



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 442

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN SES

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
Nov 14 12 20 PM '94

MUR 4142

Thomas McCarthy
P.O. Box 5063
Bay Shore, New York 11703
(516) 666-2511

November 11, 1994

Mary Taksar
Attorney, Central Enforcement Docket
Federal Election Commission
999 E Street, N. W.
Washington, DC 20463

RE: Manfre for Congress P. O. Box 48 Babylon NY 11702
F. E. C. ID # 164740 House ID
Matter # MUR 4087

Dear Ms. Taksar:

The purpose of this letter is to bring additional matters to your attention relative to the above-referenced campaign committee, and to file a third, and separate complaint against such committee.

1. I am enclosing a flyer distributed by the Manfre campaign, as exhibit "A". This flyer was distributed directly out of the Manfre for Congress campaign headquarters located at 146 West Main street, Bayshore, N.Y. The flyer specifically advocates the defeat of a particular candidate, i.e. congressman Rick Lazio, as well as the election of candidate James Manfre. The flyer contains no disclaimer or other language identifying the source of the material, or the party who paid to print and distribute the material.

2. Further, as of today's date, the Manfre Campaign has refused to file its pre-election report, which was due on October 27. In light of the continuing pattern of refusal to file/late filing demonstrated by the committee, this appears to constitute willful failure to file

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3. As an additional and separate matter, I am enclosing true and correct copies of a newspaper advertisement that was run in the November 2 edition of the weekly Newspaper "Suffolk Life". The ad is attached as exhibit "B". Although the ad states that it was paid for by "USWA" (United we stand America), it was not. United we stand America, through it's New York State representative, Mr. Jim Bigelow, has issued the enclosed news release indicating that the organizaion did not authorize nor pay for the ad. The press release is attached hereto as exhibit "C".

It is clear from the context of the ad that Mr. Manfre cooperated, authorized, and took part in the placement of the ad. There has been no reporting of any such campaign contribution, or in-kind contribution relative to this ad. Furthermore, we respectfully ask that the F.E.C. investigate the circumstances of the alleged misappropriation of the USWA name, and misleading the public by indicating that (a), Jim Manfre is a member of USWA, and, (b), that the ad was paid for by USWA. Further, if the ad was paid for by USWA, then it is a clear violation of USWA's charter, as the reference to Mr. Manfre's location on the ballot is an endorsement of his candidacy.

4. Further, the Manfre Campaign operates a campaign Headquarters out of 146 W. Main Street, in Bay Shore, New York. The campaign headquarters is fully stocked with the following items

1. 1 free-standing photocoppy machine
2. 1 19 inch (apparently) color TV set
3. 2 touchtone telephones
4. 1 metal desk
5. 1 wooden desk
6. 4 folding long tables
7. 1 cherry oak long conference table
8. 6 cherry oak chairs
9. 1 sofa
10. 1 desk chair
11. 1 white wooden chair
12. 1 portable radio
12. 1 computer with printer

None of this equipment has been reported, either as expenditures or in-kind contributions

As a final matter, the Manfre Campaign has never reported one telephone bill, light or power bill, debts in these regards, expenditures, or in-kind contributions. In fact, the campaign committee has never reported any in-kind contributions. Upon information and belief, we believe that it is highly likely that the campaign recieved no in-kind contributions

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Conclusion

For all of the reasons stated above, we hereby respectfully ask that the F.E.C. fully investigate and audit the Manfre for congress campaign committee.

Sincerely,


Tom McCarthy

Sworn to and subscribed before me this 11th day of November, 1994

TERRI L. SUCHOPAR
NOTARY PUBLIC, State of New York
No. 01SU5018745, Suffolk County
Commission Expires October 4, 1995



95043693812

DO ANY OF THESE THINGS BOTHER YOU ABOUT INCUMBENT CONGRESSMAN RICK LAZIO?

1. He got \$5 million in federal money for new sand on Fire Island, where he owns one of his five homes.
2. He doesn't own an American-made car.
3. He took PAC money from banks while sitting on the House Banking Committee, a 1992 campaign promise he broke.
4. He told *Newsday* he was in favor of higher interest rates.
5. He takes sole credit for bringing the district a new federal courthouse, a project that existed for years before he became a Congressman.
6. He flip-flopped on the National Crime bill, voting against the bill when pressured by Bob Dole, and then changing his vote when pressured by his re-election challenger Jim Manfre.
7. He comes from a politically-connected family and has close ties to the scandal-filled Islip and Brookhaven political machines.
8. In a recent *Suffolk Life* questionnaire, he refused to answer 40 out of 127 questions on major governmental issues.
9. He has introduced fewer bills than any freshman Congressman.
10. He will spend 10 times what his opponent Jim Manfre will spend to get your vote this Election Day.

**UNHAPPY WITH CONGRESS?
CHANGE YOUR CONGRESSMAN.**

Elect Jim Manfre.

Put a leader back in Congress.

UNITED WE STAND AMERICA PRESENTS ITS NEWEST MEMBERS...

JIM MANFRE
2nd Congressional District Candidate



"I joined because 'UNITED WE STAND AMERICA' has shown a great interest in protecting America's workers! My opponent voted for NAFTA and is receiving support from Sen. Dole who helped DESTROY FAIRCHILD REPUBLIC!"

CARL McCALL
Comptroller



"No other organization in this country has done as much for so many in such a brief span of time to empower and support Independent and Minority voters. I hope to be involved to a greater extent after the elections."

STEVE KRETZ
Judicial Candidate



"What attracted me to 'United We Stand America' is its diligence to check the qualifications of candidates for Judge, with the greatest emphasis on real experience and not POLITICAL CONNECTIONS! What I also liked - its members and contributors do it all PRO BONA! I know the feeling!"

REMEMBER TO VOTE NOVEMBER 8TH - POLLS OPEN 6am - 9pm

You Will Find 2nd C.D. Candidate
JIM MANFRE
on Row "A" (2A) + Row "I" (13I)

You Will Find Comptroller
CARL McCALL
on Row "A" (2A)

You Will Find District Court Candidate
STEVE KRETZ
on Row "A" (16A) + Row "I"
(16I)

ROW I IS FOR "LONG ISLAND FIRST!" - VOLUNTEERS ARE NEEDED TO GET OUT THE VOTE '94.
Please Call or Write "Get Out The Vote '94" 136 N. Carll Ave., Suite 207, Babylon Village, NY 11702-2217 • 422 1362 or 422 2517
Thomas McHugh - Town Coordinator "Get Out The Vote '94" and "UNITED WE STAND AMERICA"

PAID FOR BY UWSA '94



United We Stand America, in New York

New York State Office, 6824 Colonial Road
Brooklyn, NY 11220
718-836-9758

FOR IMMEDIATE RELEASE: November 7, 1994

SUBJECT: False Use Of The Name, United We Stand America

An advertisement was placed in the Suffolk Life Newspapers published on Wednesday November 2, 1994 presenting the erroneous message that United We Stand America, Inc., a non-profit-educational corporation, organized in New York state and in Congressional District 2 to educate its members and the general public on public policy issues, has recently acquired three NY members, Jim Manfre, Carl McCall and Steve Kretz. No record has been found in our Dallas data base of the memberships of Mr. Manfre, Mr. McCall or Mr. Kretz as of 3:00 PM on November 7th.

The elected UWSA Congressional district coordinator, June Hansen, did not authorize this advertisement. No organization in CD-2 has a licensing agreement with United We Stand America, Inc. in New York authorizing it to use the name UWSA in Babylon Village, NY. This advertisement appears to falsely use the properly registered trademark name, United We Stand America, since no one in Babylon Village, New York has executed a licensing agreement with this organization. No one has answered repeated calls to the telephone numbers in this advertisement. Unauthorized use of this trademark name is a possible violation of federal law.

UWSA's recent membership survey released to all media outlets in CD-2 reports that 48.6% of UWSA respondents in CD-2 will vote for Mr. Manfre for Congress. Mr. Lazio can expect at least 39.8% of UWSA voter support. 11.6% were still undecided when ballot survey results were calculated on October 28, 1994. The organization endorses no one for Congress in CD-2. UWSA's survey is intended to inform our members and the general public who we favor most to represent us in 1995 and beyond. In 13 previous off-cycle elections across the United States, this survey's results have been 100% accurate in predicting election results.

For further information Contact: Jim Bigelow - United We Stand America, Inc.
Telephone# 212-219-8746

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 29, 1994

Thomas McCarthy
P.O. Box 5063
Bay Shore, NY 11703

RE: MUR 4142

Dear Mr. McCarthy:

This letter acknowledges receipt on November 14, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4142. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

95043693816



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 29, 1994

James Manfre, Treasurer
Manfre for Congress
84 Washington Avenue
Babylon, NY 11702

RE: MUR 4142

Dear Mr. Manfre:

The Federal Election Commission received a complaint which indicates that Manfre for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4142. Please refer to this number in all future correspondence.

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

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

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

95043693818



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

November 29, 1994

June Hansen
United We Stand America, Inc.
6824 Colonial Road
Brooklyn, NY 11220

RE: MUR 4142

Dear Ms. Hansen:

The Federal Election Commission received a complaint which indicates that United We Stand America, Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4142. Please refer to this number in all future correspondence.

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

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

95043693819

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

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

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

95043693020

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 16 12 17 PM '94

Thomas McCarthy
P.O. Box 5063
Bay Shore, New York 11703
(516) 666-2511

November 12, 1994

Mary Taksar
Attorney, Central Enforcement Docket
Federal Election Commission
999 E Street, N. W.
Washington, DC 20463

RE: Manfre for Congress P. O. Box 48 Babylon NY 11702
F. E. C. ID # 164740 House ID
Matter # MUR ~~4007~~ 4145 + 4142

Dear Ms. Taksar:

Please direct any and all future correspondence in reply to our complaints against the above-entitled congressional campaign committee as follows

Mr. Michael Moriarty, Esq.
C/O Windells, Marx, et al
156 West 56th Street
New York, New York 10019

Sincerely,


Tom McCarthy

95043693321

BEFORE THE FEDERAL ELECTION COMMISSION **Oct 2 10 52 AM '95**

In the Matter of)
) Enforcement Priority
)

GENERAL COUNSEL'S REPORT

SENSITIVE

I. INTRODUCTION

This report is the General Counsel's Report to recommend that the Commission no longer pursue the identified lower priority and stale cases under the Enforcement Priority System.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

Having evaluated incoming matters, this Office has identified 34 cases which do not warrant further pursuit relative to the other pending cases.¹ A short description of

1. These matters are: PM 309 (Attachment 1); RAD 95L-12 (Attachment 2); MUR 4118 (Attachment 3); MUR 4119 (Attachment 4); MUR 4120 (Attachment 5); MUR 4122 (Attachment 6); MUR 4123 (Attachment 7); MUR 4124 (Attachment 8); MUR 4125 (Attachment 9); MUR 4126 (Attachment 10); MUR 4130 (Attachment 11); MUR 4133 (Attachment 12); MUR 4134 (Attachment 13); MUR 4135 (Attachment 14); MUR 4136 (Attachment 15); MUR 4137

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each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this report. See Attachments 1-34. As the Commission requested, this Office has attached the responses to the complaints for the externally-generated matters and the referral for the matter referred by the Reports Analysis Division because this information was not previously circulated to the Commission. See Attachments 1-34.

B. Stale Cases

Investigations are severely impeded and require relatively more resources when the activity and evidence are old. Consequently, the Office of General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 11 cases that

do not

(Footnote 1 continued from previous page)
(Attachment 16); MUR 4138 (Attachment 17); MUR 4140
(Attachment 18); MUR 4142 (Attachment 19); MUR 4143
(Attachment 20); MUR 4144 (Attachment 21); MUR 4145
(Attachment 22); MUR 4148 (Attachment 23); MUR 4149
(Attachment 24); MUR 4153 (Attachment 25); MUR 4155
(Attachment 26); MUR 4158 (Attachment 27); MUR 4163
(Attachment 28); MUR 4164 (Attachment 29); MUR 4169
(Attachment 30); MUR 4179 (Attachment 31); MUR 4195
(Attachment 32); MUR 4196 (Attachment 33); and MUR 4205
(Attachment 34).

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warrant further investment of significant Commission resources.² Since the recommendation not to pursue the identified cases is based on staleness, this Office has not prepared separate narratives for these cases. As the Commission requested, in matters in which the Commission has made no findings, the responses to the complaints for the externally-generated matters and the referrals for the internally-generated matters are attached to the report because this information was not previously circulated to the Commission. See Attachments 35-45. For cases in which the Commission has already made findings and for which each Commissioner's office has an existing file, this Office has attached the most recent General Counsel's Report.

This Office recommends that the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective October 16, 1995. By closing the cases effective October 16, 1995, CED and the Legal Review Team will respectively have the additional time necessary for preparing the closing letters and the case files for the public record.

2. These matters are: PM 250 (Attachment 35); PM 272 (Attachment 36); MUR 3188 (Attachment 37); MUR 3554 (Attachment 38); MUR 3623 (Attachment 39); MUR 3988 (Attachment 40); MUR 3996 (Attachment 41); MUR 4001 (Attachment 42); MUR 4007 (Attachment 43); MUR 4007 (Attachment 43); MUR 4007 (Attachment 43); MUR 4008 (Attachment 44); and MUR 4018 (Attachment 45).

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III. RECOMMENDATIONS

A. Decline to open a MUR and close the file effective October 16, 1995 in the following matters:

- 1) PM 309
- 2) RAD 95L-12
- 3) PM 250
- 4) PM 272

B. Take no action, close the file effective October 16, 1995, and approve the appropriate letter in the following matters:

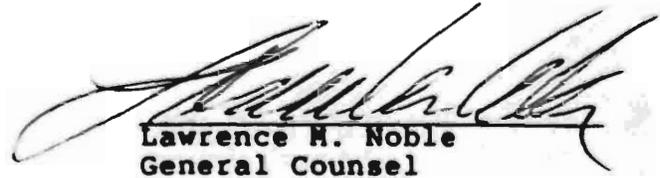
- 1) MUR 3554
- 2) MUR 3623
- 3) MUR 3988
- 4) MUR 3996
- 5) MUR 4001
- 6) MUR 4007
- 7) MUR 4008
- 8) MUR 4018
- 9) MUR 4118
- 10) MUR 4119
- 11) MUR 4120
- 12) MUR 4122
- 13) MUR 4123
- 14) MUR 4124
- 15) MUR 4125
- 16) MUR 4126
- 17) MUR 4130
- 18) MUR 4133
- 19) MUR 4134
- 20) MUR 4135
- 21) MUR 4136
- 22) MUR 4137
- 23) MUR 4138
- 24) MUR 4140
- 25) MUR 4142
- 26) MUR 4143
- 27) MUR 4144
- 28) MUR 4145
- 29) MUR 4148
- 30) MUR 4149

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- 31) MUR 4153
- 32) MUR 4155
- 33) MUR 4158
- 34) MUR 4163
- 35) MUR 4164
- 36) MUR 4169
- 37) MUR 4179
- 38) MUR 4195
- 39) MUR 4196
- 40) MUR 4205

C. Take no further action, close the file effective October 16, 1995 and approve the appropriate letter in MUR 3188.

9/29/95
Date


Lawrence M. Noble
General Counsel

95043693026

Federal Election Commission
Certification: Enforcement Priority
October 17, 1995

Page 2

- 9 5 0 4 3 6 9 3 8 2 8
- 10) MUR 4119
 - 11) MUR 4120
 - 12) MUR 4122
 - 13) MUR 4123
 - 14) MUR 4124
 - 15) MUR 4125
 - 16) MUR 4126
 - 17) MUR 4130
 - 18) MUR 4133
 - 19) MUR 4134
 - 20) MUR 4135
 - 21) MUR 4136
 - 22) MUR 4137
 - 23) MUR 4138
 - 24) MUR 4140
 - 25) MUR 4142
 - 26) MUR 4143
 - 27) MUR 4144
 - 28) MUR 4145
 - 29) MUR 4148
 - 30) MUR 4149
 - 31) MUR 4153
 - 32) MUR 4155
 - 33) MUR 4158
 - 34) MUR 4163
 - 35) MUR 4164
 - 36) MUR 4169
 - 37) MUR 4179
 - 38) MUR 4195
 - 39) MUR 4196
 - 40) MUR 4205

- C. Take no further action, close the file effective October 17, 1995 and approve the appropriate letter in MUR 3188.

(continued)

Federal Election Commission
Certification: Enforcement Priority
October 17, 1995

Page 3

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

Attest:

10-20-95
Date

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

95043693829



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1995

Thomas McCarthy
P.O. Box 5063
Bay Shore, NY 11703

RE: MUR 4142

Dear Mr. McCarthy:

On November 29, 1994, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondent(s). See attached narrative. Accordingly, the Commission closed its file in this matter on October 17, 1995. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

9504369330

**MUR 4142
MANFRE FOR CONGRESS COMMITTEE**

Thomas McCarthy filed a complaint alleging that the Manfre for Congress distributed a flyer that advocated the defeat and election of certain candidates and did not have a disclaimer. The complaint alleges that the Committee failed to file its pre-election report, failed to disclose operating expenditures, including expenses for office furnishings, and failed to disclose in-kind contributions. The complaint also alleges that the Committee misused United We Stand America's ("UWSA") name by stating that UWSA paid for a newspaper advertisement and that the Committee misled the public by indicating that Jim Manfre is a member of UWSA.

The Manfre for Congress Committee responds that the flyer in question states that it was paid for by Manfre for Congress, the report was filed late due to a change in treasurer, the Committee had no involvement in the UWSA newspaper advertisement, the operating expenses have been paid and reported, and the office furnishings are the personal property of Mr. Manfre.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

October 23, 1995

Michael P. Mercurio, Treasurer
Manfre for Congress
84 Washington Avenue
Babylon, NY 11702

RE: MUR 4142

Dear Mr. Mercurio:

On November 29, 1994, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Manfre for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on October 17, 1995.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

95043693032

**MUR 4142
MANFRE FOR CONGRESS COMMITTEE**

Thomas McCarthy filed a complaint alleging that the Manfre for Congress distributed a flyer that advocated the defeat and election of certain candidates and did not have a disclaimer. The complaint alleges that the Committee failed to file its pre-election report, failed to disclose operating expenditures, including expenses for office furnishings, and failed to disclose in-kind contributions. The complaint also alleges that the Committee misused United We Stand America's ("UWSA") name by stating that UWSA paid for a newspaper advertisement and that the Committee misled the public by indicating that Jim Manfre is a member of UWSA.

The Manfre for Congress Committee responds that the flyer in question states that it was paid for by Manfre for Congress, the report was filed late due to a change in treasurer, the Committee had no involvement in the UWSA newspaper advertisement, the operating expenses have been paid and reported, and the office furnishings are the personal property of Mr. Manfre.

This matter is less significant relative to other matters pending before the Commission.

95043693833



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

October 23, 1995

June Hansen
United We Stand America, Inc.
6824 Colonial Road
Brooklyn, NY 11220

RE: MUR 4142

Dear Ms. Hansen:

On November 29, 1994, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against United We Stand America, Inc.. See attached narrative. Accordingly, the Commission closed its file in this matter on October 17, 1995.

The confidentiality provisions of 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 prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

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

Sincerely,

Mary L. Taksar

Mary L. Taksar
Attorney

Attachment
Narrative

95043693034

**MUR 4142
MANFRE FOR CONGRESS COMMITTEE**

Thomas McCarthy filed a complaint alleging that the Manfre for Congress distributed a flyer that advocated the defeat and election of certain candidates and did not have a disclaimer. The complaint alleges that the Committee failed to file its pre-election report, failed to disclose operating expenditures, including expenses for office furnishings, and failed to disclose in-kind contributions. The complaint also alleges that the Committee misused United We Stand America's ("UWSA") name by stating that UWSA paid for a newspaper advertisement and that the Committee misled the public by indicating that Jim Manfre is a member of UWSA.

The Manfre for Congress Committee responds that the flyer in question states that it was paid for by Manfre for Congress, the report was filed late due to a change in treasurer, the Committee had no involvement in the UWSA newspaper advertisement, the operating expenses have been paid and reported, and the office furnishings are the personal property of Mr. Manfre.

This matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4142

DATE FILMED 11/9/95 CAMERA NO. 2

CAMERAMAN EES

95043693836



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

Date: 12/18/95

Microfilm
 Public Records
 Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED NUR 4142

96043701926

MICHAEL P. MERCURIO
ATTORNEY AT LAW
462 ANN STREET
BABYLON, NEW YORK 11702
(516) 587-6517

FED. C.
975
Dec 12 12 22 PM '94

December 9, 1994

Mary Taksar, Esq.
Attorney, Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Manfre for Congress
P.O. Box 48, Babylon, NY 11702
F.E.C. I.D. #164740
House I.D. Matter #MUR4087

Dear Ms. Taksar:

I am writing to you in reply to the letter of Mr. Thomas McCarthy dated November 11, 1994 in which he continues to assert what is nothing more than trivial allegations.

Notwithstanding this, please be advised as follows:

1. The flyer referred to in paragraph "1" of said letter was paid for by "Manfre for Congress";
2. As previously stated, the failure to file the report due October 27, 1994 was due to the change in Treasurer from Darrell Conway to myself and my unfamiliarity with the FEC's rules. The information which would have been contained in that report has since been reported. Additionally, since then all reports have been timely filed;
3. Mr. Manfre, and "Manfre for Congress" did not pay for, consent to, know prior to its publication, nor request that the advertisement be placed in Suffolk Life. Upon information and belief, the publication of the advertisement was arranged independently by Thomas McHugh;
4. The furniture, fixtures and equipment contained in campaign headquarters are all the personal property of Mr. Manfre;

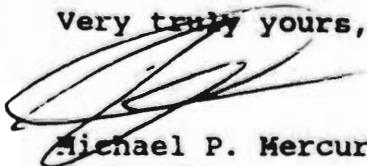
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5. The telephone bill has been paid and reported, the other utilities were included in the rent for campaign headquarters.

I trust you will find this information helpful and sufficient to bring this matter to a close.

Thank you for your attention to this matter.

Very truly yours,



Michael P. Mercurio
Treasurer

MPM:cdm

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