FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4076

DATE FILMED 5/18/95 CAMERA NO. 2

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MUR 4076

STATEMENT FOR THE PUBLIC RECORD

In the course of carrying out its supervisory responsibilities, the Commission developed information which indicated that the Coverdell for Senate Committee failed to report contributions as earmarked and received an excessive contribution.

Because that information came to the attention of the Commission in connection with a matter that still is open, we will, at this time, place on the public record for MUR 4076 only so much of the First General Counsel's Report dated September 19, 1994, (pages 35-37, 40-41), and of the Certification of Commission Action dated October 5, 1994 as pertains to Coverdell for Senate. See 2 U.S.C. § 437g(a)(12)(A). When the Commission has completed the other matter, the entire First General Counsel's Report and entire Certification will be added to the public record.

May 5, 1995

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3. The NRSC and the Coverdell Campaign

Much of the same reasoning discussed above applies to donors who responded to the Coverdell solicitation by making contributions to the NRSC's "Senatorial Trust" that were "allocated" for the Coverdell campaign. The phrasing of the solicitation from the Coverdell campaign not only implies that the campaign was soliciting earmarked contributions, but specifically that the contributions would be used for the campaign's television budget. It states, "If you can allocate any amount of your Senatorial Trust funds to our campaign, or have some other means of contributing, it could be the difference in our efforts to retire one of the Senate's most liberal members." (Attachment A-3, p. 9.) It goes on to say that signs of his opponent's vulnerability have "led to the Senatorial Committee fully funding the race and putting over $500,000 into the campaign for television. We are trying to double our budget for television and you can make a difference. . . ." Id.

Furthermore, the response portion includes a section for the contributor to check off which reads "I want to allocate _____ through the Senatorial Trust towards Paul's campaign." Id. This language, in particular, gives rise to the inference that "allocated" donations would be channeled through the Senatorial Trust specifically to the Coverdell campaign. Thus, it appears

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that an individual who made an "allocated" contribution in response to this request could reasonably intend and expect that the contribution would be used for Coverdell's campaign generally, and his television budget specifically. For this reason, it appears that contributors who made "allocated" contributions to Coverdell's campaign through the NRSC's Senatorial Trust earmarked those contributions. In addition, it appears that the NRSC treated such contributions as earmarked. A review of disclosure reports and Commission indices indicates that the NRSC properly forwarded and reported earmarked contributions made to the Coverdell campaign, both before and after the October 9, 1992, solicitation.

A review of the Coverdell campaign's disclosure reports, however, shows that it failed to report the contributions as earmarked and that the NRSC acted as a conduit for the earmarked contributions, in violation of 11 C.F.R. § 110.6(c)(2). Instead, the Coverdell campaign reports the contributions as coming directly from the individual contributors. In addition, one donor's allocated contributions to the NRSC exceeded the limit for an individual's contributions to a designated candidate. Consequently, it appears that the Coverdell campaign accepted one excessive contribution, in violation of 2 U.S.C. § 441a(f). Because the excessive portion of this contribution totals only $500, this Office makes no recommendation against the Coverdell

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campaign regarding a violation of 2 U.S.C. § 441a(f).

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IV. RECOMMENDATIONS

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Find reason to believe that the Coverdell for Senate Committee and Marvin Smith, as treasurer, violated 11 C.F.R. § 110.6(c)(2).

Approve the appropriate letters.

Approve the attached Factual and Legal Analyses.

Approve the attached Subpoenas for the Production of Documents and Answers to Interrogatories to the

Coverdell for Senate Committee.

Date 9/19/94

LM Noble (ZK)
Lawrence M. Noble
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

9504363553384

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 4, 1994, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions

(continued)

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(continued)

October 4, 1994

Open a MUR and find reason to believe that the Coverdell for Senate Committee and Marvin Smith, as treasurer, violated 11 C.F.R. § 110.6(c)(2).

Approve appropriate letters pursuant to the actions taken in these matters and the Commission discussion.

Approve the Factual and Legal Analyses attached to the General Counsel's September 19, 1994 report subject to the revisions agreed upon during the meeting discussion.

Approve the Subpoenas for the Production of Documents and Answers to Interrogatories to the

Coverdell for Senate Committee, as recommended in the General Counsel's September 19, 1994 report, subject to revision as agreed during the meeting discussion.

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

Attest:

10-5-94
Date

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

9504363535386

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 17, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marvin Smith, Treasurer
Coverdell Senate Committee
3091 Maple Drive, Suite 200
Atlanta, GA 30305

RE: MUR 4076
Coverdell Senate Committee
and Marvin Smith, as
treasurer

Dear Mr. Smith:

On October 4, 1994, the Federal Election Commission ("Commission") found that there is reason to believe the Coverdell Senate Committee and you, as treasurer, violated 11 C.F.R. § 110.6(c)(2) of the Commission's regulations. 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. Statements should be submitted under oath. All responses to the enclosed Order to Submit Written Answers and Subpoena to Produce Documents must be submitted within 30 days of your receipt of this Order and Subpoena. Any additional materials or statements you wish to submit should accompany the response to the Order and Subpoena. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this Order and Subpoena. If you intend to be represented by counsel, 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 or other communications from the Commission.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The

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Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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.

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 Mary Ann Bumgarner, the attorney assigned to this matter, at (202) 219-3400.

For the Commission,

Trevor Potter
Chairman

Enclosures
Order and Subpoena
Factual and Legal Analysis
Procedures
Designation of Counsel Form

cc: The Honorable Paul Coverdell

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INSTRUCTIONS

Each answer shall be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

Each answer shall be preceded by the question or interrogatory to which the answer pertains.

Please organize all documents and label each group of documents to correspond with the specific Request for Production to which each document or group of documents pertains.

In answering these interrogatories and requests for production of documents, furnish all documents and all information, however obtained, that is in your possession, or known by or otherwise available to you, or in the possession of or known by or otherwise available to your attorneys, agents, employees, or other representatives of you and/or your attorneys.

The response to each interrogatory shall set forth separately the identification of each person capable of furnishing testimony concerning the response given. In addition, the response shall identify every individual who provided information, documentation, or other input relating to the response, and those who assisted in drafting the interrogatory response.

Unless otherwise indicated, each discovery request shall refer to the time period covering the 1992 general election campaign.

If you cannot answer any of the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder. In addition, state what information or knowledge you have concerning the unanswered portion and describe the specific efforts made by you or anyone on your behalf to ascertain the information. Also, state as definitively as possible when you anticipate obtaining the information and supplementing your response.

If you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

9504363553389

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 4076
)

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: The Coverdell for Senate Committee
and Marvin Smith, as Treasurer
3091 Maple Drive
Suite 200
Atlanta, GA 30305

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested in the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this 14th day of October, 1994.

For the Commission,

Trevor Potter
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions and Document Requests

2504363591

The following interrogatories and requests for production of documents are continuing in nature, requiring you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information subsequent to your original answers. Include in any supplemental answers the date and manner in which such further or different information came to your attention.

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DEFINITIONS

For purposes of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" or "your" shall mean the named respondents in this action to whom these discovery requests are addressed, including all persons who act in any capacity for the respondents or in any relationship to the respondents, including officers, employees, agents or attorneys and/or others who act on the respondents' behalf.

The "NRSC" shall mean the National Republican Senatorial Committee, including all persons who act in any capacity for the NRSC or in any relationship to the NRSC including officers, employees, agents or attorneys and/or others who act on behalf of the NRSC.

The "Coverdell campaign" shall mean the candidate and the Coverdell for Senate Committee, Paul Coverdell's authorized campaign committee, including all persons who act in any capacity for the Coverdell campaign or in any relationship to the Coverdell campaign including officers, employees, agents or attorneys and/or others who act on behalf of the Coverdell campaign.

The "Senatorial Trust" shall refer to the NRSC's Senatorial Trust through which contributions were "allocated" for a candidate, as referred to in the October 9, 1992 solicitation from Paul Coverdell, attached hereto as Exhibit A.

An "allocated" contribution shall refer to a contribution to the NRSC's Senatorial Trust that the contributor has indicated is to be allocated for a particular candidate's campaign.

"Person" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Identify" with respect to a person shall mean to state the full name, the most recent business and residence addresses, the most recent business and home telephone numbers, the person's position and job description at the time in question with respect to the interrogatory, the present occupation or position of such person, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

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"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean to state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, and the number of pages comprising the document.

"And" as well as "or" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of these interrogatories and requests for the production of documents any information and documents which may otherwise be construed to be outside their scope.

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BEFORE THE FEDERAL ELECTION COMMISSION

INTERROGATORIES AND REQUESTS FOR DOCUMENTS

MUR 4076
The Coverdell for Senate Committee and
Marvin Smith, as treasurer

1. Please describe in full and complete detail the NRSC's Senatorial Trust.

2. Please state the purpose of the NRSC's Senatorial Trust.

3. Please describe in full and complete detail when and how the NRSC informed the Coverdell campaign of the Senatorial Trust and/or a contributor's option of "allocating" a contribution for the Coverdell campaign.

4. With regard to the solicitation dated October 9, 1992 entitled "Coverdell U.S. Senate" attached hereto as Exhibit A, (the "October 9 solicitation"), please provide the following information:

a. Please identify all persons who were involved and/or who had responsibility, including supervisory responsibility, for writing, producing and/or distributing the October 9 solicitation and please specify each person's role.

b. Please state the total number of October 9 solicitations mailed or otherwise distributed; what was the source of the distribution list?

c. Of those solicited, how many persons had given the maximum limit to the Coverdell campaign?

d. Please describe in full and complete detail how the Coverdell campaign determined to whom the October 9 solicitation would be mailed or otherwise distributed. Was a person's status as a "maxed out" contributor to the Coverdell campaign a factor in being included on the distribution list?

e. Please state whether the Coverdell campaign produced and distributed more than one version of the October 9 solicitation. If so, identify and produce a copy of each.

f. Identify and produce a copy of all documents that accompanied the October 9 solicitation.

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g. Please state the total number of allocated contributions made in response to the October 9 solicitation, the amount of each such allocated contribution and the identity of each contributor who made an allocated contribution in response to the October 9 solicitation.

h. Please explain in full and complete detail the meaning of "allocating" a contribution to the NRSC's Senatorial Trust for the Coverdell campaign.

i. Please state the total number of non-allocated contributions made in response to the October 9 solicitation, the amount of each such non-allocated contribution and the identity of each contributor who made a non-allocated contribution in response to the solicitation.

5. Please state the date and amount of contributions made to the NRSC's Senatorial Trust that were allocated for the Coverdell campaign.

6. Please describe, in full and complete detail, how the Coverdell campaign recorded, memorialized, or otherwise kept records of the amount of contributions made to the NRSC that were allocated for the Coverdell campaign, and please provide a copy of all such records and documents.

7. Please describe, in full and complete detail, how the NRSC advised the Coverdell campaign of the amount of contributions to the NRSC that were allocated for the Coverdell campaign.

8. Please state whether all of the contributions to the Senatorial Trust that were allocated for the Coverdell campaign were forwarded to the Coverdell campaign.

9. If the answer to interrogatory number 8 is in the negative, please state the reasons for the NRSC <u>not</u> forwarding the allocated contributions and the total amount of contributions <u>not</u> forwarded.

10. Please describe, in full and complete detail, what the Coverdell campaign communicated to potential contributors about the Senatorial Trust or the option of allocating a contribution to the NRSC for the Coverdell campaign, and the method(s) by which that information was communicated.

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11. Please state whether you contend that allocated contributions are not earmarked contributions, as defined and regulated by 2 U.S.C. § 441a(a)(8) and the governing regulations. If you so contend:

a. Please state and describe in full and complete detail each and every fact which supports this contention.

b. Please identify and produce each and every document which you contend supports this contention.

12. Please describe in full and complete detail each and every reason for not reporting allocated or earmarked contributions forwarded to the Coverdell campaign from the NRSC as earmarked contributions.

13. Please state whether the NRSC reported the information required by 11 C.F.R. § 110.6(c)(1) to the Coverdell campaign when it forwarded earmarked contributions to the campaign.

14. If the answer to interrogatory number 13 is in the negative, please state what information the NRSC did provide to the Coverdell campaign when it forwarded earmarked contributions to the campaign.

15. Did the NRSC draft, prepare, supply, or otherwise participate in the production of any solicitation issued by the Coverdell campaign that referred to the Senatorial Trust and/or the option of making an allocated contribution?

16. Please describe fully each and every reason for soliciting allocated contributions through the Senatorial Trust and not directly to the Coverdell campaign.

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REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please provide a copy of each and every version of every solicitation, mailing, or other document that the Coverdell campaign sent to potential contributors in connection with the 1992 general election campaign which refers to the Senatorial Trust or which discusses or describes the option of allocating a contribution for the Coverdell campaign.

2. Please provide a copy of each and every version of every memorandum, letter, or other document that the NRSC sent to the Coverdell campaign explaining and/or concerning the Senatorial Trust and/or the option of allocating a contribution.

3. Please provide a copy of all documents pertaining to the Senatorial Trust program, including, but not limited to:

a. any and all agreements between the NRSC and the Coverdell campaign;

b. correspondence between the NRSC and the Coverdell campaign;

c. documents from the NRSC advising the Coverdell campaign of the amount of contributions to the NRSC allocated for the Coverdell campaign;

d. telephone memoranda and/or other written memoranda pertaining to the Senatorial Trust and/or its implementation;

e. letters or sample letters soliciting allocated contributions;

f. other documents or sample documents soliciting allocated contributions;

g. telephone scripts for calls to contributors; and

h. thank-you letters or sample thank-you letters sent to contributors.

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Coverdell
U.S. SENATE

DATE: OCTOBER 9, 1992

TO:

FROM: PAUL COVERDELL

RE: U.S. SENATE RACE

I tried to contact you by phone to update you on our campaign to unseat Democrat Senator Wyche Fowler of Georgia.

I am one of the few pro-choice Republican candidates with a strong chance of winning a seat in the U.S. Senate.

A recent poll by the Senatorial Committee indicates that Fowler is extremely vulnerable in this anti-incumbent election year. Here is the good news:

1. Nearly half of Georgia voters want to see a new person in the Senate.
2. Fowler's negatives have grown to over 30 percent.
3. For the first time in this campaign, Fowler's support has dropped below 50 percent of the voters while mine has more than doubled.
4. Importantly, when informed on Fowler's liberal votes, such as his vote against the Gulf War, my support rises to 62 percent and his collapses to 29 percent.

This has led to the Senatorial Committee fully funding the race and putting over $500,000 into the campaign for television. We are trying to double our budget for television and you can make a difference. Please give me a call at (404) 320-1992.

If you can allocate any amount of your Senatorial Trust funds to our campaign, or have some other means of contributing, it could be the difference in our efforts to retire one of the Senate's most liberal members.

_____ I want to allocate _____ through the Senatorial Trust towards Paul's campaign.

_____ I want to pledge a contribution of _____.

_____ I would like to speak with Paul about his campaign. Please call my office to schedule a phone conversation.

Please fax this form back to (404) 329-7276 or call David Morgenstern at (404) 320-1992 for further information.

1720 Northside Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax (404) 329-7276

EXHIBIT B

Exhibit A

2504436353399

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: The Coverdell for Senate Committee and Marvin Smith, as treasurer

MUR: 4076

I. GENERATION OF MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). Based on the language of a solicitation from the Coverdell for Senate Committee (the "Coverdell campaign"), it appears that certain contributions made to the National Republican Senatorial Committee (NRSC)'s "Senatorial Trust" and "allocated" for the Coverdell campaign were earmarked for Coverdell. A review of the Coverdell campaign's disclosure reports, however, shows that it failed to report the contributions as earmarked and that the NRSC acted as a conduit for the earmarked contributions, as required by 11 C.F.R. § 110.6(c)(2).

The Federal Election Campaign Act of 1971, as amended, ("the Act") provides that a contribution by a person, either directly or indirectly, on behalf of a particular candidate, which is in any way earmarked or otherwise directed through an intermediary or conduit, shall be treated as a contribution from such person to the candidate. 2 U.S.C. § 441a(a)(8). "Earmarked" means "a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or

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expended on behalf of, a clearly identified candidate or a candidate's authorized committee." 11 C.F.R. § 110.6(b)(1).

A "conduit" or "intermediary" means any person who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee (with certain exceptions not applicable here). 11 C.F.R. § 110.6(b)(2). In addition, 11 C.F.R. § 110.6(b)(2)(iii) provides that any person who receives an earmarked contribution shall, among other requirements, forward such earmarked contribution to the candidate or authorized committee in accordance with 11 C.F.R. § 102.8. Section 102.8 provides, inter alia, that earmarked contributions must be forwarded no later than 10 days after receipt.

Furthermore, the intermediary or conduit of an earmarked contribution must report the source of the contribution and the intended recipient to the Federal Election Commission and to the intended recipient. 2 U.S.C. § 441a(a)(8). See also 11 C.F.R. § 110.6(c)(1). Similarly, the recipient candidate committee must report earmarked contributions and each conduit or intermediary who forwards one or more earmarked contributions which in the aggregate exceed $200 in any calendar year in accordance with 11 C.F.R. § 110.6(c)(2).

B. The Facts

The Coverdell campaign issued a solicitation dated October 9, 1992, which reads, in pertinent part:

> I tried to contact you by phone to update you on our campaign to unseat Democrat Senator Wyche Fowler of Georgia.

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A recent poll by the Senatorial Committee indicates that Fowler is extremely vulnerable in this anti-incumbent election year. . . .

* * *

This has led to the Senatorial Committee fully funding the race and putting over $500,000 into the campaign for television. We are trying to double our budget for television and you can make a difference. Please give me a call at [phone number].

If you can allocate any amount of your Senatorial Trust funds to our campaign, or have some other means of contributing, it could be the difference in our efforts to retire one of the Senate's most liberal members.

_____ I want to allocate _____ through the Senatorial Trust towards Paul's campaign.

_____ I want to pledge a contribution of _____.

_____ I would like to speak to Paul about his campaign. Please call my office to schedule a phone conversation.

C. Discussion

There is nothing in the record which explains the specific nature of the "Senatorial Trust." Nonetheless, the phrasing of the solicitation, and the response portion in particular, implies that contributions "allocated" to the Coverdell campaign through the Senatorial Trust will be expended on the Coverdell Campaign. For example, the solicitation states: "If you can allocate any amount of your Senatorial Trust funds to our campaign, or have some other means of contributing, it could be the difference in our efforts to retire one of the Senate's most liberal members." It goes on to say that signs of his opponent's vulnerability have "led to the Senatorial Committee fully funding the race and putting over $500,000 into the campaign for television. We are

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trying to double our budget for television and you can make a difference. . . ." This suggests that donations made to the NRSC and "allocated" to the Coverdell campaign will be used for Coverdell's television budget.

Furthermore, the response portion of the solicitation includes a portion for the contributor to check off which reads "I want to allocate _____ through the Senatorial Trust towards Paul's campaign." This language, in particular, gives rise to the inference that "allocated" donations would be channeled through the Senatorial Trust specifically to the Coverdell campaign.

In summary, the plain language of the October 9, 1992, solicitation implies that a donation to the NRSC "allocated" to the Coverdell campaign through the Senatorial Trust will be spent on Coverdell. As a result, it appears that donors who responded to the solicitation and made a contribution to the NRSC that was allocated for the Coverdell campaign could reasonably intend and expect that an allocated contribution would be used for Coverdell's campaign generally, and his television budget specifically. Therefore, it appears that contributors who made "allocated" contributions to the Coverdell campaign through the NRSC's Senatorial Trust earmarked those contributions. In addition, it appears that the NRSC treated such contributions as earmarked. A review of disclosure reports and Commission indices indicates that the NRSC properly forwarded and reported earmarked contributions made to the Coverdell campaign, both before and after the October 9, 1992, solicitation. A review of the Coverdell campaign's disclosure reports, however, shows that it

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failed to report the contributions as earmarked and failed to report that the NRSC acted as a conduit for the earmarked contributions, in violation of 11 C.F.R. § 110.6(c)(2).

Based on the foregoing, there is reason to believe that the Coverdell for Senate Committee and Marvin Smith, as treasurer, violated 11 C.F.R. § 110.6(c)(2).

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PATTON BOGGS, L.L.P.
2550 M STREET, N.W.
WASHINGTON, D.C. 20037-1350
(202) 457-6000
FACSIMILE (202) 457-6315

WRITER'S DIRECT DIAL
(202) 457-6405

November 28, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 28 11 29 AM '94

Mr. Stephen Kline, Esquire
Office of the General Counsel
Federal Election Commission
Washington, DC 20463

Re: Matter Under Review 4076
Coverdell for Senate Committee
and Marvin H. Smith, as treasurer

Dear Mr. Kline:

This letter is a formal request for an extension of time to reply in the above-captioned matter on behalf of the Coverdell for Senate Committee and Marvin H. Smith, as treasurer. I have been asked to represent these respondents in the above-captioned matter, and have been involved in litigation out-of-town. Please excuse any delay in requesting this extension.

In order that Respondents may prepare a thorough response to the voluminous discovery in this matter, Respondents respectfully request an extension until December 23, 1994.

Sincerely,

Benjamin L. Ginsberg

BLG/kw

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4076

NAME OF COUNSEL: Benjamin L. Ginsberg

ADDRESS: 2550 M Street, N.W.
Washington, DC 20037

TELEPHONE: 202-457-6405

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 28 11 29 AM '94

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.

11/17/94
DATE

Bill Harris
SIGNATURE

RESPONDENT'S NAME: Cromwell Ford Government Committee

ADDRESS: 3000 Maple Drive, Suite 300
Atlanta, GA 30305

HOME PHONE:

BUSINESS PHONE: 404-264-1000

9504336354406

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 1994

Benjamin L. Ginsberg, Esquire
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037-1350

RE: MUR 4076
Coverdell for Senate Committee
and Marvin Smith, as treasurer

Dear Mr. Ginsberg:

This is in response to your letter dated and received on November 28, 1994, requesting an extension until December 23, 1994, to respond to the Commission's reason to believe findings and Order to Submit Written Answers and Subpoena to Produce Documents. As I told you on the phone today, after considering the circumstances presented in your letter, this Office has granted the requested extension. Accordingly, your response is due by the close of business on December 23, 1994.

This Office approved an extension in this matter for you to respond substantively to the discovery requests. The Commission expects full and complete responses to its Order and Subpoena. This Office reminds you that the time for filing a motion to quash has passed and that this extension does not extend the deadline for filing such a motion. Finally, further extensions will not be permitted in this matter.

As we also discussed, the Statement of Designation of Counsel which you submitted in this matter lists the "Coverdell Good Government Committee" as the Respondent committee. If Coverdell for Senate Committee, the named Respondent committee in this MUR, has become the Coverdell Good Government Committee, then the Designation of Counsel is sufficient. Otherwise, please submit a signed form from the appropriate committee as soon as possible.

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

Sincerely,

Stephan O. Kline

Stephan O. Kline
Attorney

95043635407

PATTON BOGGS, L.L.P.
2550 M STREET, N.W.
WASHINGTON, D.C. 20037-1350
(202) 457-6000
FACSIMILE: (202) 457-6315

WRITER'S DIRECT DIAL

(202) 457-6405

December 23, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
DEC 27 10 41 AM '94

VIA HAND

Stephan O. Kline, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **MUR 4076: The Coverdell for Senate Committee, and Marvin Smith, as treasurer**

Dear Stephan:

Enclosed are the discovery responses of the Coverdell for Senate Committee and Marvin Smith, as treasurer ("Respondents"). As noted in the responses, our investigation is continuing, and we may seek to supplement our answers as facts emerge. I will keep you updated as this matter progresses.

Given the posture of this matter, I would also like to request pre-probable cause conciliation with the Commission pursuant to 11 C.F.R. § 111.18(d). The nature of the alleged violations, and the fact that there is no allegation that any contributions were not reported, but simply that they may have been reported incorrectly, makes pre-probable cause conciliation appropriate and I hope we can resolve this matter expeditiously.

Please do not hesitate to contact me at the above number if you have any questions or comments.

Sincerely,

Benjamin Ginsberg

cc: The Coverdell for Senate Committee

9504363540 8

STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: Benjamin L. Ginsberg

ADDRESS: Patton, Boggs & Blow
2550 M Street, N.W.
Washington, D.C. 20037

TELEPHONE: (202) 457-6000

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Dec 27 10 41 AM '94

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/16/95
Date

Signature

RESPONDENT'S NAME: Coverdell Senate Committee

ADDRESS: 3091 Maple Drive, Suite 200
Atlanta, Georgia 30305

HOME PHONE: _____

BUSINESS PHONE: _____

2504336354 09

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Coverdell for Senate	)	
Committee, and Marvin	)	**MUR 4076**
Smith, as treasurer	)	

DEC 27 10 41 AM '94
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

RESPONSE TO INTERROGATORIES

The Coverdell for Senate Committee, and Marvin Smith, as treasurer (collectively "Respondents"), hereby respond to the interrogatories propounded by the Federal Election Commission ("FEC" or "Commission") on or about October 17, 1994.

GENERAL OBJECTIONS

Respondents generally object to the interrogatories propounded by the Commission as vague, ambiguous, overbroad and overburdensome. Several of the interrogatories are not directed to Respondents, seek information not in the possession of Respondents, and cannot be answered by Respondents.

Respondents further generally object to the interrogatories to the extent that they seek to obtain material or information that is protected from disclosure by the attorney-client privilege or the work product privilege, or seek legal conclusions rather than factual answers. Further, Respondents object to these interrogatories to the extent that they seek information not relevant to the allegations raised in the Commission's Reason to Believe finding of October 17, 1994. Subject to each of these reservations, Respondents answer the Commission's interrogatories as follows:

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SPECIFIC RESPONSE TO INTERROGATORIES

INTERROGATORY 1.

Please describe in full and complete detail the National Republican Senatorial Committee's ("NRSC's") Senatorial Trust.

RESPONSE:

To the best of Respondents' knowledge, and as is evident from the interrogatory, the NRSC's Senatorial Trust (the "Trust") is a project of the NRSC, not Respondents. Thus, Respondents cannot answer this interrogatory, and respectfully refer the Commission to the NRSC for a response to this Interrogatory.

INTERROGATORY 2.

Please state the purpose of the NRSC's Senatorial Trust.

RESPONSE:

To the best of Respondents' knowledge, and as is evident from the interrogatory, the Trust is a project of the NRSC, not Respondents. Thus, Respondents cannot answer this interrogatory, and respectfully refer the Commission to the NRSC for a response to this Interrogatory.

INTERROGATORY 3.

Please describe in full and complete detail when and how the NRSC informed the Coverdell campaign of the Senatorial Trust and/or a contributor's option of "allocating" a contribution for the Coverdell campaign.

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RESPONSE:

Respondents object to this interrogatory on the grounds that it is vague, ambiguous, and compound. Subject to these reservations, Respondents note that the NRSC informed it by memorandum of the existence of the Trust, and how the Trust operated. A Copy of that memorandum is attached in response to the Commission's documents requests of Respondents, and the Commission is respectfully referred to that document.

INTERROGATORY 4.

With regard to the solicitation dated October 9, 1992 entitled "Coverdell U.S. Senate" attached hereto as Exhibit A, (the "October 9 solicitation"), please provide the following information:

a. Please identify all persons who were involved and/or who had responsibility, including supervisory responsibility, for writing, producing and/or distributing the October 9 solicitation and please specify each person's role.

RESPONSE:

Respondents object to this Request on the grounds that it is vague and overbroad. To the extent they can discern the intent of the request, and subject to their above-stated objections, Respondents note that Elizabeth Harris, David Morganstern, and Laura Butler were involved in the writing, producing and distribution of the October 9 solicitation.

b. Please state the total number of October 9 solicitations mailed or otherwise distributed; what was the source of the distribution list?

2504363541 2

RESPONSE:

The October 9 solicitation was mailed or otherwise distributed to a list of persons provided by the Trust. Because that list is confidential in nature, it will be produced by Respondents upon entry of an appropriate Protective Order. However, Respondents can state that approximately 200 persons received the solicitation.

c. Of those solicited, how many persons had given the maximum limit to the Coverdell campaign?

RESPONSE:

Respondents object to this interrogatory on the grounds that it is vague and ambiguous. Assuming that the Commission is interested in knowing how many persons who received the October 9 solicitation had given the maximum limit to the Coverdell campaign by October 9, Respondents state that they do not know the response to this inquiry. However, Respondents currently believe that there may have been two such persons who may have received the October 9 solicitation who by that date had contributed the maximum permitted to the Coverdell campaign. Any such solicitation of persons who had already contributed the maximum to the Coverdell campaign was inadvertent.

d. Please describe in full and complete detail how the Coverdell campaign determined to whom the October 9 solicitation would be mailed or otherwise distributed. Was a person's status as a "maxed out" contributor to the Coverdell campaign a factor in being included on the distribution list.

2504363541 3

RESPONSE:

Respondents object to this request on the grounds that it is vague, and seeks to propose an answer to the question propounded. Specifically, Respondents do not understand what the Commission means by "a factor." Subject to the above objections, Respondents state that they mailed solicitations to each person on the Trust list. Further, Respondents do not know whether they mailed the October 9 solicitation to persons who had already contributed the maximum to the Coverdell campaign, but if they did, such a solicitation was inadvertent.

e. Please state whether the Coverdell campaign produced and distributed more than one version of the October 9 solicitation. If so, identify and produce a copy of each.

RESPONSE:

No.

f. Identify and produce a copy of all documents that accompanied the October 9 solicitation.

RESPONSE:

No documents accompanied the October 9 solicitation.

g. Please state the total number of allocated contributions made in response to the October 9 solicitation, the amount of each such allocated contribution and the identity of each contributor who made an allocated contribution in response to the October 9 solicitation.

9 5 0 4 3 6 3 5 4 1 4

RESPONSE:

Respondents object to this interrogatory to the extent that it seeks a legal conclusion. Subject to the above objections, Respondents state that they do not know the total number of "allocated" contributions that may have been made in response to the October 9 solicitation, the amount of any "allocated" contribution that may have been made in response to the October 9 solicitation, and who, if anyone, made have made an "allocated" contribution in response to the October 9 solicitation.

h. Please explain in full and complete detail the meaning of "allocating" a contribution to the NRSC's Senatorial Trust for the Coverdell campaign.

RESPONSE:

To the best of Respondents' knowledge, and as is evident from the interrogatory, the Trust is a project of the NRSC. It is not a project of Respondents. Thus, Respondents respectfully refer the Commission to the NRSC for a response to this Interrogatory. To the best of Respondents' knowledge, however, "allocating" means to Respondents a term relating to a contributor's designating all or part of a contribution to a candidate's authorized committee.

i. Please state the total number of non-allocated contributions made in response to the October 9 solicitation, the amount of each such non-allocated contribution and the identity of each contributor who made a non-allocated contribution in response to the solicitation.

RESPONSE:

Respondents state that they do not know the total number of "non-allocated" contributions made in response to the October 9 solicitation, the amount of any "non-allocated"

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contribution that may have been made in response to the October 9 solicitation, and who, if anyone, made a "non-allocated" contribution in response to the October 9 solicitation.

INTERROGATORY 5.

Please state the date and amount of contributions made to the NRSC's Senatorial Trust that were allocated for the Coverdell campaign.

RESPONSE:

Respondents state that they did not make any contributions to the Trust on behalf of the Coverdell campaign. To the extent that the interrogatory inquires about contributions to the Trust by third parties that were "allocated" from the Trust to the Coverdell campaign, Respondents do not possess any information responsive to this interrogatory and respectfully refer the Commission to the NRSC.

INTERROGATORY 6.

Please describe, in full and complete detail, how the Coverdell campaign recorded, memorialized, or otherwise kept records of the amount of contributions made to the NRSC that were allocated for the Coverdell campaign, and please provide a copy of all such records and documents.

RESPONSE:

To the extent that the NRSC or anyone else informed Respondents that contributions to the NRSC had been "allocated" to the Coverdell campaign, the Coverdell campaign believes it kept copies of all such correspondence. However, only when the NRSC or a donor informed the Coverdell Committee that funds had been "allocated" to it were Respondents even aware that

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contributions had been made to the NRSC and "allocated" to the Coverdell Committee. To the extent the NRSC or a donor so informed Respondents, all non-privileged documentation reflecting such notice in the possession of Respondents will be produced to the Commission.

INTERROGATORY 7.

Please describe, in full and complete detail, how the NRSC advised the Coverdell campaign of the amount of contributions to the NRSC that were allocated for the Coverdell campaign.

RESPONSE:

See Response to Interrogatory No. 6. Copies of all non-privileged and relevant correspondence in Respondents' possession will be produced by Respondents to the Commission, and the Commission is respectfully referred to those documents.

INTERROGATORY 8.

Please state whether all of the contributions to the Senatorial Trust that were allocated for the Coverdell campaign were forwarded to the Coverdell campaign.

RESPONSE:

To the best of Respondents' knowledge, and as is evident from the interrogatory, the Trust is a project of the NRSC. It is not a project of Respondents. Thus, Respondents respectfully refer the Commission to the NRSC for a response to this Interrogatory.

9 5 0 4 3 6 3 5 4 1 7

INTERROGATORY 9.

If the answer to interrogatory number 8 is in the negative, please state the reasons for the NRSC not forwarding the allocated contributions and the total amount of contributions not forwarded.

RESPONSE:

See Response to Interrogatory 8.

INTERROGATORY 10.

Please describe, in full and complete detail, what the Coverdell campaign communicated to potential contributors about the Senatorial Trust or the option of allocating a contribution to the NRSC for the Coverdell campaign, and the method(s) by which that information was communicated.

RESPONSE:

Respondents object to this request on the grounds that it is repetitive, vague, and overbroad. Subject to the above-stated objections, Respondents state that the October 9 solicitation represented the kind of information communicated by the Coverdell Committee to potential donors about the Trust. Such communication was either written, as reflected by the October 9 solicitation, and/or a similar message was given verbally.

INTERROGATORY 11.

Please state whether you contend that allocated contributions are not earmarked contributions, as defined and regulated by 2 U.S.C. § 441(a)(8) and the governing regulations. If you so contend:

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a. Please state and describe in full and complete detail each and every fact which supports this contention;

b. Please identify and produce each and every document which you contend supports this contention.

RESPONSE:

Respondents object to this Interrogatory as calling for a legal conclusion, and as a premature contention interrogatory. Subject to the above objections, Respondents at this time state that they do not so contend.

INTERROGATORY 12.

Please describe in full and complete detail each and every reason for not reporting allocated or earmarked contributions forwarded to the Coverdell campaign from the NRSC as earmarked contributions.

RESPONSE:

Respondents object to this Interrogatory on the grounds that it assumes that the Coverdell Committee did not report allocated or earmarked contributions forwarded to it from the NRSC, and that assumption is not established. Respondents are willing to respond to the inquiry if the Commission chooses to properly rephrase the interrogatory. Subject to the above objections, Respondents state that to the extent, if any, that "allocated" or "earmarked" contributions forwarded to the Coverdell campaign from the NRSC as "earmarked" contributions were not reported as "earmarked" contributions, such action was inadvertent.

INTERROGATORY 13.

Please state whether the NRSC reported the information required by 11 C.F.R.

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§ 110.6(c)(1) to the Coverdell campaign when it forwarded earmarked contributions to the campaign.

RESPONSE:

To the best of Respondents' knowledge, the NRSC reported such information on at least one occasion. However, as is evident from the interrogatory, the interrogatory is directed at the NRSC, not Respondents. Thus, Respondents respectfully refer the Commission to the NRSC for a response to this Interrogatory.

INTERROGATORY 14.

If the answer to interrogatory number 13 is in the negative, please state what information the NRSC did provide to the Coverdell campaign when it forwarded earmarked contributions to the campaign.

RESPONSE:

See response to Interrogatory 13.

INTERROGATORY 15.

Did the NRSC draft, prepare, supply, or otherwise participate in the production of any solicitation issued by the Coverdell campaign that referred to the Senatorial Trust and/or the option of making an allocated contribution?

RESPONSE:

No.

INTERROGATORY 16.

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Please describe fully each and every reason for soliciting allocated contributions through the Senatorial Trust and not directly to the Coverdell campaign.

RESPONSE:

Respondents object to this Interrogatory on the grounds that it is vague and ambiguous. Specifically, Respondents do not understand the Commission's use of the word "reason" in the context of the Interrogatory. Respondents also object to the Interrogatory on the grounds that it assumes facts not in evidence. To the best of their understanding, however, and subject to the above-stated reservations, Respondents state that the reason of soliciting any contribution, including those referenced in the Interrogatory to the extent that they may have been solicited, was that persons on the Trust list were believed to have indicated an interest in contributing to Republican Senate candidates, and were therefore considered good prospects to attempt to raise campaign funds.

Respectfully submitted,

Benjamin Ginsberg
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037
(202) 457-6405

I hereby swear and certify that the foregoing is correct to the best of my knowledge.

_____

Title: _____

2504363542 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The Coverdell for Senate	)	
Committee, and Marvin	)	**MUR 4076**
Smith, as treasurer	)	

RESPONSE TO DOCUMENT REQUESTS

The Coverdell for Senate Committee, and Marvin Smith, as treasurer (collectively "Respondents"), hereby respond to the document requests propounded by the Federal Election Commission ("FEC" or "Commission") on or about October 17, 1994.

GENERAL OBJECTIONS

Respondents generally object to the document requests propounded by the Commission as vague, ambiguous, overbroad and overburdensome. Many of the requests are not directed to Respondents and seek documents not in the possession of Respondents.

Respondents further generally object to the document requests to the extent that they seek to obtain material or information that is protected from disclosure by the attorney-client privilege or the work product privilege. Further, Respondents object to these document requests to the extent that they seek information not relevant to the allegations raised in the Commission's Reason to Believe finding of October 17, 1994. Subject to each of these reservations, Respondents answer each of the Commission's document requests as follows:

SPECIFIC RESPONSE TO DOCUMENT REQUESTS

1. Please provide a copy of each and every version of every solicitation, mailing, or other document that the Coverdell campaign sent to potential contributors in connection with the

2 5 0 4 3 6 3 5 4 2 2

1992 general election campaign which refers to the Senatorial Trust or which discusses or describes the option of allocating a contribution for the Coverdell campaign.

RESPONSE:

Subject to the above-stated reservations, and to the extent that it has any such non-privileged documents in its possession, Respondents will produce the documents to the Commission. Respondents note, however, that one document, a list from the NRSC, will only be produced upon entry of a proper Protective Order which preserves the confidentiality of the list.

2. Please provide a copy of each and every version of every memorandum, letter, or other document that the NRSC sent to the Coverdell campaign explaining and/or concerning the Senatorial Trust and/or the option of allocating a contribution.

RESPONSE:

Subject to the above-stated reservations, and to the extent that it has any such non-privileged documents in its possession, Respondents will produce the documents to the Commission. Respondents note, however, that one document, a list from the NRSC, will only be produced upon entry of a proper Protective Order which preserves the confidentiality of the list.

3. Please provide a copy of all documents pertaining to the Senatorial Trust program, including, but not limited to:

a. any and all agreements between the NRSC and the Coverdell campaign;

b. correspondence between the NRSC and the Coverdell campaign;

c. documents from the NRSC advising the Coverdell campaign of the amount of contributions to the NRSC allocated for the Coverdell campaign;

2504363542 3

d. telephone memoranda and/or other written memoranda pertaining to the Senatorial Trust and/or its implementation;

e. letters or sample letters soliciting allocated contributions;

f. other documents or sample documents soliciting allocated contributions;

g. telephone scripts for calls to contributors; and

h. thank-you letters or sample thank-you letters sent to contributors.

RESPONSE:

Subject to the above-stated reservations, and to the extent that it has any such non-privileged documents in its possession, Respondents will produce the documents to the Commission. Respondents note, however, that one document, a list from the NRSC, will only be produced upon entry of a proper Protective Order which preserves the confidentiality of the list.

Respectfully submitted,

Benjamin Ginsberg
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037
(202) 457-6405

I hereby swear and certify that the foregoing is correct to the best of my knowledge.

_____

Title: _____

25043635424

Coverdell
U.S. SENATE

9-4-92

September 3, 1992

1~
2~
3~
4~

Dear 5~,

Last October, I began my campaign to become Georgia's next United States Senator. I believed very strongly then, as I do today, that the people of this state are fed up with the incumbent Senator Wyche Fowler -- a liberal "tax and spend" Democrat -- and are ready to elect a conservative Republican. Here's why:

* Fowler voted for four tax increases totaling $174 billion in the last five years. He also co-authored the recessionary 1990 tax bill.

* Georgia voters supported the President and our troops in the Gulf. Wyche Fowler joined Kennedy in ducking our responsibility.

* Georgia voters want term limits. Wyche Fowler doesn't. Nor does he support other reforms such as the line item veto, the balanced budget amendment, etc..

* Georgia voters want voluntary prayer in school. Wyche Fowler does not.

* Georgia voters want capital punishment enforced. Wyche Fowler does not.

As a direct result of such votes, Wyche Fowler is among the most vulnerable incumbent Democrats in the U. S. Senate. Our most recent poll shows that only 30 percent of Georgia voters believe he deserves re-election, while 44 percent think it is time to give someone new a chance. Only 16 percent of these individuals would vote for Wyche Fowler regardless of who was running against him. This man can definitely be beat.

In the primary, we proved we had the clout to win. We built a statewide organization consisting of over 3,000 contributors and 4,000 volunteers. To date, I have raised $1 million for my campaign, but I will need an additional $800,000 to defeat a well-entrenched incumbent who has been collecting contributions for years. Your contribution or allocation to my campaign through the Senatorial Trust will help me to retire one of the most liberal members of the United States Senate.

With your support, we can win in November and bring common sense leadership, conservative values and fiscal responsibility to the United States Senate. Thank you for your time and consideration. If you require further information, please feel free to call me at (404) 320-1992.

Sincerely,

Paul Coverdell

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

Printed on recycled paper

9504363542 5

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. James McDowell, Jr.
Dairymen, Inc.
10140 Linn Station Road
Louisville, KY 40223

Dear Jim,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat Democrat incumbent Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

A few weeks ago you expressed interest in supporting our efforts. Your contribution of $250, $500 or even $1,000 is critical if we are to meet our fundraising goal of $125,000 in this final week. In addition, any amount that you send will be applied towards your Senatorial Trust membership dues.

Jim, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul Coverdell

Attachment

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

Printed on recycled paper

9 5 0 4 3 6 3 5 4 2 6

U.S. SENATE

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-

Date: 10/26/92

No. of Pages (including cover sheet) 4

To James Ferguson

Company

FAX No. 803-762-4300

Telephone No.

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-19
and ask for David
SENDER

9504363542 7

CoverdeH
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. James L. Ferguson
1687 Fort Lamar Road
Charleston, SC 29412

Dear Jim,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat Democrat incumbent Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

A few weeks ago you expressed interest in supporting our efforts. Your contribution of $250, $500 or even $1,000 is critical if we are to meet our fundraising goal of $125,000 in this final week. In addition, any amount that you send will be applied towards your Senatorial Trust membership dues.

Jim, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul Coverdell

Attachment

9504363542 8

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer

Printed on recycled paper

Coverdell U.S. SENATE

Fax Cover Sheet

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-727

Date: 10/26/92

No. of Pages (including cover sheet) 4

To James H. Binger

Company

FAX No. 612-341-3501

Telephone No. 612-341-3500

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-1992 and ask for David

SENDER

9504363542 9

MEMO

TO: SENATORIAL TRUST
ATTENTION: DONNA HENDERSON

FROM: JAMES H. BINGER

DATE:

RE: ALLOCATION OF DUES

==========

PLEASE ALLOCATE $1,000 OF MY SENATORIAL TRUST DUES TO PAUL COVERDELL OF GEORGIA.

THANK YOU.

_____

JAMES H. BINGER

PLEASE FAX TO:

DONNA HENDERSON
SENATORIAL TRUST

FAX NUMBER (202) 675-6083

9504363543 0

U.S. SENATE Sheet

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-72

Date: 10/26/92

No. of Pages (including cover sheet) 4

To Amir Sardari

Company White Horse Technologies

FAX No. 714-753-7845

Telephone No. 714-753-7841

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-199
and ask for David
SENDER

9504363543 1

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. Amir Sardari
President
White Horse Technologies, Inc.
23 Mauchly, Suite 109
Irvine, CA 92718

Dear Amir,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat incumbent Democrat Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

Two weeks ago you expressed interest in supporting our efforts. Your contribution of $250, $500 or even $1,000 is critical if we are to meet our fundraising goal of $125,000 in this final week.

Amir, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul Coverdell

Attachment

9504363543 2

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

Printed on recycled paper

U.S. SENATE Sheet

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-72

Date: 10/26/92

No. of Pages (including cover sheet) ____

To Ronald Crawford

Company

FAX No. 202-296-6140

Telephone No.

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-199
and ask for David
SENDER

9504363543 3

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. Ronald Crawford
F/P Research Associates
Suite 1000
1700 K Street, N.W.
Washington, DC 20006

Dear Ron,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat incumbent Democrat Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

A few weeks ago you expressed interest in supporting our efforts. Your contribution of $250, $500 or even $1,000 is critical if we are to meet our fundraising goal of $125,000 in this final week.

Ron, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul

Paul Coverdell

Attachment

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

Printed on recycled paper

95043635434

U.S. SENATE Sheet

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-72

Date: 10/26/92

No. of Pages (including cover sheet) 4

To Charles F. Vance

Company

FAX No. 703-359-8456

Telephone No. 703-385-6754

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-199
and ask for David
SENDER

9504363543 5

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. Charles F. Vance
President
10467 White Granite Drive
Oakton, VA 22124

Dear Chuck,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat incumbent Democrat Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

Earlier this month you pledged $1,000 towards our campaign. Your contribution is critical if we are to meet our fundraising goal of $125,000 in this final week.

The attached form will need to be completed in order for you to allocate Senatorial Trust funds to our campaign. Chuck, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul Coverdell

Attachment

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

Printed on recycled paper

9 5 0 4 3 6 3 5 4 3 6

MEMO

TO: SENATORIAL TRUST
ATTENTION: DONNA HENDERSON

FROM: CHARLES F. VANCE

DATE:

RE: ALLOCATION OF DUES

==========

PLEASE ALLOCATE $1,000 OF MY SENATORIAL TRUST DUES TO PAUL COVERDELL OF GEORGIA.

THANK YOU.

_____

CHARLES F. VANCE

PLEASE FAX TO:

DONNA HENDERSON
SENATORIAL TRUST

FAX NUMBER (202) 675-6083

9504363554 37

U.S. SENATE

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-72

Date: 10/26/92

No. of Pages (including cover sheet) 4

To Robert Naegele, Jr.

Company

FAX No. 612-338-2302

Telephone No.

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-19
and ask for David

SENDER

9504363543 8

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. Robert O. Naegele, Jr.
Naegele Communications, Inc.
Foshay Tower, Suite 2300
821 Marquette Avenue South
Minneapolis, MN 55402

Dear Bob,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat incumbent Democrat Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

Earlier this month you pledged $500 towards our campaign. Your contribution is critical if we are to meet our fundraising goal of $125,000 in this final week.

Bob, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul

Paul Coverdell

Attachment

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

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9 5 0 4 3 6 3 5 4 3 9

Coverdell U.S. SENATE

Fax Cover Sheet

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-7276

Date: 10/26/92

No. of Pages (including cover sheet) ~~4~~ 3

To James Kelly

Company Moore Capital Mgmnt.

FAX No. 212-527-0366

Telephone No. 212-339-2800

Regarding Thanks.

If you don't receive all pages, call (404) 329-7277 or 320-1992 and ask for David Morgenstern
SENDER

9504363544 0

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. James Kelly
President
Moore Capital Management
35th Floor
12 East 49th Street
New York, NY 10017

Dear Jim,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat Democrat incumbent Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

A few weeks ago you indicated that you would try to send $1,000 or $2,000 towards our campaign. Your contribution is critical if we are to meet our fundraising goal of $125,000 in this final week.

Jim, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul

Paul Coverdell

Attachment

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

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95043635441

Coverdell U.S. SENATE

Fax Cover Sheet

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-7276

Date: 10/26/92

No. of Pages (including cover sheet) 3

To Nick Panuzio

Company

FAX No. 703-683-6128

Telephone No.

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-199
and ask for David

SENDER

9504363442

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. Nick Panuzio
Black, Manafort, Stone and Kelly
Suite 300
211 North Union
Alexandria, VA 22314

9504363543 43

Dear Nick,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat Democrat incumbent Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

Earlier this month you pledged $1,000 towards our campaign. Your contribution is critical if we are to meet our fundraising goal of $125,000 in this final week.

Nick, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul Coverdell

Attachment

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

Printed on recycled paper

Coverdell U.S. SENATE

Fax Cover Sheet

730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-7276

Date: 10/26/92

No. of Pages (including cover sheet) 3

To Oliver Delchamps

Company

FAX No. 205-344-4378

Telephone No.

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-199
and ask for David

SENDER

9504363444

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. Oliver Delchamps
Post Office Box 1668
Mobile, AL 36601

Dear Ollie,

I'm sorry that we were not able to get together the other day. With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat Democrat incumbent Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

Earlier this month you expressed interest in supporting our efforts. Your contribution of $250, $500 or even $1,000 is critical if we are to meet our fundraising goal of $125,000 in this final week.

Ollie, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul Coverdell

Attachment

9504363544 5

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

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Printed on recycled paper

Coverdell U.S. SENATE

Fax Cover Sheet

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-7276

Date: 10/26/92

No. of Pages (including cover sheet) 4

To Joseph Mandato

Company

FAX No. 415-508-9104

Telephone No.

Regarding

If you don't receive all pages, call (404) 329-7277 or 320-199
and ask for David

SENDER

9504363544

MEMO

TO: SENATORIAL TRUST
ATTENTION: DONNA HENDERSON

FROM: JOE MANDATO

DATE:

RE: REFUND OF DUES

PLEASE REFUND $1,000 OF MY SENATORIAL TRUST DUES SO THAT I CAN CONTRIBUTE TO PAUL COVERDELL OF GEORGIA.

THANK YOU.

_____

JOE MANDATO

PLEASE FAX TO:

DONNA HENDERSON
SENATORIAL TRUST

FAX NUMBER (202) 675-6083

9 5 0 4 3 6 3 5 5 4 4 7

October 7, 1992

Mr. James Kelly
President
Moore Capital Management, 35th Floor
12 East 49th Street
New York, New York 10017

Dear Jim:

I enjoyed our conversation regarding my campaign to unseat incumbent Democrat Wyche Fowler. Thank you for your interest in supporting my campaign with an allocation through the Senatorial Trust.

In the past 40 days, several pivotal events have affected my race. Senator Phil Gramm has committed $535,000 ($225,000 of which he sent last week) to our campaign. This figure represents the full coordinated dollars for Georgia and the maximum allowed by law.

Senator Gramm's commitment was vitally important for two reasons. First, it was money that I urgently need to get my message out to the voters of Georgia. And second, this commitment demonstrates that my campaign is on the road to victory. Senator Gramm knows the value of over a half a million dollars and spends his limited resources accordingly.

The choice between Wyche Fowler and myself is a clear one. I will bring over 30 years of business experience to the Senate from Georgia. My opponent will continue his agenda of increased government regulation, increased federal spending, higher taxes on business and higher taxes on individuals.

Your contribution of $1,000 or $2,000 will go a long way toward ensuring Senator Fowler's early retirement. I thank you for your commitment and support.

Please call me at (404) 320-1992 if you have any questions about my campaign.

Sincerely,

Paul Coverdell

P.S. The enclosed form will need to be completed if you choose to allocate a contribution to my campaign. Thank you again for you help!

95043635448

CH F8 4

Shift F8 1

October 25, 1992

Mr. Joseph Mandato
82 Monte Vista Drive
Atherton, CA 94027

Dear Joe:

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat Democrat incumbent Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

Earlier this month you pledged $1,000 towards our campaign. Your contribution is critical if we are to meet our fundraising goal of $125,000 in this final, critical week of the campaign.

The attached form will need to be completed in order for you to contribute to my campaign. Joe, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions about my campaign.

Sincerely,

Paul Coverdell

Attachment

95043635449

Coverdell
U.S. SENATE

IMPORTANT NOTICE

October 26, 1992

Mr. Joseph Mandato
82 Monte Vista Drive
Atherton, CA 94027

Dear Joe,

With the November 3rd election fast approaching, I wanted to share some extremely positive news about our campaign to defeat Democrat incumbent Wyche Fowler.

The attached poll shows that our aggressive media strategy is working: Fowler's lead is now down to single digits and shrinking. Fowler's recent shift to negative advertising is a clear acknowledgment of our stunning progress.

If our campaign can successfully raise the money needed to continue our all-out media effort against Fowler, we will win on November 3rd.

Earlier this month you pledged $1,000 towards our campaign. Your contribution is critical if we are to meet our fundraising goal of $125,000 in this final week.

The attached form will need to be completed in order for you to contribute to my campaign. Joe, I can't tell you how much I appreciate your help.

Please call me or Liz Harris at (404) 320-1992 if you have any questions.

Sincerely,

Paul Coverdell

Attachment

9504363545 0

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

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Printed on recycled paper

SCHEDULE A ITEMIZED RECEIPTS LINE NUMBER 11A

PERIOD: FROM 05/18/92 TO 05/15/92 PAGE _____ OF _____

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

CONDUIT THROUGH NATIONAL REPUBLICAN SENATORIAL COMMITTEE

NAME OF CANDIDATE COMMITTEE:
Coverdell Senate Committee

FULL NAME, MAILING ADDRESS	EMPLOYER/ OCCUPATION	DATE RECEIVED	DATE SENT	AMOUNT
Palmer , John N. Post Office Box 2465 Jackson, MS 39225 RECEIPT FOR:	Mobil Communications Chairman of the Board AGGREGATE YEAR TO DATE _____	05/15/92	05/18/92	$ 1,000.00 CENTS CHECK

9504336354 5 1

FAGE TOTAL: $ 1,000.00 (MEMO)

Dear Salutation,

Last October, I began my campaign to become Georgia's next United States Senator. I believed very strongly then, as I do today, that the people of this state are fed up with the incumbent Senator Wyche Fowler -- a liberal "tax and spend" Democrat -- and are ready to elect a conservative Republican.

Wyche Fowler is hopelessly out of step with the values and political views of most Georgians. Georgia voters consistently reject higher federal taxes, but Wyche Fowler has voted for four tax increases in the last five years and he also co-authored the recessionary $174 million tax increase of 1990.

As a direct result of such votes, Wyche Fowler is among the most vulnerable incumbent Democrats in the U. S. Senate. Our most recent poll shows that only 30 percent of Georgia voters believe he deserves re-election, while 44 percent think it is time to give someone new a chance. Only 16 percent of these individuals would vote for Wyche Fowler regardless of who was running against him.

As in many states, the attitude in Georgia towards incumbents is quite hostile. I am confident that my record as a businessman, a veteran and a "citizen legislator" will strongly appeal to my fellow Georgians.

I am proud of my campaign organization and the many individual contributions received. To win in November, however, I need your support. To date, I have raised $1 million for my campaign, but I will need an additional $800,000 to defeat a well-entrenched incumbent who has been collecting contributions for years. Your contribution or allocation to my campaign through the Senatorial Trust will help me to retire one of the most liberal members of the United States Senate.

With your support, we can win in November and bring common sense leadership, conservative values and fiscal responsibility to the United States Senate.

Thank you for your time and consideration. If you require further information, please feel free to call me at (404) 329-7277.

Sincerely,

Paul Coverdell

9504363545 2

Dear Salutation,

Last October, I announced my intention to run for the United States Senate from Georgia. I believed very strongly then, as I do today, that the people of this state are fed up with Wyche Fowler's liberal tax and spend agenda and are ready to elect a conservative to the United States Senate.

Georgia voters consistently reject higher Federal taxes...Wyche Fowler has voted for four tax increases in the last five years and has co-authored the recessionary 1990 $174 billion tax increase.

As a direct result of such votes, Wyche Fowler is among the most vulnerable incumbent Democrats in the U. S. Senate. Our last poll shows that only 30 percent of Georgia voters believe that Fowler deserves re-election, while 44 percent think it is time to give someone new a chance. Only 14 percent of these individuals would vote for Wyche Fowler regardless of who was running against him.

The attitude in Georgia towards incumbents is, as in may states, quite hostile. I intend to take my background of business, military service and public service to the people of my state, and I intend to win.

But as with any campaign, this effort will require money, and I need your assistance. To date, I have raised $1 million for my campaign, but I will need an additional $800,000 to beat an incumbent who has been collecting contributions for years. Your contribution or allocation to my campaign through the Senatorial Trust will help me to retire one of the United State Senate's most liberal members.

Thank you for your time and consideration to my campaign. Please feel free to call me at (404) 329-7277 if you have any questions.

Sincerely,

Paul Coverdell

9504363545 3

DRAFT LETTER FOR NRSC TRUST (Personal stationary)

It was a pleasure meeting you in Houston last week. I wanted to get you some information on my campaign right away.

Last , I made the decision to run for the United States Senate from Georgia. I believed very strongly then, as I do today, that the people of this state are fed up with Wyche Fowler's tax and spend agenda and ready to elect a conservative to the U.S. Senate.

Georgia voters consistently reject higher Federal taxes... Wych Fowler voted for four tax increases in the last five years and co-authored the recessionary 1990 174 billion dollar tax increase.

As a direct result of such votes, Wyche Fowler is among the most vulnerable incumbent Democrats in the U. S. Senate. Our last polls show that only 30 percent of Georgia voters believe that Fowler deserves re-election, while 44 percent think it's time to give someone new a chance. A staggering low 14 percent of these individuals would vote for Wyche Fowler no matter who else was running against him.

The attitude in Georgia towards incumbents is, as in many states, quite hostile. I intend to take my background of business, military service and public service to the people of my state, and I intend to win.

But as with any campaign, this effort will require money, and I need your assistance. I have already raised one million dollars for my campaign to date, but I will need to raise another $800,000 to beat an incumbent who has been collecting contributions for years. Your contribution or allocation to my campaign through the Senatorial Trust will help me to retire one the U.S. Senate's most liberal members.

Thank you for your time and consideration to my campaign. Please call me at (404) 329-7277 if you have any questions.

Sincerely,

Paul Coverdell

9504363554

STEVE SYDNESS
United States Senate

FACSIMILE TRANSMISSION SHEET

DATE: 8/27/92

PLEASE DELIVER TO: Lora Butler

PAGES FROM:

NUMBER OF PAGES INCLUDING COVER: 2

FACSIMILE NUMBER: 404 329 7276

MESSAGE:

This letter should be one page. You may want to include one of Paul's bio's w/ business background.

Talk to you soon,

Liz

IF YOU DO NOT RECEIVE ALL THE PAGES, CALL (701) 234-0205

2702 First Avenue North
Post Office Box 9303
Fargo, North Dakota 58106
Phone 701-234-0205 • Fax 701-234-0214

9504363545 5

redraft

•Coverdell

U.S. SENATE

Dear_____,

We are well on our way to retiring a Teddy Kennedy ally in the United States Senate...Wyche Fowler of Georgia. It's been a puzzle to many as to why conservative Georgia voters ever sent him to Washington in the first place. The reason is he did not tell them the truth in 1986. He promised them he would represent their conservative views in Washington.

Many Georgia voters now know they were not told the truth and the Coverdell campaign is going to make sure they all know the real story.

Look at the story:

Georgia voters consistantly reject higher federal taxes...Wych Fowler voted for 4 tax increases in the last five years and co-authored the recessionary 1990 174 billion tax increase.1

Georgia voters supported the President and our troops in the Gulf...Wych Fowler joined Kennedy in ducking out on our responsibility.

Georgia voters want term limits...Wych Fowler doesn't...nor any other reform such as the line item veto, the balanced budget amendment...you name it.

Georgia voters want voluntary prayer in school. Wyche doesn't.

Georgia voters want capital punishment enforced...Wyche doesn't.

It would take pages to list the degree to which Wyche is out of touch.

Now the Coverdell campaign is for keeping taxes down, federal regulations down, America strong, and reforming the Congress. Paul Coverdell is a thirty year veteran of the work place...not a life-long political professional out of touch with the real world.

The Coverdell campaign proved in the GOP primaries it has the clout and stuff to win this race. Paul did well statewide, because he build a statewide effort. The primary was tough and rough, but the party and the run-off opponent have joined Paul in the effort to bring Wyche Fowler home.

This was the first time in the history of the Georgia republcian party that all the attemtion was on the republicans while the democrat sat on the sidelines waiting...its always been the other way around.

Paul Coverdell has a record in business, the military and public service that will command trust, demonstrates leadership and will show Wyche Fowler for what he is...a left over of the left leaning sixties.

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

Printed on recycled paper

9504363545 6

Coverdell

U.S. SENATE

Help us get this job done for America.

Among incumbent senators up for re-election Wyche Fowler has to be consider at the top of the list of vulnerable. His hard re-elect is 16%. When standing against would you prefer someone new he loses

9 5 0 4 3 6 3 5 4 5 7

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer.

Printed on recycled paper

MEMORANDUM

TO: SENATE CAMPAIGN FINANCE DIRECTORS

FROM: DONNA HENDERSON, DIRECTOR, SENATORIAL TRUST

RE: REVISED GUIDELINES FOR USE OF SENATORIAL TRUST LIST

DATE: JANUARY 23, 1992

During the last campaign cycle, we received numerous complaints from Trust members due to the volume of mail they received. Because of this, please use the following guidelines which have been set up to facilitate the use of the Trust list.

1. A campaign must notify the Trust office before EACH use of the Trust list (mail or phone). This will help with the coordination of using the list and to ensure that several campaigns are not mailing at the same time.

2. When use is approved the Trust office must receive letter copy or phone script, from the campaign, to be approved by the NRSC Executive Director.

3. Each solicitation must acknowledge the donor as a Trust member, for example: "I would like to ask you, as a Trust member, for $XXXX." It must also indicate that the money can be credited towards their 1992 Trust dues.

4. All checks solicited from Trust members through campaign mailings or telemarketing MUST come through the Trust office. Only checks routed through the Trust office will be credited towards members dues. This can be done by putting the following address on the return envelope:

   Senatorial Trust
   425 Second Street, N.E.
   Washington, DC 20002
   ATTENTION: SENATOR XXXXXX

   When checks are received and credited in the Trust office, they will be sent to the designated campaign.

9504363458

5. If phone calls are going to be made to Trust members, they should come from either the candidate, campaign manager or finance director.

6. Please be VERY careful with your copy of the Trust list. If it is lost, it will NOT be replaced.

It is imperative that all campaigns follow these guideline when using the Trust list. If you have any questions, please don't hesitate contacting me at (202) 675-6052.

9 5 0 4 3 6 3 5 4 5 9

4:30 p.m. - 6:30 p.m.	Inner Circle Inner Circle Life Members Presidential Roundtable Reception Sheraton Astrodome Sam Houston Ballroom 8686 Kirby Drive
7:00 p.m. - 10:00 p.m.	Inner Circle Inner Circle Life Members Presidential Roundtable Members-Only Private Suites Astrodome

Thursday, August 20, 1992

8:30 a.m. - 9:30 a.m.	Inner Circle Life Members Breakfast Junior League 1811 Briar Oaks Lane
4:30 p.m. - 6:30 p.m.	Presidential Roundtable Reception Junior League 1811 Briar Oaks Lane Honoring: 1992 Senate Candidates
7:00 p.m. - 10:00 p.m.	Inner Circle Inner Circle Life Members Presidential Roundtable Members-Only Private Suites Astrodome

9504363546 0

National Republican Senatorial Committee

SENATOR PHIL GRAMM
CHAIRMAN

FAX TRANSMITTAL SHEET

Date: 8/24/92

Time: 1:30pm

PLEASE DELIVER THE FOLLOWING TO:

NAME: Nora Butler

FIRM NAME: Campbell for Senate

TELECOPIER #: (404) 329-2076

FROM: Greg Harris

TELECOPIER #: (202) 675-6083

NUMBER OF PAGES TO FOLLOW: 2

COMMENTS.

9504363546 1

National Republican Senatorial Committee

SENATOR PHIL GRAMM
CHAIRMAN

May 18, 1992

Mr. Marvin Smith
Coverdell Senate Committee
1724 Kodiak Circle
Atlanta, GA 30345

Dear Marvin:

Senator Phil Gramm has asked me to forward the enclosed check to your campaign.

This contribution was made available through the Senatorial Trust at the National Republican Senatorial Committee, pursuant to the instructions of the individual contributor. This effort allows the NRSC to forward designated contributions directly to the Coverdell Senate Committee.

As outlined in 11 C.F.R. 110.6(c)(2) of the Federal Election Commission's regulations, I have enclosed all information for the referenced contribution for which we have served as conduit. Federal Election Law requires that the Coverdell Senate Committee include all this information in the next FEC report.

If you have any questions, please contact Dave Coray at the NRSC at (202) 675-4295 or (800) 877-6775.

Sincerely,

James L. Hagen

James L. Hagen
Treasurer

P.S. We would encourage the Coverdell Senate Committee to send a separate thank you note to each contributor.

Enclosures

9504363554 62

RONALD REAGAN REPUBLICAN CENTER
425 SECOND STREET, N.E. • WASHINGTON, D.C. 20002 • (202) 675-6000

PAID FOR AND AUTHORIZED BY THE NATIONAL REPUBLICAN SENATORIAL COMMITTEE

PDC CALLS -- SENATORIAL TRUST
(UPDATED 10/9/92)

	pledged	received	comments
ALLOCATION/CONTRIBUTION:			
Mr. & Mrs. Harlan Batrus	1,000	1,000	NY
Mr. Warren L. Batts	1,000	1,000 (1/27)	
Mr. & Mrs. Henry Brown	2,000	2,000 (9/11)	NY-related
Mr. & Mrs. Max C. Chapman, Jr.	1,000	1,000	NY
Mr. & Mrs. Paul L. Davies, Jr.	1,000	1,000 (9/17)	500 each
Ms. Vivian Dubose	500	500 (9/11)	
Mr. & Mrs. Ronald A. Erickson	1,000-2,000		pro-choice
Mr. John H. Harris	1,000	1,000 (10/5)	
Mr. Bruce Hooper	1,000	1,000 (9/17)	
Mr. Ralph W. Hooper	500	500 (10/5)	
Mr. & Mrs. James Kelly	2,000		
Mr. & Mrs. Richard H. Kimberly	1,000	1,000 (7/30)	
Mr. Howard Landis	500	500 (9/19)	
Mr. & Mrs. Earl T. Leonard	2,000	2,000 (12/23)	Coca-Cola
Mr. & Mrs. Alfred L. Loomis, Jr.	1,000 (10/1)	1,000 (10/6)	
Mr. Joseph Mandato	1,000 (10/4)		
Mr. & Mrs. Robert M. Mumma	1,000 (10/4)		
Mr. & Mrs. Robert Naegele, Jr.	500 (10/2)		
Mr. & Mrs. John N. Palmer	1,000	1,000 (5/27)	
Mr. Nick Panuzio	1,000 (10/4)		
Mr. L. John Polite	1,000	1,000 (10/5)	NY
Mr. David Stanley, M.D.	500	1,000 (10/5)	

9504363546 3

Mr. & Mrs. Charles Vance		1,000 (10/5)	
	TOTAL	**23,500**	**15,500**
includes:	October	5,500	1,000
	NY event		5,000

HIGH POTENTIAL:

Mr. & Mrs. Bo Callaway	- ?
Mr. & Mrs. James L. Ferguson	- LIZ
Mr. Cameron Frye	- 10/4 looks like $1,000 - faxed invite to Houston
Mr. Will Harris	- 10/1 will call back in couple of days re: $1,000 - LIZ
Mr. & Mrs. Robert Klabzuba	- 10/1 will send money - sent packet
Mr. & Mrs. Lawrence S. Lacerte	- 10/1 would allocate $1,000 - new member -- can only contribute - LIZ

POTENTIAL:

Mr. Ralph E. Ajello	- will do what I can - sent packet -- Molly
Mr. Gerhard Andlinger	- spoke to Paul - sent packet -- Molly
Mr. & Mrs. Paul Arneson	- said he'd do something - 10/8 sent packet
Mr. & Mrs. Dexter Baker	- 10/3 - concentrating on Specter's race - sent packet
Mr. James Binger	- 10/7 lets committee allocate his $ - LIZ
Mr. & Mrs. Robert Carlstrom	- 9/28 Paul spoke with - 10/5 sent packet
Mr. & Mrs. Ronald Crawford	- "sending more" - LIZ
Mr. & Mrs. Foster Friess	- 10/4 Paul spoke with wife - LIZ

95043635464

Mr. G. S. Beckwith Gilbert	- Paul "talked to Connie" - LIZ
Mr. & Mrs. Robert Harrison	- 10/8 pro-Israel, pro-choice - LIZ
[Mr. Michael L. Keiser]	- 10/2 maxed out but will think of others - gave info. to Pat Hurley (Chicago)
Mr. & Mrs. James McDowell, Jr.	- 10/4 faxed info. - LIZ
[Mr. Matt Metcalfe]	- 10/4 AFLAC PAC rep. - fax new info.
Mr. & Mrs. Joseph Petrone	- 10/4 maxed out but couldn't remember if Paul was on his list - LIZ
Mr. & Mrs. William D. Phillips	- 10/5 will raise money for Paul - LIZ
[Mr. & Mrs. George Ramonas]	- 10/2 maxed out but offered to contact people in PAC community - gave Margaret L. the info.
Dr. & Mrs. Pedro Rubio	- 10/5 Paul spoke with wife - faxed Houston invite
Mr. & Mrs. W. Clement Stone	- contact: Warren Hendricks - Stone maxed out but if Paul really needs $, can contact Rep. John Porter - LIZ
Mr. Chuck Tower	- 10/5 potential - LIZ
Mr. Don Vannerson	- 10/5 may attend Houston - sent invite - LIZ
Mr. & Mrs. John Venners	- 10/5 checking to see if has any allocable funds left - LIZ
Mr. & Mrs. Clifford L. Weaver	- 10/3 Paul needs to send note - 10/5 sent packet
Ms. Barbara K. Winer	- 9/28 will try to attend NY, bring 500 - didn't come to NY - LIZ
Mr. John H. T. Wilson	- 10/4 new member, would like to help - LIZ

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Mr. John H. T. Wilson	- 10/4 new member, would like to help - LIZ
Mr. William B. Wilson	- 10/3 new member, would allocate 1,000 - LIZ
Mr. & Mrs. Dalton Woods	- 10/5 potential - LIZ
Mr. Sam Zimmerman	- 10/5 potential - 10/9 faxed materials - waiting for his fax

9 5 0 4 3 6 3 5 4 6 6

MEMORANDUM

TO: SENATE CAMPAIGN FINANCE DIRECTORS
FROM: DONNA HENDERSON, DIRECTOR SENATORIAL TRUST
RE: GUIDELINES FOR USE OF SENATORIAL TRUST LIST
DATE: FEBRUARY 1, 1992

During the last campaign cycle, we received numerous complaints from Trust members due to the volume of mail they received. Because of this, please use the following guidelines which have been set up to facilitate the use of the Trust list.

1. A campaign must notify the Trust office before EACH use of the Trust list (mail or phone). This will help with the coordination of using the list and to ensure that several campaigns are not mailing at the same time.

2. When use is approved the Trust office must receive letter copy or phone script, from the campaign, to be approved by the NRSC Executive Director.

3. Each solicitation must acknowledge the donor as a Trust member, for example: "I would like to ask you, as a Trust member, for $XXXX." It must also indicate that the money can be credited towards their 1992 not 1991 Trust dues.

4. All checks solicited from Trust members through campaign mailings or telemarketing MUST come through the Trust office. Only checks routed through the Trust office will be credited towards members dues. This can be done by putting the following address on the return envelope:

   Senatorial Trust
   425 Second Street, N.E.
   Washington, DC 20002
   ATTENTION: SENATOR XXXXXX

5. If phone calls are going to be made to Trust members, they should come from either the candidate, campaign manager or finance director.

It is imperative that all campaigns follow these guideline when using the Trust list. If you have any questions, please don't hesitate contacting me at (202) 675-6052.

9 5 0 4 3 6 3 5 4 6 7

MORGAN STANLEY

MORGAN STANLEY & CO.
INCORPORATED
1251 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10020

September 17, 1992

Mr. Paul Coverdell
1730 Northeast Expressway
Atlanta, GA 30329

Dear Mr. Coverdell:

I have received your letter requesting a contribution for your current Campaign. However, I am a new member of the Senatorial Trust and, therefore, my 1992 Trust dues are not available to me to contribute to Senate candidates.

I am sorry that I cannot be directly supportive of your campaign.

Sincerely,

John H.T. Wilson

John H.T. Wilson

JHTW/sar

95043635468

MORGAN STANLEY

MORGAN STANLEY & CO.
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1251 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10020

September 17, 1992

Mr. Paul Coverdell
1730 Northeast Expressway
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Dear Mr. Coverdell:

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Sincerely,

John H.T. Wilson

John H.T. Wilson

JHTW/sar

95043635469

Oct 12,92 10:09 No.001 P.01

DATE	DONOR ID	DONOR NAME	DATE	AMOUNT	TYPE
	0000027211	[redacted]	06/03/92	1000.00	3
	0000003246	[redacted]	06/03/92	1000.00	2
	0000094192	[redacted]	06/05/92	1000.00	2
	0000003178	[redacted]	06/18/92	1000.00	2
	0000013601	[redacted]	07/06/92	1000.00	2
	0000005390	[redacted]	07/10/92	1000.00	2
	0000015232	[redacted]	07/14/92	250.00	[illegible]
	0000094429	[redacted]	07/14/92	250.00	2
	0000018099	[redacted]	07/17/92	500.00	2
	0000094179	[redacted]	07/23/92	1000.00	2
	0000011525	[redacted]	07/27/92	1000.00	2
	0000011525	[redacted]	07/27/92	1000.00	2
	0000095203	[redacted]	08/06/92	1000.00	3
	0000080121	[redacted]	08/06/92	1000.00	3
	0000094355	[redacted]	08/28/92	1000.00	2
	0000080913	[redacted]	09/18/92	2000.00	9
	0000015466	[redacted]	09/18/92	1000.00	9
	0000018277	[redacted]	09/18/92	1000.00	3
	0000001166	[redacted]	09/21/92	500.00	2
	0000001166	[redacted]	09/21/92	500.00	2
	0000095106	[redacted]	09/24/92	500.00	3
	0000080799	[redacted]	09/24/92	1000.00	3
	TOTALS:	NO. OF CONTRIBUTORS: 45		AMOUNT:	45500

Coverall

	0000081244	Batts, Warren	02/04/92	1000.00	2
	0000014324	Leonard, Earl	03/24/92	2000.00	9
	0000080141	Palmer, John	05/15/92	1000.00	2
	0000094191	Kimberly, Richard	08/06/92	1000.00	9
	0000095273	Dubose, Vivian	09/10/92	500.00	3
	0000015510	Brown, Henry	09/15/92	1000.00	2
	0000015510	Brown, Henry	09/15/92	1000.00	2
	0000008819	Davies, Paul	09/21/92	500.00	2
	0000008819	Davies, Paul	09/21/92	500.00	2
	0000011525	Hooper, Bruce	09/21/92	1000.00	2
	0000080799	Hooper, Ralph	09/24/92	500.00	3
	0000081017	Harris, John	09/28/92	1000.00	3
	0000095203	Starley, David	09/29/92	1000.00	3
	0000080512	Batrus, F.	10/03/92	1000.00	9
	TOTALS:	NO. OF CONTRIBUTORS: 14		AMOUNT:	13000

NRSC 3RD FLOOR

TEL:

To: Liz Harris

From: Jimmy Gavin

9504363547 0

SENATORIAL TRUST CALLS
(UPDATED 11/03/92)

	pledged	received	comments
ALLOCATION/CONTRIBUTION:			
Mr. and Mrs. Averyt	500	500 (10/26)	
Mr. & Mrs. Harlan Batrus	1,000	1,000	NY
Mr. Warren L. Batts	1,000	1,000 (1/27)	
Mr. & Mrs. Henry Brown	2,000	2,000 (9/11)	NY-related
Mr. & Mrs. Bo Callaway	2,000	2,000	
Mr. & Mrs. Max C. Chapman, Jr.	1,000	1,000	NY
Mr. and Mrs. Ben Cooper	500	500 (10/92)	DC
Mr. & Mrs. Paul L. Davies, Jr.	1,000	1,000 (9/17)	500 each
Mr. and Mrs. Dan Demko	500	500 (10/26)	
Ms. Vivian Dubose	500	500 (9/11)	
Mr. John Erickson	1,000	1,000 (10/22)	Molly - DC
Mr. & Mrs. Ronald A. Erickson	1,500	1,500 (10/22)	
Mr. John H. Harris	1,000	1,000 (10/5)	
Mr. Bruce Hooper	1,000	1,000 (9/17)	
Mr. Ralph W. Hooper	500	500 (10/5)	
Mr. & Mrs. James Kelly	2,000		NY-related
Mr. & Mrs. Richard H. Kimberly	1,000	1,000 (7/30)	
Mr. & Mrs. Kenneth Kirk	1,000	1,000 (10/22)	another 1000
Mr. Howard Landis	500	500 (9/19)	
Mr. & Mrs. Earl T. Leonard	2,000	2,000 (12/23)	Coca-Cola
Mr. & Mrs. Alfred L. Loomis, Jr.	1,000	1,000 (10/6)	
Mr. Joseph Mandato	1,000	1,000 (10/26)	

9504363547 1

Mr. & Mrs. Robert M. Mumma	1,000 (10/4)		
Mr. & Mrs. Robert Naegele, Jr.	500 (10/2)		
Mr. & Mrs. John N. Palmer	1,000	1,000 (5/27)	
Mr. Nick Panuzio	1,000 (10/4)		wait 10 days
Mr. & Mrs. William D. Phillips	500	500 (10/92)	
Mr. L. John Polite	1,000	1,000 (10/5)	NY
Mr. David Stanley, M.D.	1,000	1,000 (10/5)	
Mr. & Mrs. Glenn Stinson	2,000	2,000 (10/26)	
Mr. & Mrs. Charles Vance	1,000	1,000 (10/27)	
Mr. & Mrs. Spencer Wood	1,000	1,000 (10/26)	

	TOTAL	**33,500**	**29,000**
includes:	October	17,500	15,000
	NY event		5,000
	DC2 event	1,500	1,500
	primary/runoff		5,000

9504363547 2

PDC CALLS -- SENATORIAL TRUST
(UPDATED 10/8/92)

	pledged	received	comments
ALLOCATION/CONTRIBUTION:			
Mr. & Mrs. Harlan Batrus	1,000	1,000	NY
Mr. Warren L. Batts	1,000	1,000 1/92	
Mr. & Mrs. Henry Brown	2,000	2,000 9/92	NY
Mr. & Mrs. Max C. Chapman, Jr.	1,000	1,000	NY
Mr. & Mrs. Paul L. Davies, Jr.	1,000	1,000 9/92	500 each
Mr. & Mrs. Ronald A. Erickson	1,000-2,000	- called us several times - pro-choice	
Mr. John H. Harris	1,000	1,000	
Mr. Bruce Hooper	1,000	1,000 9/92	
Mr. Ralph W. Hooper	500	500	
Mr. & Mrs. James Kelly	2,000		
Mr. & Mrs. Richard H. Kimberly	1,000 7/92	1,000	
Mr. & Mrs. Earl. T. Leonard	2,000 12/91	2,000	
Mr. & Mrs. Alfred L. Loomis, Jr.	1,000 (10/1)	1,000	
Mr. Joseph Mandato	1,000 (10/4)		
Mr. & Mrs. Robert M. Mumma	1,000 (10/4)	- sent in unallocated $	
Mr. & Mrs. Robert Naegele, Jr.	500 (10/2)		
Mr. & Mrs. John N. Palmer	1,000 5/92	1,000	
Mr. Nick Panuzio	1,000 (10/4)		
Mr. David Stanley, M.D.	500	1,000	
Mr. & Mrs. Charles Vance	1,000 (10/5)		
TOTAL	**21,500**	**14,500**	

9504363547 3

HIGH POTENTIAL:

Mr. & Mrs. Bo Callaway	- ?
Mr. & Mrs. James L. Ferguson	- LIZ
Mr. Cameron Frye	- 10/4 looks like $1,000 - faxed invite to Houston
Mr. Will Harris	- 10/1 will call back in couple of days re: $1,000 - LIZ
Mr. & Mrs. Robert Klabzuba	- 10/1 will send money - sent packet
Mr. & Mrs. Lawrence S. Lacerte	- 10/1 would allocate $1,000 - new member -- can only contribute - LIZ

POTENTIAL:

Mr. Ralph E. Ajello	- will do what I can - sent packet -- Molly
Mr. Gerhard Andlinger	- spoke to Paul - sent packet -- Molly
Mr. & Mrs. Paul Arneson	- said he'd do something - 10/8 sent packet
Mr. & Mrs. Dexter Baker	- 10/3 - concentrating on Specter's race - sent packet
Mr. James Binger	- 10/7 lets committee allocate his $ - LIZ
Mr. & Mrs. Robert Carlstrom	- 9/28 Paul spoke with - 10/5 sent packet
Mr. & Mrs. Ronald Crawford	- "sending more" - LIZ
Mr. & Mrs. Foster Friess	- 10/4 Paul spoke with wife - LIZ
Mr. G. S. Beckwith Gilbert	- Paul "talked to Connie" - LIZ
Mr. & Mrs. Robert Harrison	- 10/8 pro-Israel, pro-choice - LIZ

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[Mr. Michael L. Keiser]	- 10/2 maxed out but will think of others - gave info. to Pat Hurley (Chicago)
Mr. & Mrs. James McDowell, Jr.	- 10/4 faxed info. - LIZ
Mr. Matt Metcalfe	- 10/4 AFLAC PAC rep. - fax new info.
Mr. & Mrs. Joseph Petrone	- 10/4 maxed out but couldn't remember if Paul was on his list - LIZ
Mr. & Mrs. William D. Phillips	- 10/5 will raise money for Paul - LIZ
[Mr. & Mrs. George Ramonas]	- 10/2 maxed out but offered to contact people in PAC community - gave Margaret L. the info.
Dr. & Mrs. Pedro Rubio	- 10/5 Paul spoke with wife - faxed Houston invite
Mr. & Mrs. W. Clement Stone	- contact: Warren Hendricks - Stone maxed out but if Paul really needs $, can contact Rep. John Porter - LIZ
Mr. Chuck Tower	- 10/5 potential - LIZ
Mr. Don Vannerson	- 10/5 may attend Houston - sent invite - LIZ
Mr. & Mrs. John Venners	- 10/5 checking to see if has any allocable funds left - LIZ
Mr. & Mrs. Clifford L. Weaver	- 10/3 Paul needs to send note - 10/5 sent packet
Ms. Barbara K. Winer	- 9/28 will try to attend NY, bring 500 - didn't come to NY - LIZ
Mr. John H. T. Wilson	- 10/4 new member, would like to help - LIZ
Mr. William B. Wilson	- 10/3 new member, would allocate 1,000 - LIZ
Mr. & Mrs. Dalton Woods	- 10/5 potential - LIZ

95043635475

Mr. Sam Zimmerman

- 10/5 potential
- call to follow-up

9504363547 6

Liz

MEMO

Here's what we have to date

TO: INTERESTED PARTIES

FROM: LIZ

DATE: 9/23

RE: TRUST

---

where?

DOLLARS ALLOCATED TO COVERDELL SENATE COMMITTEE TO DATE:

PAUL DAVIES $1,000 never received

BRUCE HOOPER $1,000 - ~~[illegible]~~ never received

WARREN BATES $1,000 - 1/27/92

EARL LEONARD $2,000 - COCA-COLA 12/23/91 ($2000)

JOHN N. PALMER $1,000 - MOBILE Telecommunication 5/21/92 $1000

DICK KIMBERLY $1,000 - 7/30/92

MR. AND MRS. ERICKSON HAVE NOT YET SENT THEIR CHECK TO THE NRSC.

BO CALLAWAY HAS REQUESTED A $2,000 ALLOCATION TO PAUL'S CAMPAIGN. DUE TO THE FACT THAT HIS CONTRIBUTION TO THE NRSC WAS MADE MORE THAN 60 DAYS AGO, FEC LAW REQUIRES THAT HE MAKE A WRITTEN REQUEST TO THE NRSC FOR A REFUND (FOR $2,000) AND THEN WRITE A ($2,000) CHECK TO COVERDELL SENATE COMMITTEE.

9504363547 7

September 21, 1992

TO: Liz Harris

FROM: Lora Butler

RE: Senatorial Trust

Can we get a printout of the latest allocations through the trust? Since we invited Trust members to the New York event, I thought it might be helpful to know who has allocated money before we start calling.

To date, we still need the money/checks from:

Mr. and Mrs. Henry B.R. Brown ($2,000) — rec'd
Mr. and Mrs. Howard H. Callaway ($2,000)
Mr. and Mrs. Ronald A. Erickson ($2,000)

Mr. and Mrs. Brown called and they will be attending the New York event. I gave you a copy of the Callaway letter that he sent NRSC to allocate the funds. Paul spoke with Mrs. Erickson last week and she was going to have her husband allocate $2,000.

I'll keep you posted as we get commitments. Needless to say, we could use the cash flow. Thanks.

9504363547 8

Coverdell
U.S. SENATE

September 15, 1992

1~
2~
3~
4~

Dear 5~:

I would like to invite you to join me on October 1st in New York for a private reception with guest of honor Secretary Henry Kissinger.

Dr. Kissinger has played perhaps the most significant role in the formulation of international relations since World War II. His accomplishments as Secretary of State in the Nixon administration were monumental and his impact cannot be overstated.

Deanne Levison will be our host on the evening of October 1st at the Israel Sack 18th Century American Furniture Gallery located on 15 East 57th Street, New York. The contribution for this event is $1,000 per couple.

As you may know, my opponent Senator Wyche Fowler, has one of the lowest approval ratings of any incumbent Democrat in the Senate. In fact, a poll done just two weeks ago here in Georgia showed that 48% of registered voters wanted to see a "new person" represent them in the U.S. Senate, while just 32% said that he "deserves re-election."

Perhaps more important, after voters were informed of nine major actions that Fowler has taken in the Senate, his weak support collapsed completely. That new ballot test showed 42% for Coverdell and 29% for Fowler.

These results are very exciting, but they are only meaningful if I am able to communicate my message through paid media. Along these lines, I need your help.

Please consider making a $1,000 or even $2,000 contribution to my campaign through the Senatorial Trust. Money will be the difference in this campaign.

Additionally, you will be receiving an invitation to the event with Dr. Kissinger shortly, and any money that you allocate through the Trust will count towards this reception.

Thank you for your consideration and support.

Sincerely,

Paul Coverdell

1730 Northeast Expressway • Atlanta, Georgia 30329 • (404) 320-1992 • Fax: (404) 329-7276

Paid for by Coverdell Senate Committee, Marvin Smith Treasurer

Printed on recycled paper

9 5 0 4 3 6 3 5 4 7 9

National Republican Senatorial Committee

SENATOR PHIL GRAMM
CHAIRMAN

JEB HENSARLING
EXECUTIVE DIRECTOR

Campaign News Update

September 11, 1992

POLL SHOWS FOWLER SUPPORT ERODING AS CHECK BOUNCING DOUBLE-TALK IS EXPOSED

Nearly half of all Georgians recently interviewed would like to see a new person representing them in the United States Senate. According to an Ayres & Associates poll conducted between 8/31-9/4/92, a record 48 percent of the respondents expressed their desire for a "new person", while just 32 percent said Fowler "deserves re-election."

In a head-to-head match up between incumbent Wyche Fowler and Republican challenger Paul Coverdell, Fowler's lead dwindled to 14 points and he is under 50 percent. The poll showed Fowler winning just 46 percent of the vote to Coverdell's 32 percent. Fowler's popularity has suffered a significant drop when compared to an Ayres & Associates poll taken on 10/2-6/91 which showed the incumbent senator leading Mr. Coverdell by 32 points (51% to 19%).

According to Ayres & Associates, 31 percent of the respondents have an unfavorable opinion of Sen. Fowler, well up from 20 percent in 1991.

Fowler's worsening popularity coincides with a flurry of news stories which contrast his denial of House-bank check bouncing in 1992 with his admission to check bouncing during sworn testimony in 1986.

This contradiction has prompted Paul Coverdell to ask in the September 1st edition of The Augusta Chronicle, "My question to Mr. Fowler is this: Which one of us was lied to -- the Dallas Court in 1986, or the Georgia voters in 1992?"

If you have any questions or need additional information, please contact Margaret Lauderback at 202/675-6037.

RONALD REAGAN REPUBLICAN CENTER
425 SECOND STREET, N.E. • WASHINGTON, D.C. 20002 • (202) 675-6000

PAID FOR AND AUTHORIZED BY THE NATIONAL REPUBLICAN SENATORIAL COMMITTEE

9504363548 0

September 15, 1992

TO: Paul Coverdell

FROM: Lora Butler

RE: Senatorial Trust

Attached is a complete copy of the Senatorial Trust Members from the NRSC. As we have discussed on a number of occasions, this would be an excellent list to call. I have kept a copy for my file so keep this as an ongoing "call list".

To refresh your memory, Trust members contribute $10,000 to the Committee. They then decide which Senate candidates they want to allocate the funds to. For background information, I have attached copies of the two letters that we mailed to the members. To date, we have received a commitment from one couple (marked on list).

When calling, keep in mind that many of the people on this list are pro-choice and not many candidates are. Also, according to Liz, very few candidates take the time to call these people. In light of this, we should get a pretty good response.

95043635481

AYRES & ASSOCIATES
Research for Politics and Business

MEMORANDUM

TO: Tom Perdue
Coverdell for Senate Campaign

FROM: Whit Ayres
Ayres & Associates

DATE: September 9, 1992

RE: Recent Poll Results

The results of the poll we completed last week show significant improvement in Paul Coverdell's numbers and deterioration in those for Wyche Fowler compared to the poll taken in October of 1991. Both polls surveyed 600 registered voters selected randomly from throughout Georgia.

- The most recent poll showed the Senate race at 46 percent for Fowler and 32 percent for Coverdell. During the last year Fowler's lead has been cut from 32 to 14 percentage points.
- For the first time in this campaign, Fowler's support has dropped below 50 percent of the voters.
- After voters were informed about nine major actions that Fowler has taken, his support collapsed. The new ballot test showed 42 percent for Coverdell and 29 percent for Fowler. This result is meaningful only if you are able to communicate these actions to the voters through paid media.
- Almost half of Georgia voters (48 percent) say that it is "time to give someone else a chance" at the Senate seat, and only 32 percent say that Fowler deserves re-election. That result is a sign of trouble for an incumbent, especially given the anti-incumbency mood evident throughout the country.
- Fowler's favorable rating is down over the past year from 49 to 42 percent.
- Fowler's unfavorable rating is up from 20 to 31 percent. Unfavorable ratings of 30 percent or greater have created significant problems for campaigns in the past.
- Coverdell's favorable rating increased from 12 to 25 percent over the past year. His unfavorable rating in the most recent poll of 14 percent remains low in a time of general disgust with politicians.

Each of these measures shows that substantial progress has been made during the past year. These trends are very favorable for the Coverdell campaign. Your challenge now is to raise sufficient funds for a media effort to keep the momentum going.

875 Old Roswell Road • Suite E-500 • Roswell, GA 30076 • Phone: (404) 594-7898 • FAX: (404) 594-0107

9 5 0 4 3 6 3 5 4 8 2

NRSC DONOR PROGRAMS

Republican Senatorial Inner Circle

The Republican Senatorial Inner Circle was founded in 1979, and is the $1,000 contributor group of the National Republican Senatorial Committee. The Inner Circle is comprised of Republican supporters from across the country.

Republican Senatorial Inner Circle Life Membership

The Republican Senatorial Inner Circle Life Membership program was founded in 1985. These individuals have made a one time commitment to the National Republican Senatorial Committee for $10,000 - $15,000. The Life Membership program is comprised of Republican supporters from across the country.

Presidential Roundtable

The Presidential Roundtable was founded in 1987, and is the $5,000 contributor group of the National Republican Senatorial Committee. The Roundtable is comprised of Republican supporters from across the country.

Senatorial Trust

The Senatorial Trust was founded in 1977, and is the $10,000 contributor group of the National Republican Senatorial Committee. The Trust is comprised of Republican supporters from across the country. Ask them to allocate $2000 to PDC

Senate President's Council

The Senate President's Council was founded in 1989, and is the National Republican Senatorial Committee's PAC program. Membership ranges from $5,000 to $15,000 annually. The Senate President's Council is comprised of PAC representatives and lobbyists from the Washington, D.C. area.

9504363548 3

NRSC DONOR PROGRAMS
CONVENTION ACTIVITIES

Sunday, August 16, 1992

6:00 p.m. - 8:00 p.m.	**Senate President's Council** **Welcome Reception** **The Drive - Inn** **1503 Post Oak Boulevard** **Honoring: Senator Connie Mack**
7:00 p.m. - 9:30 p.m.	**Presidential Roundtable** **Dinner** **Anthony's** **4611 Montrose** **Honoring: Senator Phil Gramm**

Monday, August 17, 1992

7:00 a.m. - 2:00 p.m.	**Inner Circle Life Members** **Presidential Roundtable** **Senatorial Trust** **Senate President's Council** **GOP Golf and Tennis Tournament** **The Woodlands Country Club** **2301 North Millbend Drive**
7:00 p.m. - 10:00 p.m.	**Inner Circle** **Inner Circle Life Members** **Presidential Roundtable** **Members-Only Private Suites** **Astrodome**
10:00 p.m. - 2:00 a.m.	**Inner Circle** **Inner Circle Life Members** **Presidential Roundtable** **Senatorial Trust** **Senate President's Council** **Red, White & Boots** **Astroarena**

9504363548 4

Tuesday, August 18, 1992

10:00 a.m. - 11:30 a.m.	**Senate President's Council** **Brunch** **The Heritage Club** **333 Clay, 50th Floor** **Honoring: The 1992 Challengers**
1:00 p.m. - 2:30 p.m.	**Inner Circle** **Inner Circle Life Members** **Presidential Roundtable** **Senatorial Trust** **Senate President's Council** **"All-American Salute" Luncheon** **George R. Brown Convention Center** **1001 Convention Center Boulevard**
5:00 p.m. - 7:00 p.m.	**Senatorial Trust** **Reception & Dinner** **Glassell School of Art** **5101 Montrose Avenue** **Honoring: Senator Phil Gramm**
7:00 p.m. - 10:00 p.m.	**Inner Circle** **Inner Circle Life Members** **Presidential Roundtable** **Members-Only Private Suites** **Astrodome**

Wednesday, August 19, 1992

8:00 a.m. - 9:30 a.m.	**Presidential Roundtable** Breakfast Four Seasons Hotel 1300 Lamar Street, Houston Center Honoring: Republican Senate Finance Committee

9504363548 5

Welcoming Reception

REPUBLICAN NATIONAL CONVENTION

The pleasure of your company is requested
for a Cocktail Reception honoring

Republican Members of the
United States Senate and House of Representatives

with guest speakers:
Senator Phil Gramm (R-TX)
Chairman Rich Bond, Republican National Committee
and
Administration Officials

Sunday, August 16, 1992
5:00 pm until 7:00 pm
The Bayou Bend Museum of Americana at Tenneco
1010 Milam Street
Houston

held in cooperation with
The Community Relations Committee
of the Jewish Federation of Greater Houston

R.S.V.P. (202) 639-5291

9504363354486

Coverdell U.S. SENATE

Fax Cover Sheet

1730 Northeast Expressway • Atlanta, Georgia 30329 (404) 320-1992 Fax (404) 329-727

Date: 10/26/92

No. of Pages (including cover sheet) 4

To James McDowell

Company

FAX No. 502-423-6794

Telephone No.

Regarding also Fed Exed Bob Mumma

If you don't receive all pages, call (404) 329-7277 or 320-1992 and ask for David

SENDER

9504363548 7

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

MAR 2 9 44 AM '95

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	
Coverdell Senate Committee	)	MUR 4076
and Marvin H. Smith, as Treasurer	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 4, 1994, the Commission found reason to believe that the Coverdell Senate Committee and Marvin H. Smith, as treasurer ("the Committee") violated 11 C.F.R. § 110.6(c)(2) by failing to report that certain contributions received through the National Republican Senatorial Committee ("NRSC") were earmarked. The Commission also approved a Subpoena and Order to Submit Written Answers and to Produce Documents to the Committee. Respondents submitted their responses and have also requested pre-probable cause conciliation. See Attachment 1. This report analyzes the results of the investigation and recommends that the Commission enter into pre-probable cause conciliation negotiations.

II. ANALYSIS

According to the information provided by the Respondents, the Senatorial Trust is a fundraising instrument of the NRSC where contributors pledge $10,000 or more to the NRSC during an election cycle, and then those contributors allocate their money to specific Senate campaigns. Attachment 2 at 44. The Coverdell Senate Committee received information from the NRSC explaining how

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the Senatorial Trust operated and a mailing list of approximately 200 Senatorial Trust contributors. Id. at 4 and 18-20. The campaign then mailed out solicitations to the Trust members, encouraging Senatorial Trustees to allocate part of their $10,000 to the Coverdell Senate Committee or to make direct contributions to the campaign. Id. at 21-28. The solicitations provided by Respondents are similar to the October 9, 1992, mailing previously reviewed by the Commission in finding reason to believe that Respondents failed to report the allocated contributions as earmarked.

Respondents do not dispute that contributions from Senatorial Trust members allocated for the Coverdell campaign through the NRSC are earmarked contributions. Id. at 10. Respondents state, however, that "to the extent, if any, that 'allocated' or 'earmarked' contributions forwarded to the Coverdell campaign from the NRSC as 'earmarked' contributions were not reported as 'earmarked' contributions, such action was inadvertent." Id.

The Committee also admits that on at least one occasion the NRSC reported the information required by 11 C.F.R. § 110.6(c) to the Committee when it forwarded the earmarked contribution. Id. at 11. Specifically, Respondents include a transmittal letter from the treasurer of the NRSC to the treasurer of the Coverdell Senate Committee. The letter states in pertinent part:

> This contribution was made available through the Senatorial Trust at the National Republican Senatorial Committee, pursuant to instructions of the individual contributor. This effort allows the NRSC to forward

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> designated contributions directly to the Coverdell Senate Committee.
>
> As outlined in 11 C.F.R. § 110.6(c)(2) of the Federal Election Commission's regulations, I have enclosed all information for the referenced contribution for which we have served as conduit. Federal Election Law requires that the Coverdell Senate Committee include all this information in the next FEC report.

Id. at 16. It appears that along with this letter dated May 18, 1992, the NRSC enclosed a check for a $1,000 contribution from John N. Palmer made payable to the Coverdell Senate Committee. This was the only contribution reported by the Coverdell Senate Committee as earmarked through the NRSC during the 1992 election cycle.

It also appears that this letter is a form letter, and was probably enclosed with each of the 27 earmarked contributions forwarded to the Committee by the NRSC. Consistent with 11 C.F.R. § 110.6(c)(1), the NRSC properly reported earmarking information to the Commission for all 27 contributions forwarded to the Coverdell campaign. Consequently, it seems unlikely that the NRSC did not correspondingly report to the Committee in each case that the allocated funds were earmarked contributions, as the NRSC plainly did in its forwarding letter of May 18th. The 26 contributions earmarked through the NRSC where the Coverdell Committee failed to report them as earmarked and that the NRSC was the conduit totaled $22,500. See Attachment 3 at 2.

This Office also reviewed the Coverdell Senate Committee's disclosure forms and cross-referenced those documents with reports submitted by another committee that had reported itself as a

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conduit for earmarked funds. Campaign America disclosed that it was the conduit for $55,100 in earmarked funds to the Coverdell Senate Committee ($8,100 from 12 individual contributors and $47,000 from 25 PAC contributors). Id. at 1-2. We discovered that the Coverdell Senate Committee had also failed to report these contributions as earmarked and that Campaign America had been the conduit.

In total, we found that the Coverdell Senate Committee failed to identify $77,600 in contributions (representing 63 separate contributors) as earmarked contributions in accordance with 11 C.F.R. § 110.6(c)(2). Id. at 2. This list may not be exhaustive. Out of more than 3000 contributions received during the 1992 election cycle, the Committee reported only two earmarked contributions which met the $200 threshold.[1]

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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1. John Larson contributed $300 to the Coverdell Senate Committee on December 6, 1991. The Committee disclosed that Mr. Larson's contribution was earmarked through the First Bank System of Minneapolis, Minnesota's Political Participation Program. As noted above, John N. Palmer contributed $1,000 to the Committee on May 27, 1992. The contribution was earmarked through the National Republican Senatorial Committee.

IV. **RECOMMENDATIONS**

1. Enter into conciliation with the Coverdell Senate Committee and Marvin H. Smith, as treasurer, prior to a finding of probable cause to believe.

2. Approve the attached proposed conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

Date 3/1/95

BY: Dois G. Lerner
Associate General Counsel

Attachments
1. Respondents' request for conciliation
2. Response to Interrogatories and Document Requests
3. List of earmarked contributions where the Coverdell Senate Committee failed to report conduits
4. Proposed conciliation agreement

Staff assigned: Stephan Kline

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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: MARCH 7, 1995

SUBJECT: MUR 4076 - GENERAL COUNSEL'S REPORT DATED MARCH 1, 1995.

The above-captioned document was circulated to the Commission on THURSDAY, MARCH 2, 1995 at 4:00 p.m.

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

Commissioner Aikens _____

Commissioner Elliott _____

Commissioner McDonald _____

Commissioner McGarry XXX

Commissioner Potter _____

Commissioner Thomas _____

This matter will be placed on the meeting agenda for TUESDAY, MARCH 21, 1995 at 10:00 a.m.

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	)	
	)	
Coverdell Senate Committee	)	MUR 4076
and Marvin H. Smith, as Treasurer.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 16, 1995, the Commission decided by a vote of 6-0 to take the following actions in MUR 4076:

1. Enter into conciliation with the Coverdell Senate Committee and Marvin H. Smith, as treasurer, prior to a finding of probable cause to believe, as recommended in the General Counsel's Report dated March 1, 1995.

2. Approve the proposed conciliation agreement and the appropriate letter, as recommended in the General Counsel's Report dated March 1, 1995.

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

Attest:

3-16-95
Date

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

Received in the Secretariat:	Thurs.,	Mar. 02, 1995	9:44 a.m.
Circulated to the Commission:	Thurs.,	Mar. 02, 1995	4:00 p.m.
Deadline for vote:	Tues.,	Mar. 07, 1995	4:00 p.m.
Received Objection:	Tues.,	Mar. 07, 1995	12:17 p.m.
Placed on Agenda for:	Tues.,	Mar. 21, 1995	
Objection Withdrawn:	Thurs.,	Mar. 16, 1995	2:23 p.m.
Withdrawn from Agenda			

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 20, 1995

Benjamin L. Ginsberg, Esquire
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037-1350

RE: MUR 4076
Coverdell Senate Committee and
Marvin H. Smith, as treasurer

Dear Mr. Ginsberg:

On October 4, 1994, the Federal Election Commission found reason to believe that the Coverdell Senate Committee and Marvin H. Smith, as treasurer, violated 11 C.F.R. § 110.6(c)(2). At your request, on March 16, 1995, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

Pursuant to your request, I am also enclosing a list of the earmarked contributions which are at issue in this matter. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact me at (202) 219-3690.

Sincerely,

Stephan O. Kline
Attorney

Enclosures
Conciliation Agreement
List of earmarked contributions

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EARMARKED CONTRIBUTIONS WHERE THE COVERDELL SENATE COMMITTEE FAILED TO DISCLOSE CONDUITS

1. CAMPAIGN AMERICA AS CONDUIT, INDIVIDUAL CONTRIBUTORS

CONTRIBUTOR	AMOUNT	DATE[1] OF RECEIPT BY COVERDELL	DATE OF RECEIPT BY CONDUIT
Belas, Richard S.	500	11/18	11/16
Black, Charles R. Jr.	1000	11/18	11/16
Bockorny, David A.	350	11/18	11/16
Cannon, W. Stephen	250	11/18	11/16
Clinkenbeard, Kirk L.	250	11/18	11/16
Cullman, Susan R.	1000	11/18	11/16
DeArment, Roderick	1000	11/18	11/16
Hart, J. Steven	1000	11/18	11/16
Hollis, Samuel B.	250	11/24	11/19
Hundal, Bhupinder	1000	11/18	11/16
Kittle, Ralph W.	500	11/18	11/16
Webster, George D.	1000	11/18	11/17

Total Campaign America Personal Contributors	Total Personal Contributions Earmarked through Campaign America
12	$8,100

2. CAMPAIGN AMERICA AS CONDUIT, PAC CONTRIBUTIONS

CONTRIBUTOR	AMOUNT	DATE OF RECEIPT BY COVERDELL	DATE OF RECEIPT BY CONDUIT
Archer Daniel Midlands	5000	11/16	11/13
Auto Dealers & Drivers	5000	11/16	11/13
Baroid Corp PAC[2]	1000	11/18	11/16
CBI PAC	500	11/18	11/16
Chevron Employees PAC	1000	11/18	11/16
Dupont Merck Programs	1000	11/18	11/16
EXPAC	5000	11/18	11/16
Futures Industry PAC	1000	11/18	11/16
GAMAPAC	500	11/18	11/16
Gen. Instru. Corp. PAC	1000	11/18	11/16
HallPAC	2500	11/18	11/16
Hoffman La Roche	1000	11/18	11/16
Mapco PAC	1000	11/18	11/16
Mead Effective Cit Fund	2000	11/18	11/16
Melville Corp PAC[3]	1000	11/13#	11/16
Natl Albanian Amer PAC	5000	N/A	11/24
NAWGA PAC	1000	11/18	11/16

---

1. All contributions were received in 1992.

2. Coverdell reported receiving $2000.

3. # = Dates were reported in this fashion by committees.

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NL Industries PAC	2000	11/18	11/16
Nor Amer Philips PAC[4]	500	11/18	11/16
OMC PAC	1000	11/18	11/16
PACEG	5000	11/18	11/16
The Limited PAC	1000	11/18	11/16
Natl Food Proc PAC	1000	11/18	11/16
Torchmark PAC	5000	11/13	11/13
Wholesaler-Distrib PAC	1000	11/18	11/16

Total PAC Contributors	Total PAC Contributions Earmarked through Campaign America
25	$51,000

3. NATIONAL REPUBLICAN SENATORIAL COMMITTEE AS CONDUIT

CONTRIBUTOR	AMOUNT	DATE OF RECEIPT BY COVERDELL	DATE OF RECEIPT BY CONDUIT
Ajello, Ralph E.	1000	11/24	11/20
Andlinger, Gerhard R.	1000	11/24	11/20
Averyt, Gayle O.	500	11/18	11/13
Brown, Henry B.R.	1000	9/11#	9/15
Brown, Henry B.R.	1000	9/11#	9/15
Callaway, Howard H.	1000	10/22	10/20
Callaway, Howard H.	1000	10/22	10/20
Carter, Donald J.	1000	10/8	10/5
Cooper, Benjamin Y.	500	10/30	10/29
Davies, Barbara	500	9/17#	9/21
Davies, Paul	500	9/17#	9/21
Dubose, Vivian N.	500	9/11	9/10
Erickson, John C.	1000	11/24	11/20
Erickson, Kristine S.	750	10/19	10/12
Erickson, Ronald A.	750	10/19	10/12
Fitzgerald, Brian D.	1000	11/24	11/19
Harris, John H.	1000	10/5	9/28
Haskell, John H.F. Jr.	1000	11/24	11/18
Hertog, Roger	1000	11/18	11/13
Hooper, Bruce H.	1000	9/17#	9/21
Hooper, Ralph W.	500	10/5	9/25
Kirk, Kenneth A.	1000	10/22	10/21
Lacerte, Lawrence	1000	10/16	10/13
Mandato, Joseph	1000	10/26	10/22
Stanley, David G.	1000	10/5	9/29
Vance, Charles F.	1000	10/28	10/27

Total NRSC Contributors	Total Earmarked through NRSC
26	$22,500
TOTAL CONTRIBUTORS	TOTAL EARMARKED CONTRIBUTIONS
63	$81,600

4. Campaign America reported $1000 as earmarked funds.

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

Apr 6 4 50 PM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Coverdell Senate Committee	)	MUR 4016
and Marvin H. Smith, as Treasurer	)	MUR 4076

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a revised conciliation agreement submitted on behalf of the Coverdell for Senate Committee and Marvin H. Smith as treasurer, ("Respondents"). Attachment 1.[1] The revised conciliation agreement addresses the violations at issue in both MUR 4016 and MUR 4076 in a consolidated document pursuant to Respondents' request. The agreement is signed by Mr. Smith as treasurer. For the reasons discussed below, this Office recommends the Commission accept the revised agreement and close the file in these matters. A check for the civil penalty has not been received at this time.

II. DISCUSSION OF PRE-PROBABLE CAUSE CONCILIATION

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1. The attached conciliation agreement contains a signature page transmitted by facsimile. Counsel for Respondents represented that the original is being mailed to this Office.

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Based upon the foregoing, this Office recommends that the Commission approve the attached agreement and close the files in these matters.

III. RECOMMENDATIONS

1. Approve the attached conciliation agreement with the Coverdell Senate Committee and Marvin H. Smith, as treasurer.

2. Approve the appropriate letters.

3. Close the files.

Lawrence M. Noble
General Counsel

Date 4/6/95

BY: Lois G. Lerner
Associate General Counsel

Attachment:
1. Conciliation Agreement

Staff assigned: Beth Stein
Stephan Kline

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Coverdell Senate Committee	)	MUR 4016/
and Marvin H. Smith, as Treasurer.	)	MUR 4076

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 12, 1995, the Commission decided by a vote of 6-0 to take the following actions in MUR 4016/4076:

1. Approve the conciliation agreement with the Coverdell Senate Committee and Marvin H. Smith, as treasurer, as recommended in the General Counsel's Report dated April 6, 1995.

2. Approve the appropriate letters, as recommended in the General Counsel's Report dated April 6, 1995.

3. Close the files.

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

Attest:

4-13-95
Date

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

Received in the Secretariat:	Thurs.,	Apr. 06, 1995	4:50 p.m.
Circulated to the Commission:	Fri.,	Apr. 07, 1995	12:00 p.m.
Deadline for vote:	Wed.,	Apr. 12, 1995	4:00 p.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 14, 1995

BY FIRST CLASS MAIL

Benjamin L. Ginsberg, Esquire
Paten Boggs, L.L.P.
2550 M St. N.W.
Washington, D.C. 20037-6000

RE: MUR 4016
MUR 4076

Dear Mr. Ginsberg:

On April 12, 1995, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 2 U.S.C. §§ 434(a)(1) and 441a(f) and 11 C.F.R. § 110.6(c)(2), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

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

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me or Stephan Kline at (202) 219-3690.

Sincerely,

Beth Stein

Elizabeth Stein
Attorney

Enclosure
Conciliation Agreement

cc: Liz Harris
Coverdell Good Government Committee

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Apr 7 2 26 PM '95

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 4016
Coverdell Senate Committee and	)	MUR 4076
Marvin H. Smith, as treasurer	)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Coverdell Senate Committee and Marvin H. Smith, as treasurer, ("Respondents") violated 2 U.S.C. §§ 434(a)(1), 441a(f), and 11 C.F.R. § 110.6(c)(2).

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. The Coverdell Senate Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Marvin M. Smith is treasurer of the Coverdell Senate Committee.

3. No person may make contributions to any candidate and his or her authorized political committees with respect to any election for federal office which exceeds $1,000. 2 U.S.C. § 441a(a)(1).

4. Section 441a(f) of the Federal Election Campaign Act of 1971, as amended, (the "Act") prohibits political committees from accepting any contributions in excess of the limitations of 2 U.S.C. § 441a(a)(1)(A).

5. Under the Commission's regulations, all contributions which are excessive on their face, or which, when aggregated with other contributions from the same contributor, exceed the limits of the Act, must be refunded, reattributed or redesignated within 60 days. 11 C.F.R. § 103.3(b)(3).

6. Pursuant to 2 U.S.C. § 434(a)(1), each treasurer of a political committee shall file and sign reports of receipts and disbursements required under the Act. Pursuant to 11 C.F.R. § 104.14(d), the treasurer of a political committee is responsible for the accuracy of any information contained in reports filed with the Commission.

7. The Committee reviewed all disclosure reports for the 1991-1992 election cycle, after communication with the Commission, and filed amended disclosure reports for that election cycle on December 27, 1993. The amended disclosure reports corrected the election designation for many contributions, revealing the receipt of excessive contributions totaling

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$65,936.21 from ninety-four (94) individuals and one (1) non-qualified multicandidate political committee.

8. Although the Committee has refunded approximately $42,000 of these excessive contributions, such remedial action was not taken within 60 days of receipt.

9. The Committee contends that while the contributions were excessive for the election period in which they were received, the contributions in the aggregate did not exceed the amount the Committee was permitted to receive during the course of the four election periods that constituted the 1992 Georgia senatorial election cycle.

10. Pursuant to 2 U.S.C. § 441a(a)(8), an individual may direct his or her contributions to a candidate through an intermediary or conduit. Such a contribution is known as an earmarked contribution.

11. Earmarked is defined as a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorised committee. 11 C.F.R. § 110.6(b)(1).

12. Conduit or intermediary means any person (except for a few limited exceptions not applicable to this matter) who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee. 11 C.F.R. § 110.6(b)(2).

13. Commission regulations impose specific reporting obligations for earmarked contributions upon recipient candidates

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and their authorized committees. These obligations include reporting the identification of the intermediary or conduit; the total amount of earmarked contributions received from the conduit or intermediary; the date of receipt of such contributions; and contributor information for each earmarked contribution. 11 C.F.R. § 110.6(c)(2).

14. Campaign America reported forwarding $59,100 in earmarked contributions to the Coverdell Senate Committee during the 1992 election cycle.

15. The National Republican Senatorial Committee reported forwarding $22,500 in earmarked contributions to the Coverdell Senate Committee during the 1992 election cycle.

16. Campaign America and the National Republican Senatorial Committee forwarded 63 personal and political committee contributions, totaling $81,600, to the Coverdell Senate Committee.

17. The Coverdell Senate Committee did not report these contributions, totaling $81,600, as earmarked contributions; instead, the Committee reported these contributions as direct contributions received between September 11, 1992, and November 24, 1992.

18. The Coverdell Senate Committee failed to disclose that Campaign America and the National Republican Senatorial Committee had been the conduits for any of the 63 contributions totaling $81,600.

V. 1. Respondents accepted the excessive contributions totaling $65,936.21, in violation of 2 U.S.C. § 441a(f).

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2. Respondents failed to accurately report contributions on their reports of receipts and disbursements in violation of 2 U.S.C. § 434(a)(1).

3. Respondents failed to report $81,600 in contributions as earmarked and failed to report that Campaign America and the National Republican Senatorial Committee were conduits for the earmarked contributions, in violation of 11 C.F.R. § 110.6(c)(2).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of thirty-two thousand dollars ($32,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents will refund outstanding excessive and prohibited contributions. Contributions will be refunded either directly to the original contributors or to the U.S. Treasury. Respondents will produce evidence to the Commission showing they have made all refunds required under this agreement to the ninety-four (94) individual contributors and the one (1) non-qualified multicandidate committee.

3. Respondents will amend their reports to identify all earmarked contributions received during the 1992 election cycle in accordance with the requirements of 11 C.F.R. § 110.6(c)(2).

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

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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.

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
Associate General Counsel

Date 4-14-95

FOR THE RESPONDENTS:

Marvin H. Smith
Treasurer

Date 4-4-95

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4076

DATE FILMED 5/18/95 CAMERA NO. 2

CAMERAMAN EES

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

Date: 9/21/95

✓ Microfilm

_____ Public Records

_____ Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4076

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The General Counsel's Report which initiated MUR 4076 was placed on the public record in sanitized form because it contained information pertaining to other, then-open, cases. Those other cases now have been closed.

Accordingly, the First General Counsel's Report in MURs 3617, 3620 and 3658, which also initiated MUR 4076, is added in its entirety to the microfilm copy of MUR 4076.

September 21, 1995

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

FIRST GENERAL COUNSEL'S REPORT

MUR: 3617, 3620, 3658
STAFF ATTORNEY: Mary Ann Bumgarner

DATE COMPLAINTS FILED:
MUR 3617: 9/22/92
MUR 3620: 9/24/92
MUR 3658: 10/16/92

DATES OF NOTIFICATION:
MUR 3617: 9/29/92
MUR 3620: 9/29/92
MUR 3658: 10/23/92

DATE ACTIVATED: 12/28/93

COMPLAINANTS:

MUR 3617: Seymour for U.S. Senate

MUR 3620 & 3658: National Republican Senatorial Committee

RESPONDENTS:

MUR 3617: Feinstein for Senate Committee and Michael J. Barrett, as treasurer

MUR 3620: Feinstein for Senate Committee and Michael J. Barrett, as treasurer

Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer

Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer

Sanford for Senate Committee and Alton G. Buck, as treasurer

MUR 3658: Abrams Committee, f/k/a Abrams '92 Committee and Lawrence B. Buttenwieser, as treasurer

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RELEVANT STATUTES AND REGULATIONS:

2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441a(a)(1)(B)
2 U.S.C. § 441a(a)(8)
2 U.S.C. § 441a(d)
2 U.S.C. § 441a(f)
11 C.F.R. § 102.8
11 C.F.R. § 110.1(h)
11 C.F.R. § 110.6(b)(2)
11 C.F.R. § 110.6(b)(2)(iii)
11 C.F.R. § 110.6(c)(1) and (2)
11 C.F.R. § 110.6(d)
11 C.F.R. § 110.7(b)(1)
11 C.F.R. § 110.7(b)(2)(i)
11 C.F.R. § 110.7(b)(4)

INTERNAL REPORTS CHECKED: Disclosure Reports; FEC Indices

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

These cases arise from three complaints filed with the Federal Election Commission ("Commission") during the 1992 election cycle. At issue is whether certain contributions made to the Democratic Senatorial Campaign Committee ("DSCC") were earmarked for a particular candidate. Because these cases concern the same issue, they are treated in one report.

The complaints challenge the DSCC's "tally system," an accounting method used to keep track of the total funds raised for the DSCC by a particular candidate. The complaints allege that during the 1992 Senate race, the DSCC accepted contributions designated for a specific candidate's tally account, which contributions were allegedly "passed through" to the designated candidate in the form of coordinated party expenditures. The complainants charge that this practice violates 2 U.S.C. § 441a(a)(8), which mandates that an "earmarked" contribution made through an intermediary be treated as a contribution from the

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donor to the candidate, and 11 C.F.R. § 110.6(c)(1)(i), which requires that the intermediary of an earmarked contribution disclose the source of the contribution and the recipient candidate. The complaints further allege that by receiving coordinated party expenditures from the DSCC, four Democratic Senate candidates accepted excessive contributions from donors who had already made the maximum allowable direct contributions to their campaigns (informally referred to by the Respondents as "maxed-out" or "max-out" contributors), or from donors who had not "maxed out," but whose "tallied" contributions to the DSCC exceeded the statutory maximum for contributions from an individual to a candidate's committee.

In response, the DSCC and the Democratic Senate candidates deny the allegations, explaining that the tally system is an information-gathering tool designed to enable the DSCC to keep track of the funds raised for the DSCC by a particular candidate. The Respondents further explain that the tally total, in turn, is only one of several factors the DSCC considers when determining how to make coordinated expenditures on behalf of the various Democratic Senate candidates, as authorized by 2 U.S.C. § 441a(d). According to the Respondents, the candidate committees are aware that tallied contributions are not passed through to the designated candidates. Moreover, they submit that the DSCC retains absolute discretion to decide on whose behalf it will make the coordinated party expenditures. For these reasons, the Respondents argue that tallied contributions are not earmarked.

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Moreover, as part of its response, the DSCC charges that the National Republican Senatorial Committee and the Coverdell for Senate Committee (the "Coverdell campaign") engaged in the same type of fundraising practice. In support, the DSCC submits a solicitation from the Coverdell campaign promoting the NRSC's fundraising program known as the "Senatorial Trust."

II. FACTUAL AND LEGAL ANALYSIS

A. The Act

The Federal Election Campaign Act of 1971, as amended, ("the Act") establishes dollar limits on contributions to candidates for Federal office. An individual may not contribute to a candidate (and the candidate's authorized committees) more than $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). In addition, an individual may contribute up to $20,000 per calendar year to political committees established and maintained by a national political party that are not the authorized political committees of any candidate. 2 U.S.C. § 441a(a)(1)(B). The Act further provides that a candidate may not knowingly accept, and a political committee may not knowingly make, a contribution or expenditure in violation of the provisions of the Act. 2 U.S.C. § 441a(f).

A contribution made by a person, either directly or indirectly, on behalf of a particular candidate, which is in any way earmarked or otherwise directed through an intermediary or conduit, is treated as a contribution from such person to the candidate. 2 U.S.C. § 441a(a)(8). "Earmarked" means "a designation, instruction, or encumbrance, whether direct or

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indirect, express or implied, oral or written, which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee." 11 C.F.R. § 110.6(b)(1).

A "conduit" or "intermediary" means any person who receives and forwards an earmarked contribution to a candidate or a candidate's authorized committee (with certain exceptions not applicable here). 11 C.F.R. § 110.6(b)(2). In addition, 11 C.F.R. § 110.6(b)(2)(iii) provides that any person who receives an earmarked contribution shall, among other requirements, forward such earmarked contribution to the candidate or authorized committee in accordance with 11 C.F.R. § 102.8. That section, in turn, mandates that every person who receives a contribution for an authorized political committee shall, no later than 10 days after receipt, forward such contribution to the committee's treasurer. 11 C.F.R. § 102.8.

Furthermore, the intermediary or conduit of an earmarked contribution must report the source of the contribution and the intended recipient to the Federal Election Commission and to the intended recipient. 2 U.S.C. § 441a(a)(8). See also 11 C.F.R. § 110.6(c)(1). Similarly, the recipient candidate committee must report earmarked contributions and each conduit or intermediary who forwards one or more earmarked contributions which in the aggregate exceed $200 in any calendar year in accordance with 11 C.F.R. § 110.6(c)(2).

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11 C.F.R. § 110.1(h) concerning "contributions to committees supporting the same candidate" provides that:

> A person may contribute to a candidate or his or her authorized committee with respect to a particular election and also contribute to a political committee which has supported, or anticipates supporting, the same candidate in the same election, as long as --
>
> (1) The political committee is not the candidate's principal campaign committee or other authorized political committee or a single candidate committee;
>
> (2) The contributor does not give with the knowledge that a substantial portion will be contributed to, or expended on behalf of, that candidate for the same election; and
>
> (3) The contributor does not retain control over the funds.

In addition, the Act authorizes the national and state committees of a political party to make additional expenditures in support of that party's candidates for federal office:

> Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, . . . may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2) and (3) of this subsection.

2 U.S.C. § 441a(d)(1).

Paragraph (2) of this subsection applies to Presidential candidates and is not relevant here. Paragraph (3), which concerns candidates for Senate, provides that the national and State committees of a political party may each make expenditures which do not exceed the greater of $20,000 or two cents multiplied by the voting age population of the State. See 2 U.S.C. § 441a(d)(3)(A) and 11 C.F.R. §§ 110.7(b)(1) and (b)(2)(i). These

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expenditures are generally referred to as "441a(d) expenditures" or "coordinated party expenditures." If a state party committee chooses not to make the expenditures permitted by section 441a(d), it may designate an agent, such as a national committee of the party, to make coordinated party expenditures on its behalf. FEC v. Democratic Senatorial Campaign Comm., 454 U.S. 27 (1981). The national committees are not capable of making independent expenditures in connection with the general election campaign of a candidate for Federal office. 11 C.F.R. § 110.7(b)(4).

B. The Complaints

1. MURs 3620 and 3617

MUR 3620, filed by the National Republican Senatorial Committee ("NRSC"), claims that the DSCC received contributions "earmarked" for a specific candidate, but the DSCC failed to properly report them, as required by law. It further alleges that the Feinstein for Senate Committee (the "Feinstein campaign"), the Yeakel for Senate Committee (the "Yeakel campaign"), and the Sanford for Senate Committee (the "Sanford campaign") accepted excessive contributions which were "channeled" through the DSCC as coordinated party expenditures (Attachment A-1.) In support, the complainant submitted eight exhibits, six with the original complaint, and two additional documents with a supplement to the complaint.

The first three exhibits are solicitations and memoranda from the DSCC. Exhibit one is an invitation from the DSCC to

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contributors for an event entitled "U.S. Senate Campaign Countdown," which is described as a:

> special conference designed to provide strategic information on the 1992 U.S. Senate campaigns followed by a special program of cocktails, dinner and breakfast at the private homes of Senators Kennedy, Robb and Rockefeller.

The invitation goes on to discuss the DSCC's tally system:

> The Campaign Countdown is designed for a Senate campaign's max-out donors and top contributors who are interested in further supporting their candidates through the DSCC's tally system. The DSCC provides donors with the opportunity to tally their contributions to the Democratic Senate nominees of their choice. The program is designed for donors who would like to tally $10,000 or more in new money to their preferred Senate candidate(s) and who would like to join one of the DSCC's elite donor programs.

(Attachment A-1, p. 5.)

The second exhibit is a memorandum from the DSCC explaining the function of the Democratic Senatorial Campaign Committee in general, and the tally option specifically. It reads, in relevant portion:

The Democratic Senatorial Campaign Committee

THE TALLY OPTION

> **WHAT ROLE DOES THE DSCC PLAY?**
> **Funding Democratic Senate Nominees**
> The primary function of the Democratic Senatorial Campaign Committee is to provide funding for Democratic Senate candidates in their quest for the U.S. Senate. The Finance Staff of the DSCC raises funds which are allocated to targeted Democratic Senate races based on the campaign's need and winability [sic]. These funds provide nominees with an invaluable source of additional funding which helps them keep their competitive edge . . . .
>
> **WHY GIVE TO THE DSCC?**
> Under FEC regulations, an individual may contribute a maximum of $2000 to a Senate candidate. ($1000 in the primary and another $1000 to a general campaign fund). However, an individual may contribute up to $20,000

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annually to a political party organization like the DSCC. PAC's may contribute a maximum of $15,000 annually to the DSCC. The Committee in turn allocates those funds to Democratic Senate candidates who are up for election in the current cycle. An individual (or PAC) is able to make the maximum legal contribution to assist Democratic Senate candidates financially by contributing to the DSCC.

WHAT DOES "TALLY" MEAN?

When contributing to the DSCC, a donor may request that his or her contribution be "tallied" to the Democratic Senate candidate(s) of their choice. This is a way for a donor to indicate their candidate preference(s) and how they would like their DSCC contribution distributed. Financial support to Senate candidates is determined by the Senators who comprise the allocation Committee of the DSCC. A candidate's "tallied" contributions are a key criterion considered in the Committee's allocation decisions.

* * *

(Attachment A-1, p. 8.) It is not clear from the record whether this memorandum explaining the "Tally Option" was included with the DSCC's invitation to the "Campaign Countdown" -- or with any other solicitation.

The third exhibit to the NRSC's complaint is a memorandum from the DSCC to "Senate AA's & Campaign Finance Directors" concerning the "Campaign Countdown" program. The relevant portions read:

> Please join the DSCC for a special program that will be of great benefit to your Senate campaign.
>
> The program is designed for high dollar and max-out contributors to 1992 Senate campaigns.
>
> On Wednesday afternoon September 9, the DSCC will host a campaign conference covering the latest information on the 1992 Senate races . . . .
>
> That evening, donors and contributors will be invited to a special evening of cocktails at the McLean home of Senator & Mrs. Ted Kennedy (6:30 - 8:00 pm) followed by dinner at the home of Senator & Mrs. Charles S. Robb. The following morning, guests will be invited to

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breakfast at the home of Senator & Mrs. Jay Rockefeller.

The program is specifically designed to encourage max-out and high-dollar contributors to tally $10,000 or more (per couple) in new money to their preferred Democratic Senate candidate(s).

This is an ideal opportunity for you to cultivate your high dollar prospects and encourage them to support their candidate(s) through the DSCC's tally system.

* * *

(Attachment A-1, p. 10.)

The fourth exhibit is a copy of a fundraising solicitation from the Feinstein campaign in which the candidate urges her maxed-out donors to contribute money to the DSCC to be "credited" to Feinstein's tally account. Specifically, the solicitation invites donors to meet Feinstein and then-Senator Lloyd Bentsen at a fundraising event in a private Beverly Hills home. It reads, in pertinent part:

> [Senator Bentsen] has graciously agreed to help us raise money for my account with the Democratic Senatorial Campaign Committee.
>
> The DSCC is a Washington based group set up by U.S. Senators in the Democratic Party to help raise money and support for Democratic U.S. Senate candidates throughout the country. They can accept personal contributions of up to $20,000 in a calendar year (and within an individual's $25,000 yearly federal contribution limit). Your contribution to the DSCC can be credited to the Dianne Feinstein account.
>
> I hope you will consider a contribution of at least $1,000 per person to the DSCC. John Seymour will receive the maximum of $2.5 million from the Republican Senatorial Campaign Committee. I am hopeful that this evening will be a major fundraising event.
>
> For those of you who have already maxed out to my campaign, the DSCC tally is an avenue through which you can offer more support. For further information regarding your donation to my DSCC account or my campaign, please call Tricia Riffenburgh at [phone number].

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I look forward to seeing you on the 27th.

Warmest regards,

(signed)
Dianne Feinstein

(Attachment A-1, p. 12.)

Fifth, in support of the allegations against the Sanford for Senate Committee, the NRSC attaches a solicitation from the Sanford campaign which reads, in pertinent part:

> **TERRY SANFORD'S CAMPAIGN FOR U.S. SENATE**
> **and the**
> **Democratic Senatorial Campaign Committee**
>
> The Democratic Senatorial Campaign Committee (DSCC) works to elect Democratic Senators across the country. One of their tools is financial. The DSCC may accept money above and beyond what a candidate raises. If you have given your personal maximum to a candidate, you may still give additional monies to the DSCC. Individuals may give a total of $20,000 to the DSCC; Political Action Committees may give up to $15,000. If specified, such contributions may be "tallied" to Terry Sanford's DSCC tally sheet.
>
> The DSCC will help the Sanford campaign according to need, winability [sic], and our tally sheet total. Terry Sanford's race will be close: the tally sheet will be of vital importance.
>
> * * *
>
> Electing a Democratic majority in the Senate is vital business: Terry Sanford needs to be in that majority. To help him, and to help the DSCC, please make your check to DSCC, and note on it "Sanford Tally Sheet". Then mail your check to Sanford for Senate [address], or to the DSCC office in Washington.

(Attachment A-1, p. 14) (emphasis in original).

The complainant later supplemented the complaint with two documents relating to the Sanford campaign. First is the response card included with the invitation discussed above which reads, in

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part:

> Yes, I would like to do my part to keep Terry Sanford and Democrats like him in the U.S. Senate. Please include me in the:
>
> Majority Trust ($20,000)
> Leadership Circle ($15,000
> Business Roundtable ($5,000)

* * *

(Attachment A-2, p. 3.)

The second document provided in the supplemental complaint is an invitation to a reception honoring Senator Sanford. It reads, in full:

> The Democratic Senatorial Campaign Committee
>
> cordially invites you to a reception
> with Senator George Mitchell, Majority Leader
> United States Senate
> honoring Senator Terry Sanford
>
> Friday, July 24 at five o'clock
> at the home of L. Richardson Preyer
> 603 Sunset Drive
> Greensboro, North Carolina
>
> DSCC membership required.

(Attachment A-2, p. 3.)

Finally, the NRSC's last exhibit, attached to the original complaint, is a DSCC invitation for a dinner honoring Lynn Yeakel. It reads, in full:

> Norma and Irma Braman
>
> request the pleasure of your company
>
> at a dinner honoring
>
> Lynn Yeakel
> Candidate for United States Senate
>
> followed by
> The Philadelphia Eagles vs. The Dallas Cowboys
>
> Monday evening, the fifth of October

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nineteen hundred and ninety-two

seven o'clock Dinner
nine o'clock Kickoff

Veterans Stadium
Philadelphia, Pennsylvania

Contribution $5,000 RSVP [Phone Number]

Checks payable to "Democratic Senatorial Campaign Committee"

The response card accompanying the invitation makes no mention of Lynn Yeakel or the tally system. (Attachment A-1, p. 16.)

Based on these solicitations, the complaint alleges that the DSCC and the Feinstein, Sanford and Yeakel campaigns evaded the statutory limits on campaign contributions by urging their "maxed-out" contributors to make tallied contributions to the DSCC, which were allegedly passed through to the candidates in the form of coordinated party expenditures.

The complaint in MUR 3617, submitted by the Seymour for U.S. Senate Committee, names only the Feinstein for Senate Committee as a Respondent. It alleges that the Feinstein campaign accepted excessive contributions from: (1) its "maxed-out" donors who also made a contribution to the DSCC designated for Feinstein's "tally account;" and (2) donors who had not "maxed-out," but whose tallied contributions exceeded the annual limit on contributions from individuals to a candidate's committee. (Attachment B-1.) In support, the complainant submitted the same invitation to the evening with Senator Bentsen which was proffered by the NRSC in MUR 3620, discussed above. (Attachments A-1, p. 12 and B-1, p. 4). The complainant later supplemented his complaint by

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submitting another solicitation from the Feinstein campaign's "host committee." It reads, in relevant portion:

> We are supporting Dianne Feinstein in her bid for the United States Senate. As members of the Bay Area Jewish community, we believe that Dianne Feinstein will serve as an articulate and forceful advocate for a strong United States/Israeli relationship.
>
> * * *
>
> To win the election, Dianne needs our financial assistance.
>
> Please consider joining us on the host committee for a fundraising reception to be held in Dianne's honor . . . .
>
> You may wish to participate as a Benefactor, Patron or Sponsor by contributing or raising $5,000, $2,500 or $1,000 respectively.
>
> As an individual, you can contribute up to $1,000 directly to the "Feinstein for Senate" Committee. Contributions in excess of $1,000 must be made payable to the "Democratic Senatorial Campaign Committee" (DSCC) and marked "Feinstein Tally." The DSCC is the mechanism for U.S. Senate Candidates to receive their allocation from the Democratic party and Dianne is eligible to receive $2.5 million from this committee. Our hope is that thought [sic] this event, we will take advantage of this opportunity to raise significant funds.
>
> * * *
>
> Sincerely,
>
> (signed)
> Henry Berman
> Chair, Host Committee

Enclosed with the invitation is a response card which reads:

> Please reserve a space in my name . . . as a:
>
> BENEFACTOR:
> Enclosed is my check for $5,000 (payable to the "Democratic Senatorial Campaign Committee" marked for Dianne's tally)
>
> PATRON:
> Enclosed is my check for $2,500 (payable to

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the "Democratic Senatorial Campaign Committee" marked for Dianne's tally)

SPONSOR:
Enclosed is my check for $1,000 (payable to "Feinstein for Senate")

(Attachment B-2, pp. 4-6.)

Based on the language in the two solicitations, the complaint alleges that contributions made to the DSCC for the "Feinstein tally" were earmarked for Feinstein and should have been treated as contributions from the donor to the candidate, as required by 2 U.S.C. § 441a(a)(8). For that reason, the complaint alleges that the Feinstein campaign solicited and accepted excessive contributions in circumvention of the law establishing limits on individual contributions to a candidate's campaign.[1]

2. **The Responses (MURs 3620 and 3617)**

Broadly stated, the Respondents deny that the tallied contributions were earmarked because they were not "passed through" to the designated candidate. They argue that the designation for a candidate's tally sheet did not restrict the DSCC's discretion to determine where its money could be expended.

a. **The DSCC**

The DSCC explains that the "Tally Sheet" is an accounting process established to allow the DSCC to keep track of the amount of money raised for the DSCC by a particular candidate. (Attachment A-3, p. 1.) That total is then taken into

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1. The complainant also sought an injunction preventing the DSCC from spending funds contributed for the "Feinstein tally." The Commission voted to deny the requested relief on October 27, 1992.

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consideration as one of several factors used when the DSCC makes funding decisions for the coordinated party expenditures authorized by 2 U.S.C. § 441a(d). According to the DSCC, tallied contributions are not segregated from other funds. All tallied contributions (and all other contributions) are deposited into the DSCC's general bank accounts and used entirely at the DSCC's discretion. Furthermore, the DSCC states that money tallied for a specific candidate is neither "passed through" to the candidate, nor spent on a dollar-for-dollar exchange for the amount raised by a candidate. On the contrary, it submits that its express policy is to refuse earmarked donations. When it receives a donation that appears to be earmarked, the DSCC sends a form letter intended to clarify the contributor's intent. In support, the DSCC attached two sample form letters. Apart from the fact that the form letters refer to different candidates, the text in the letters is identical. One reads, in part:

> Thank you for your contribution to the Democratic Senatorial Campaign Committee. . . .
>
> On the check you designate the contribution to Dianne Feinstein. We assume that you intend the "tallying" or crediting of the contribution to Dianne Feinstein, which will be taken into account by DSCC in allocating funds in support of his [sic] re-election. Contributions "tallied" to a Senator are a significant factor in the Committee's allocation decisions.
>
> We note that the amount to be allocated is decided by the DSCC within its discretion. For this reason the DSCC does not treat a contribution such as yours as "earmarked" and does not accept earmarked contributions.
>
> If you have a different expectation about the uses of this contribution, we will promptly refund it to you at your request. Please advise if this is the case.
>
> If you have any questions, please do not hesitate to contact me at (phone number). I appreciate your

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cooperation in this matter.

Sincere thanks,

(signed)
Grace M. Coyle
Finance Assistant

(Attachment A-3, p. 7.)

According to the DSCC, tallied funds deposited into DSCC accounts are used for any of the DSCC's most pressing expenses, such as administrative expenses or 441a(d) expenditures on behalf of another candidate. The DSCC proffers that there have been candidates who raised large amounts of money for the DSCC, but received little or no 441a(d) funding in return (such as a barely challenged incumbent Senator). (Attachment A-3, p. 2.) In other cases, some candidates who raised little or no money for the DSCC received full funding under the limits established for coordinated party expenditures. (Id.)

The DSCC further proffers that it considers a variety of factors in determining which candidates will receive 441a(d) funding. It looks at:

-- Whether the race is winnable;

-- Whether the candidate has a serious challenger;

-- Whether the candidate has been successful in raising funds for his or her own campaign;

-- Whether the candidate has assisted the DSCC in its fundraising efforts;

-- Whether the DSCC has more pressing expenditures that must be made. (Id. at 2-3.)

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According to the DSCC, these criteria have been repeatedly emphasized to contributors and candidates. It contends that, "the significance of the tally, in short, is its role as an incentive to its candidates to support its fundraising efforts." (Id. at 3.)

Next, the DSCC argues that to view the tally system as earmarking would significantly weaken the national party's role as a source of funding for its candidates. It emphasizes the special spending authority, far in excess of the limits applicable to contributions from individuals, conferred on national party committees by section 441a(d). In 1992 in California, for example, the coordinated expenditure limits for National and State party committees for Senate candidates were approximately $1.2 million each.[2] The DSCC argues that it cannot reasonably be expected to raise millions of dollars without the assistance of the Senate candidates it is authorized to fund.

The DSCC further contends that the National Republican Senatorial Committee engages in the same type of fundraising practice challenged in the complaints. (Id. at 3, n.1.) As evidence, it submits a solicitation dated October 9, 1992, from Republican Senate candidate Paul Coverdell. The solicitation reads, in part:

> I tried to contact you by phone to update you on our campaign to unseat Democrat Senator Wyche Fowler of Georgia.
>
> A recent poll by the Senatorial Committee indicates that Fowler is extremely vulnerable in this anti-incumbent election year. . . .

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2. FEC Record, Volume 18, Number 3 (March, 1992) at 4.

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* * *

> This has led to the Senatorial Committee fully funding the race and putting over $500,000 into the campaign for television. We are trying to double our budget for television and you can make a difference. Please give me a call at [phone number].
>
> If you can allocate any amount of your Senatorial Trust funds to our campaign, or have some other means of contributing, it could be the difference in our efforts to retire one of the Senate's most liberal members.
>
> _____
>
> _____ I want to allocate _____ through the Senatorial Trust towards Paul's campaign.
>
> _____ I want to pledge a contribution of _____.
>
> _____ I would like to speak to Paul about his campaign. Please call my office to schedule a phone conversation.

(Attachment A-3, p. 9.) There is nothing in the record which explains the specific nature of the "Senatorial Trust." Based on the Coverdell solicitation and the response portion in particular, it appears that it may be similar to the DSCC's tally program.

Finally, the DSCC cites MUR 377 (1977), which raised issues similar to those presented here. In that case, it was alleged that contributions made to a state party committee for the purpose of assisting a former Senator in retiring his campaign debts were earmarked. The Commission found "no probable cause to believe" that the state party committee or the candidate's committee committed the alleged violations, and it directed this Office to draft appropriate regulations governing the applicability of the earmarking statute to section 441a(d) expenditures. It appears,

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however, that a rulemaking proceeding was never completed. In the instant cases, the DSCC urges that if the Commission wishes to address this question, a rulemaking -- not an enforcement action -- is the appropriate forum.[3]

b. **The Feinstein Campaign**

In its response, the Feinstein campaign makes many of the same points set forth by the DSCC. It, too, maintains that tallied contributions are "not restricted or directed for use on behalf of any particular candidate." (Attachment A-4, p. 3.) Furthermore, the Feinstein campaign points out that there is nothing in the record which suggests that tallied contributions were either designated for expenditure on the Feinstein campaign or spent on her campaign's behalf. On the contrary, the campaign submits that the DSCC retains absolute discretion to determine how the funds are spent. It also notes the "unique spending authority" conferred on the national party committees under section 441a(d), and it points out that coordinated party

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3. Of significance here, in two cases after MUR 377, the Commission found that contributions made to a state party committee and subsequently expended by the party committee on the designated candidate were earmarked. See MUR 752 (1978) (contributions found to be earmarked when the date and amount of a contribution by a non-profit corporation whose avowed purpose was to raise funds for a particular Senate candidate coincided almost exactly with the date and amount of the coordinated party expenditures made by the State committee on behalf of that candidate); and MUR 2632 (1990) ($2,500 contribution to a State party committee found to be earmarked when the cover letter enclosing the check stated that the contribution was to "help in the election of John Evans to the United States Senate" and when upon receipt of the contribution, the State party committee expended more than $12,000 on behalf of candidate John Evans for an "election day mailgram," and made other expenditures which appeared to relate to get-out-the vote activities on behalf of Evans).

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expenditures are not considered contributions to a candidate's campaign. Furthermore, it argues, there is no restriction in the Act limiting the candidate's ability to raise funds for party activities. In conclusion, the Feinstein campaign proffers that no earmarked contributions were "solicited, received or passed on to the Feinstein Committee by the DSCC . . . . The [Feinstein] Committee received no commitment from the DSCC that any funds raised by the Committee for the DSCC would be spent on behalf of the Committee." (Id. at 5.)

c. **The Sanford Campaign**

The Sanford campaign incorporates the arguments presented by the DSCC. (Attachment A-5, p. 1.) In addition, it proffers that the Sanford campaign understood that the DSCC does not accept earmarked contributions, and "has never expected that funds raised by the Sanford Committee for the benefit of the DSCC would pass through the DSCC back to the Sanford Committee." (Id. at 2.) Furthermore, it submits that,

> The DSCC has always asserted its decision making authority with respect to funds in its treasury, and candidate committees have never been led to believe [by the DSCC] that they could control DSCC allocations of § 441a(d) money by their fund raising efforts in behalf of the DSCC. Indeed, Democratic Senate candidates recognize that the prospects for success in races around the country should be determinative of DSCC decisions to expend DSCC funds.

(Id. at 2-3.) Finally, the Sanford campaign notes that its solicitation states that the "DSCC may accept money above and beyond what a candidate raises." This language, it argues, does not suggest to contributors that donations to the DSCC will be passed through to the Sanford campaign.

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d. **The Yeakel Campaign**

The Yeakel campaign also adopts the facts and arguments set forth by the DSCC. (Attachment A-6, p. 1.) Furthermore, it argues, none of the facts set forth in the complaint supports a finding that the Yeakel campaign committed any of the alleged violations. It notes that the invitation which allegedly supports the claims against Yeakel is for a dinner "honoring Lynn Yeakel." The invitation plainly states that it is "Authorized and paid for by the Democratic Senatorial Campaign Committee" and the reply envelope is addressed to the DSCC. Nothing in any of the materials proffered by the complainant indicates that any of the communications at issue are attributable to the Yeakel campaign. In conclusion, it submits that:

> If the Commission were to determine that the mere presence of a candidate at an event sponsored by a party committee could be the basis of enforcement action against either that party committee or the individual candidate's authorized committee, such a determination would place in doubt literally tens of millions of contribution dollars raised by both major parties in the 1992 general election cycle.

(Id. at 2.)

3. **MUR 3658**

Finally, the third complaint, also filed by the NRSC, alleges that the Abrams '92 Committee (the "Abrams campaign") accepted excessive contributions in the form of coordinated party expenditures (MUR 3658) (Attachment C-1).[4] In support of this

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4. A fourth related complaint from the National Republican Senatorial Committee, making similar allegations against the Steve Lewis for U.S. Senate Committee, was closed by the Commission on December 9, 1993, on the ground that it involved a small amount of money (MUR 3653).

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allegation, it submitted some of the same DSCC documents attached to the complaint in MUR 3620. In addition, the complainant attached a newspaper article from the Albany Times-Union written during the New York Senate race. (The date is not specified.) (Attachment C-1, p. 5.) According to the article, Abrams' opponent, Alfonse D'Amato, claimed that Abrams encouraged his backers to evade contribution limits by earmarking their donations to the DSCC. Specifically, the article reports, D'Amato questioned whether Abrams urged his maxed-out contributors to send more money to the DSCC with the understanding that the funds would go to Abrams. Abrams' chief fundraiser is quoted as saying that a contribution to a party's national committee is "a legitimate device for the supporters of a Senate campaign." (Id.) Moreover, a DSCC spokesperson denied that the money in question was earmarked. He explained that information concerning a donor's preferred candidate is used as a "secondary consideration" in allocating funds. (Id.)

The NRSC supplemented its complaint with a second Albany Times-Union article dated October 29, 1992, in which some of Abrams' donors acknowledged that they made donations to the DSCC with "either the understanding or expectation that their money would be then sent to Abrams." (Attachment C-2, p. 2.) Specifically, one of Abrams' maxed-out supporters, Fred Hochberg, who gave $4,000 to the DSCC, is quoted as saying, "It was simply a way I could support more completely [Abrams'] efforts." (Id.) The article further reads:

> Asked why he expected that his contribution would go to Abrams, Hochberg said he was "told that you can

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> give to Abrams and to the [DSCC] and ask that they can [sic] tally that money for a particular candidate."
>
> Hochberg said he was informed of the practice in conversations with representatives of Abrams' campaign and the [DSCC]. "They said I could leave it to the [DSCC's] discretion or 'tally it.' That's the term they used."
>
> "You simply tell them to tally it for Bob Abrams . . . or any particular race you want the funds to be used for," Hochberg said.
>
> Another maxed-out Abrams donor, Ronald Stanton, gave the committee $20,000 -- the legal limit -- just a week after the September primary. "I gave with the full expectation that the money would go to help [Abrams]," said Stanton, chief executive officer of Transamonia Co., a chemical shipping and trading firm in Manhattan.
>
> Asked how he had that expectation, Stanton said, "Well, I've been involved in other campaigns and that's just the way things seem to work." He said he did not specifically ask the committee to earmark his $20,000 to Abrams, but it is clear that the committee knows he supports Abrams. "I think it was a given," he said, declining to elaborate.

(Id. at 3.)

A third Abrams supporter reportedly stated that he contributed to the DSCC with the "specific understanding" that his donation would be used to help Abrams:

> "I was advised by the Abrams people," the donor said. The [DSCC] knew the donor was an Abrams backer because he wrote the check out to the [DSCC], then handed it over to the Abrams campaign, which in turn mailed his check and others to the [DSCC] -- a procedure Abrams fund-raisers have already acknowledged they use.
>
> * * *
>
> Since the primary, according to federal records, more than $450,000 was given to the DSCC by Abrams' deep-pocket backers. The DSCC, in turn, gave Abrams about $700,000.

In the article, Abrams' campaign manager denied any earmarking. "They said the [DSCC] keeps track of a donor's address and preferred candidate but no one can specifically tell the [DSCC] how to spend its money. Chief among considerations is

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how close a race is and whether the Democratic candidate can win." Finally, at least one Abrams donor stated that he knew there was "no guarantee" that his contribution to the DSCC would end up with Abrams.

> "I assumed that the [DSCC] is going to be helpful to all Senate candidates, including Bob [Abrams]. It is my hope and expectation that they will use some of those funds for Bob," said Steven Kumble, chairman of Lincolnshire Management, a Manhattan investment firm, who gave the committee $7,500 on Sept. 30.

(Id.)

Based on the DSCC's solicitations, and in light of the statements quoted in these articles, the complainant alleges that the Abrams campaign accepted excessive contributions and urged its individual contributors to evade the statutory limit on contributions to a candidate's committee.

4. **The Abrams Campaign's Response (MUR 3658)**

The Abrams campaign submits that campaign fundraisers informed potential contributors that donations to the DSCC "would not necessarily be used to help Abrams." (Attachment C-3, p. 2.) It argues that the quotation from Abrams' chief fundraiser in the Albany Times-Union article that the DSCC would "typically credit" tallied contributions to a candidate's campaign is consistent with the purpose of the tally system and suggests no violation of the Act. Moreover, the campaign stresses that simply because contributions were credited to the Abrams campaign does not mean that the credited funds were spent on Abrams' behalf. "Crediting is one thing, spending is another." (Id.)

In support of its position, the Abrams campaign submits the

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sworn affidavit of the campaign's Finance Director, Mary Beth Pearlberg. (Attachment C-4.) In her affidavit, Pearlberg declares that, as Finance Director, she conducted or supervised the raising of campaign contributions. She informed solicitees that in addition to making a contribution to the campaign, they could give to the DSCC. She advised them, however, that contributions to the DSCC would not necessarily be used to help the Abrams campaign, but could be spent on behalf of many Democratic Senate candidates. Id. at ¶4. She also informed solicitees that if the DSCC chose to make expenditures on behalf of Abrams, the money would most likely be spent on television and radio advertising. Id. at ¶5.

Pearlberg further declares that she informed those who chose to contribute to the DSCC to notify the DSCC that they supported Abrams, so the DSCC would list the contributions on Abrams' tally. Id. at ¶6. She also informed solicitees that contributions to the DSCC could not be earmarked for use on behalf of the Abrams campaign. Id. at ¶7. Moreover, she declares that the DSCC advised her that the total contributions tallied to Abrams would be one of many factors considered when the DSCC made its spending decisions. Id. at ¶9. Finally, Pearlberg proffers that the DSCC informed her that it does not accept earmarked contributions. Id. at ¶11.

C. Discussion

Each of the Respondents will be discussed in turn, beginning with the Yeakel campaign. As discussed below, the evidence submitted with the complaint does not support a finding that the

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Yeakel campaign either participated in the tally system or committed the violations as alleged. With respect to the other Respondents, however, the available evidence supports a reason to believe finding that the requests for "tallied" contributions were, in fact, solicitations for earmarked contributions. Correspondingly, it also supports a reason to believe finding that contributors who responded to the solicitations intended that their tallied contributions be earmarked for the designated candidate. Therefore, the contributions should have been treated as earmarked, viz. forwarded to the recipient candidate committees within 10 days, reported as earmarked by the conduit and the recipient, and applied to each contributor's per-candidate limit.[5]

1. **The Yeakel Campaign**

The evidence presented does not support the allegation that the Yeakel for Senate Committee participated in the tally program. The only evidence relating to the Yeakel campaign is a DSCC invitation to a dinner "honoring" Lynn Yeakel. There is no indication that the campaign participated in the tally program, and there are no facts in this record which suggest that Yeakel accepted excessive contributions. Neither the invitation nor the reply card even mentions the tally program. Indeed, the invitation in question demonstrates nothing more than that Yeakel was honored at the dinner. As her campaign argues, nothing in the Act prohibits the attendance of a candidate at an event sponsored by a national party committee. Because the evidence provided in

5. See 2 U.S.C. § 441a(a)(8); and 11 C.F.R. §§ 110.6(b)(2)(iii), 102.8, and 110.6(c)(2).

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the complaint does not support the allegations against this Respondent, there is no reason to believe that the Yeakel campaign violated the Act, as alleged.

2. **The DSCC and the Feinstein, Sanford & Abrams Campaigns**

It appears that there is reason to believe, however, that the other Respondents committed one or more violations. Specifically, the information disseminated by the DSCC and the plain language of the candidate's solicitations suggest that the solicitations for "tallied" contributions were, in fact, requests for earmarked contributions. Therefore, it appears that contributors who made "tallied" contributions designated for the Feinstein, Sanford, and Abrams campaigns intended that their tallied contributions be earmarked for the designated candidate. To illustrate, in the invitation to meet Senator Bentsen, the Feinstein campaign states,

> For those of you who have already maxed out to my campaign, the DSCC tally is an avenue through which you can offer more support.

(Attachment A-1, p. 12.) The Feinstein campaign's other solicitation states that,

> As an individual, you can contribute up to $1,000 directly to the 'Feinstein for Senate' Committee. Contributions in excess of $1,000 must be made payable to the 'Democratic Senatorial Campaign Committee' and marked 'Feinstein Tally.' The DSCC is the mechanism for U.S. Senate Candidates to receive their allocation from the Democratic party and Dianne is eligible to receive $2.5 million from this committee.

(Attachment B-2, p. 5) (emphasis added).

The phrasing of these solicitations can be fairly read to state that contributions to the DSCC may be designated for the

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Feinstein campaign. The first states that the DSCC tally is an avenue through which maxed-out donors can "offer more support," strongly implying that the "support" will be given to the Feinstein campaign. Even more telling is the statement in the second solicitation that, "Contributions in excess of $1,000 must be made payable to the Democratic Senatorial Campaign Committee." It appears that a contributor would reasonably interpret this to mean that if he or she wishes to contribute more than $1,000 to the Feinstein campaign, the donor need only make the check payable to the DSCC and designate the Feinstein tally.

There is nothing in the record which establishes whether an explanation of the tally system was provided with the solicitations in question. Even if one was, the explanation may not have negated the suggestion of earmarking. Specifically, the DSCC's memorandum explaining the tally system states that:

> This is a way for a donor to indicate their candidate preference(s) and <u>how they [sic] would like their DSCC contribution distributed</u>. Financial support to Senate candidates is determined by the Senators who comprise the allocation Committee of the DSCC. A candidate's "tallied" contributions are a key criterion considered in the Committee's allocation decisions.

(Attachment A-1, p. 8) (emphasis added).

While this paragraph explains that tallied contributions are one key criterion on which the DSCC's allocation decisions are based, it also states that the tally system is a method through which donors can indicate how "they would like their DSCC contribution distributed." This at least gives the impression that donors can designate the ultimate recipient of a contribution.

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The DSCC's invitation to the Campaign Countdown is even more explicit:

> The Campaign Countdown is designed for a Senate campaign's max-out donors and top contributors who are interested in further supporting their candidates through the DSCC's tally system. . . . The program is designed for donors who would like to tally $10,000 or more in new money to their preferred Senate candidate(s). . . .

(Attachment A-1, p. 5) (emphasis added). Bearing in mind that this invitation was sent to contributors, it appears that the invitees could reasonably conclude that the "new money" referred to would be "new" or additional money to the designated candidate.

The solicitation from the Terry Sanford campaign also suggests that a tallied donation will be directed to the candidate: "The DSCC may accept money above and beyond what a candidate raises. If you have given your personal maximum to a candidate, you may still give additional monies to the DSCC. Individuals may give a total of $20,000 to the DSCC . . . ." It goes on to state that, "The DSCC will help the Sanford campaign according to need, winability [sic] and our tally sheet total. Terry Sanford's race will be close: the tally sheet will be of vital importance." (Attachment A-1, p. 14) (emphasis in original).

As partial support for the Sanford campaign's position that it did not represent that donors had any control over the expenditure of tallied contributions, this solicitation lists several factors on which the DSCC bases its funding decisions. Furthermore, the response card states, "Yes, I would like to do my part to keep Terry Sanford and Democrats like him in the U.S.

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Senate." (Attachment A-2, p. 3) (emphasis added). Nonetheless, the statement that the DSCC will help the Sanford campaign according to "our tally sheet total" suggests that some, if not all, of the tallied contributions will be given to the Sanford campaign.[6]

In addition, the reported statements from some of the Abrams contributors, although purely anecdotal, may offer some insight into some donors' intentions and understanding. Although one donor reportedly declared that he assumed that his donation to the DSCC would help all Democratic Senate candidates, (Attachment C-2, p. 3), three others reportedly said that they believed that their donations would be used for the Abrams campaign. One allegedly said that, "You simply tell [the DSCC] to tally it for Bob Abrams . . . or any particular race you want the funds to be used for." Another donor is quoted as saying, "I gave with the full expectation that the money would go to help [Abrams]." Finally, a third contributor reportedly stated that he had the specific understanding that his donation would be used to help Abrams because "I was advised by the Abrams people." Id. at 2-3. If these statements are accurate, they add further evidence that at least some of the individuals who made contributions to the DSCC for Abrams' tally account did intend

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6. A contribution is still earmarked even if the contributor's designation results in only part of the contribution being passed through. 11 C.F.R. § 110.6(b)(1) (defining "earmarked" as a designation or encumbrance, whether express or implied, which results in "all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee") (emphasis added).

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to earmark their contributions.

In summary, the evidence shows that the DSCC's tally system targeted a candidate's "maxed-out" contributors. Furthermore, apart from the invitation concerning Lynn Yeakel, all of the solicitations in these cases at least suggest that a tallied contribution will be used to help the designated candidate. Under these circumstances, it appears that contributors who made tallied contributions in response to the solicitations from the candidates and from the DSCC could reasonably intend and expect that a tallied contribution would be used to support the designated candidate. Indeed, the published statements from some of Abrams' supporters bolster this conclusion.

Consequently, it appears that donors who made a contribution to the DSCC that was tallied for a particular candidate intended at least an "implied encumbrance" within the meaning of the earmarking regulation, 11 C.F.R. § 110.6(b)(1). Correspondingly, it appears that the DSCC was the intended intermediary or conduit of the earmarked contributions within the meaning of 11 C.F.R. § 110.6(b)(2). In addition, 11 C.F.R. § 110.1(h) governing "contributions to committees supporting the same candidate" may also be implicated.

Furthermore, the DSCC's letter to contributors purportedly refusing earmarked donations does not refute the finding that the contributors intended that their tallied contributions be earmarked, nor does it properly "correct" such an intention. An example of the form letter reads, in pertinent part:

> On the check you designate the contribution to Dianne Feinstein. We assume that you intend the

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> "tallying" or crediting of the contribution to Dianne Feinstein, which will be taken into account by DSCC in allocating funds in support of [her] re-election. . . .
>
> [T]he DSCC does not treat a contribution such as yours as "earmarked" and does not accept earmarked contributions.
>
> If you have a different expectation about the uses of this contribution, we will promptly refund it to you at your request. Please advise if this is the case.

(Attachment A-3, p. 7.)

First, this letter puts the onus on the contributor by requiring that the contributor take the affirmative step of contacting the DSCC if he or she has "a different expectation" about the uses of the contribution. It can be expected that many contributors would simply not bother to exert the effort to obtain a refund. Moreover, this letter is less than clear; it recognizes the previous designation and, to the extent it contradicts the candidate's solicitation, it does so only if the reader understands the DSCC's proposed distinction between "earmarking" and "designation." Despite the DSCC's proffer that its policy is to refuse earmarked contributions, at this stage of the proceedings, it still appears that sending a contribution that is "tallied" for a specific candidate to the DSCC constitutes earmarking.

Because it appears that in response to these solicitations the contributors earmarked their "tallied" contributions, there is reason to believe that the Respondents violated several provisions of the Act and the regulations. First, assuming that the tallied contributions were not "passed through" to the designated candidate, as the DSCC contends, it appears that that the DSCC

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failed to forward earmarked contributions to the candidate or candidate committee within the 10-day time period prescribed by 11 C.F.R. §§ 102.8 and 110.6(b)(2)(iii) and failed to report them in accordance with 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c)(1).

On the other hand, if the tallied contributions were "passed through" to the candidates in the form of coordinated party expenditures, as the complainants allege, it appears that the DSCC failed to report the source of the contributions and the intended recipient to the Federal Election Commission and to the intended recipient, as required by 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c)(1).

Furthermore, assuming that the contributions were "passed through," it also appears that the recipient candidate committees failed to report the earmarked contributions and that the DSCC acted as a conduit for earmarked contributions, as required by 11 C.F.R. § 110.6(c)(2). In addition, to the extent such contributions came from either: (1) a donor whose tallied contribution(s) to the DSCC exceeded the statutory maximum for an individual's contributions to a candidate's campaign; or (2) a donor who had already made the maximum contribution to the designated candidate's campaign, it also appears that the candidate committees accepted excessive contributions in violation of 2 U.S.C. § 441a(f).

Finally, it appears that certain individual contributors may have exceeded the contribution limit by contributing to a candidate's campaign and to the DSCC with the knowledge that a

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substantial portion of the "tallied" contribution to the DSCC would be expended on the same candidate's campaign, in violation of 2 U.S.C. § 441a(a)(1)(A). See also 11 C.F.R. §§ 110.1(h); 110.6(a).

3. The NRSC and the Coverdell Campaign

Much of the same reasoning discussed above applies to donors who responded to the Coverdell solicitation by making contributions to the NRSC's "Senatorial Trust" that were "allocated" for the Coverdell campaign. The phrasing of the solicitation from the Coverdell campaign not only implies that the campaign was soliciting earmarked contributions, but specifically that the contributions would be used for the campaign's television budget. It states, "If you can allocate any amount of your Senatorial Trust funds to our campaign, or have some other means of contributing, it could be the difference in our efforts to retire one of the Senate's most liberal members." (Attachment A-3, p. 9.) It goes on to say that signs of his opponent's vulnerability have "led to the Senatorial Committee fully funding the race and putting over $500,000 into the campaign for television. We are trying to double our budget for television and you can make a difference. . . ." Id.

Furthermore, the response portion includes a section for the contributor to check off which reads "I want to allocate _____ through the Senatorial Trust towards Paul's campaign." Id. This language, in particular, gives rise to the inference that "allocated" donations would be channeled through the Senatorial Trust specifically to the Coverdell campaign. Thus, it appears

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that an individual who made an "allocated" contribution in response to this request could reasonably intend and expect that the contribution would be used for Coverdell's campaign generally, and his television budget specifically. For this reason, it appears that contributors who made "allocated" contributions to Coverdell's campaign through the NRSC's Senatorial Trust earmarked those contributions. In addition, it appears that the NRSC treated such contributions as earmarked. A review of disclosure reports and Commission indices indicates that the NRSC properly forwarded and reported earmarked contributions made to the Coverdell campaign, both before and after the October 9, 1992, solicitation.

A review of the Coverdell campaign's disclosure reports, however, shows that it failed to report the contributions as earmarked and that the NRSC acted as a conduit for the earmarked contributions, in violation of 11 C.F.R. § 110.6(c)(2). Instead, the Coverdell campaign reports the contributions as coming directly from the individual contributors. In addition, one donor's allocated contributions to the NRSC exceeded the limit for an individual's contributions to a designated candidate. Consequently, it appears that the Coverdell campaign accepted one excessive contribution, in violation of 2 U.S.C. § 441a(f). Because the excessive portion of this contribution totals only $500, this Office makes no recommendation against the Coverdell

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campaign regarding a violation of 2 U.S.C. § 441a(f).

4. **The Individual Contributors to the DSCC**

This Office does not know the identities of the individuals who may have made contributions to the candidates' committees that apparently exceeded the statutory limit. Nor are we recommending that the Commission pursue the individual contributors at this stage of the proceedings. Following an investigation, however, it may appear that individuals who contributed to a candidate's campaign and also made a tallied contribution to the DSCC designated for that same candidate violated 2 U.S.C. § 441a(a)(1)(A), which governs excessive contributions to a candidate.

Based on the plain language of the solicitations here -- and bearing in mind the reported comments of certain Abrams' supporters -- it appears that people who made tallied contributions "knew" that a substantial portion of their contributions would be expended on the designated candidate. See 11 C.F.R. § 110.1(h)(2). Thus, if it turns out that an individual who made the maximum allowable contribution to a candidate also made a tallied contribution to the DSCC designated for that same candidate, there may be reason to believe that the contributor made excessive contributions in violation of 2 U.S.C. § 441a(a)(1)(A). As the investigation progresses, this Office may

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make recommendations to the Commission concerning the individual contributors.

III. CONCLUSION

Based on the available record, it appears that contributors who responded to the candidates' solicitations and made "tallied" contributions to the DSCC on behalf of those candidates made earmarked contributions. Accordingly, it appears that the DSCC either: (1) failed to forward earmarked contributions within the applicable 10-day time limit, as set forth in 11 C.F.R. §§ 102.8 and 110.6(b)(2)(iii), and failed to report the original source and intended recipient to the Commission and to the intended recipient, as required by 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c)(1); or (2) if the contributions in question were passed through to the candidates in the form of coordinated party expenditures, that the DSCC failed to report the source of the contributions and the intended recipient to the Commission and to the intended recipient, in accordance with 2 U.S.C. § 441a(a)(8) and 11 C.F.R. § 110.6(c)(1). Consequently, this Office recommends that the Commission find that there is reason to believe that the DSCC violated 2 U.S.C. § 441a(a)(8) and 11 C.F.R. §§ 110.6(c)(1), 110.6(b)(2)(iii), and 102.8.

Furthermore, assuming that the DSCC passed through the contributions in question, it appears that: (1) the Feinstein, Sanford, and Abrams campaigns failed to report the contributions as earmarked and to report the DSCC as the intermediary or conduit

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who forwarded earmarked contributions, as required by 11 C.F.R. § 110.6(c)(2); and (2) these Respondents accepted excessive contributions from either donors whose contributions to the DSCC exceeded the statutory maximum for an individual's contribution to a candidate's campaign and/or donors who had already made the maximum allowable contribution to the candidate's campaign, in violation of 2 U.S.C. § 441a(f). Accordingly, this Office recommends that the Commission find that there is reason to believe that the Feinstein, Sanford and Abrams campaigns violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).

In addition, the Coverdell campaign failed to report the contributions as earmarked and the NRSC as the intermediary or conduit who forwarded earmarked contributions, as required by 11 C.F.R. § 110.6(c)(2). Accordingly, based on information ascertained by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities, this Office recommends that the Commission find that there is reason to believe the Coverdell campaign violated 11 C.F.R. § 110.6(c)(2).

Next, based on the allegations of the complaint, it does not appear that the Yeakel for Senate Committee violated the Act, as alleged. Therefore, this Office recommends that the Commission find that there is no reason to believe that the Yeakel campaign violated 2 U.S.C. § 441a(f) or any other applicable section of the Act. Finally, because of the overlapping issues involving the DSCC in these three matters, this Office recommends that MUR 3617 and MUR 3658 be merged into MUR 3620.

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IV. DISCOVERY

It appears that a further investigation is warranted in order to discover how the DSCC handles "tallied" contributions, and whether the individual Senate candidates were advised, either expressly or by implication, that tallied contributions would be expended on behalf of the designated candidate's campaign. The investigation will explore the production and distribution of the solicitations at issue; the purpose of the "tally sheet;" how many contributors made tallied contributions in response to the solicitations; the DSCC's criteria for determining the amount of coordinated party expenditures spent on a given candidate's campaign; and whether those criteria differ for candidates who raised tallied contributions from those who did not. Moreover, it will explore what the DSCC told the candidates or the candidates' committees about these programs. In addition, the discovery will investigate why the Coverdell campaign failed to report the contributions as earmarked and what, if anything, the Coverdell campaign was told by the NRSC at the time the earmarked contributions were forwarded to the campaign. To expedite the investigation, this Office recommends that the Commission approve the attached Subpoenas for the Production of Documents and Answers to Interrogatories.

IV. RECOMMENDATIONS

A. MUR 3617:

1. Merge this matter into MUR 3620, and hereafter refer to this matter as MUR 3620.

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B. **MUR 3658**:

1. Merge this matter into MUR 3620, and hereafter refer to this matter as MUR 3620.

C. **MUR 3620**:

1. Find reason to believe that the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. § 441a(a)(8); 11 C.F.R. § 110.6(c)(1); 11 C.F.R. § 110.6(b)(2)(iii) and 11 C.F.R. § 102.8.

2. Find reason to believe that the Feinstein for Senate Committee and Michael J. Barrett, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).

3. Find reason to believe that the Sanford for Senate Committee and Alton G. Buck, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).

4. Find reason to believe that the Abrams Committee, f/k/a Abrams '92 Committee, and Lawrence B. Buttenwieser, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).

5. Find no reason to believe, based on the allegations of the complaint, that the Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. § 441a(f) or any other applicable section of the Act and close the file as to these Respondents.

6. Find reason to believe that the Coverdell for Senate Committee and Marvin Smith, as treasurer, violated 11 C.F.R. § 110.6(c)(2).

7. Approve the appropriate letters.

8. Approve the attached Factual and Legal Analyses.

9. Approve the attached Subpoenas for the Production of Documents and Answers to Interrogatories to the Democratic Senato.ial Campaign Committee, the Feinstein for Senate Committee, the Sanford for Senate Committee, the Abrams Committee, f/k/a Abrams '92 Committee, and the Coverdell for Senate Committee.

9/19/94
Date

JM Noble (FK)
Lawrence M. Noble
General Counsel

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Attachments:

A. MUR 3620:
- A-1. Complaint
- A-2. Supplement to Complaint
- A-3. Response of Democratic Senatorial Campaign Committee
- A-4. Response of Feinstein for Senate Committee
- A-5. Response of Sanford for Senate Committee
- A-6. Response of Lynn Yeakel for Senate Committee
- A-7. Proposed Subpoena for the Production of Documents and Answers to Interrogatories to the Democratic Senatorial Campaign Committee.
- A-9. Proposed Subpoena for the Production of Documents and Answers to Interrogatories to the Feinstein for Senate Committee.
- A-10. Proposed Subpoena for the Production of Documents and Answers to Interrogatories to the Sanford for Senate Committee.
- A-11. Proposed Subpoena for the Production of Documents and Answers to Interrogatories to the Abrams Committee.
- A-12. Proposed Subpoena for the Production of Documents and Answers to Interrogatories to the Coverdell for Senate Committee.
- A-13 - A-18. Factual & Legal Analyses

B. MUR 3617:
- B-1. Complaint
- B-2. Supplement to Complaint

C. MUR 3658:
- C-1. Complaint
- C-2. Supplement to Complaint
- C-3. Response of Abrams '92 Committee
- C-4. Affidavit of Mary Beth Pearlberg

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

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

DATE: SEPTEMBER 29, 1994

SUBJECT: MURs 3620, 3617, and 3658 - MEMORANDUM TO THE COMMISSION DATED SEPTEMBER 19, 1994.

The above-captioned document was circulated to the Commission on Tuesday, September 20, 1994 at 11:00.

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	XXX
Commissioner Potter	
Commissioner Thomas	XXX

This matter will be placed on the meeting agenda for Tuesday, October 4, 1994.

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

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MUR 4076

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 3617
Feinstein for Senate Committee and Michael J. Barrett, as treasurer.	)	
	)	
Feinstein for Senate Committee and Michael J. Barrett, as treasurer; Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer; Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer; Sanford for Senate Committee and Alton G. Buck, as treasurer.	)	MUR 3620
	)	
Abrams Committee, f/k/a Abrams '92 Committee and Lawrence B. Buttenwieser, as treasurer.	)	MUR 3658

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on October 4, 1994, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions with respect to MURS 3617, 3620, and 3658:

A. MUR 3617: Merge this matter into MUR 3620, and hereafter refer to this matter as MUR 3620.

B. MUR 3658: Merge this matter into MUR 3620, and hereafter refer to this matter as MUR 3620.

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C. MUR 3620:

1. Find reason to believe that the Democratic Senatorial Campaign Committee and Donald J. Foley, as treasurer, violated 2 U.S.C. § 441a(a)(8) 11 C.F.R. § 110.6 (c)(1); 11 C.F.R. § 110.6(b)(2) (iii) and 11 C.F.R. § 102.8.

2. Find reason to believe that the Feinstein for Senate Committee and Michael J. Barrett, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6 (c)(2).

3. Find reason to believe that the Sanford for Senate Committee and Alton G. Buck, as treasurer, violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 110.6(c)(2).

4. Find reason to believe that the Abrams Committee, f/k/a Abrams '92 Committee, and Lawrence B. Buttenwieser, as treasurer, violated 2 U.S.C. 441a(f) and 11 C.F.R. § 110.6(c)(2).

5. Find no reason to believe, based on the allegations of the complaint, that the Yeakel for Senate Committee and Sidney D. Rosenblatt, as treasurer, violated 2 U.S.C. § 441a(f) or any other applicable section of the Act and close the file as to these Respondents.

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6. Open a MUR and find reason to believe that the Coverdell for Senate Committee and Marvin Smith, as treasurer, violated 11 C.F.R. § 110.6(c)(2).

7. Approve appropriate letters pursuant to the actions taken in these matters and the Commission discussion.

8. Approve the Factual and Legal Analyses attached to the General Counsel's September 19, 1994 report subject to the revisions agreed upon during the meeting discussion.

9. Approve the Subpoenas for the Production of Documents and Answers to Interrogatories to the Democratic Senatorial Campaign Committee, the Feinstein for Senate Committee, the Sanford for Senate Committee, the Abrams Committee, f/k/a Abrams '92 Committee, and the Coverdell for Senate Committee, as recommended in the General Counsel's September 19, 1994 report

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

Attest:

10-5-94
Date

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

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