paid for by such other persons and authorized by such authorized political committee. 2 U.S.C. § 441d(a)(2).

4. Pursuant to 11 C.F.R. § 110.11(a)(1), it is required that the disclaimer appear in a clear and conspicuous manner so that the reader, observer, or listener is given adequate notice of the identity of persons who paid for and authorized the communication. Except on communications that have only a front face, the disclaimer is not required to be on the front face or page of the communication, so long as it is somewhere within the communication. Id.

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5. Respondents paid for invitations to the Congressional Campaign Kick-off of Ed Whitfield, which expressly advocated the election of the candidate and were publicly distributed by mail and in a newspaper.

6. Respondents paid for invitations to the Congressional Campaign Kick-off of Ed Whitfield, dated February 22, 1994, which were sent to the candidate's parents' friends and relatives and registered Republicans. The mailed invitations did not contain the disclaimer required by 2 U.S.C. § 441d(a).

7. On or about February 28, 1994, Respondents paid for a newspaper advertisement in the Kentucky New Era newspaper, circulation 15,500, which reprinted the invitation to the Congressional Campaign Kick-off of Ed Whitfield. The advertisement did not have the disclaimer required by 2 U.S.C. § 441d(a).

8. Respondents paid for campaign signs that stated, "Ed Whitfield for a New Congress," which expressly advocated the election of Ed Whitfield. At least one "Ed Whitfield for a New Congress" sign was displayed without the disclaimer required by 2 U.S.C. § 441d(a).

V. Respondents admit the following:

1. Whitfield for Congress and E.O. Whitfield, as treasurer, paid for communications expressly advocating the election of Ed Whitfield that were publicly distributed and failed to include proper disclaimers, in violation of 2 U.S.C. § 441d(a).

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VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand six hundred seventy-five dollars ($1,675), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. 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 action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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X. 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.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

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

Date 7/31/95

FOR THE RESPONDENTS:

Constance B. Harriman
Constance B. Harriman
Counsel for Respondents

Date June 29, 1995

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 3960
	)	
E.O. Whitfield	)	
Whitfield for Congress and	)	
E.O. Whitfield, as treasurer	)	

STATEMENT OF REASONS

Commissioner Lee Ann Elliott

This matter concerns several disclaimer violations. While I agree with the disposition of the violations involving newspaper advertisements and invitations, I disagree with the part involving a campaign sign.

The facts concerning the campaign sign are as follows. Two campaign signs were placed in the window of the Ed Whitfield campaign headquarters. One sign bore a disclaimer stating, "Paid for by the Whitfield for Congress Committee." The other sign stating "Ed Whitfield for a New Congress" had no disclaimer.

Although the respondents admit to paying for a communication expressly advocating the election of Ed Whitfield that was publicly distributed without a proper disclaimer, I could not join my colleagues in finding the display of a campaign sign in a campaign headquarters window, particularly along with another sign bearing a disclaimer, to violate the Act. In my view, such placement alone speaks volumes in giving notice to the public of who paid for the communication.

8-10-95
Date

Lee Ann Elliott
Lee Ann Elliott
Vice Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3960

DATE FILMED 8/23/95 CAMERA NO. 1

CAMERAMAN EES

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