FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4255

DATE FILMED 5-14-96 CAMERA NO. 4

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AGENDA DOCUMENT NO. X95-53-B

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

JUN 27 1995

EXECUTIVE SESSION

SUBMITTED LATE

June 23, 1995

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: Request to Suspend the Rules with Regard to the Memorandum Relating to a Directive 6 Referral

The attached is a preliminary report for a Directive 6 referral regarding contributions made by minors. This Office requests that the Commission suspend its rules in order to consider this document at the June 27, 1995, Executive Session, along with Agenda Documents x95-53 and x95-53-A.

Attachment

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 23,1995

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: Recommendation to Open a Pre-MUR Pursuant to Directive 6

This memorandum provides a preliminary report to the Commission regarding a Directive 6 referral that Commissioner Potter made in his June 19, 1995, memorandum to the Commission and supplements Agenda Documents x95-53 and x95-53-A.

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I. FACTS

An article entitled "Members Cash In on Kid Contributions"

appeared in the June 5, 1995 edition of Roll Call. According to the article, 2,100 names of students appear in Commission records as contributors during the 1993-94 election cycle. The article notes that although some of the students listed in Commission records were university undergraduates and law students, some also were minors. For example, the article indicates that nine-year old John Baxter of Knoxville, Tennessee did not know that he had contributed $2,000 to the Senatorial campaign of Fred Thompson and quotes the child as stating "I don't know about that....My dad takes the money out of our accounts." William Baxter, the father of John Baxter, states that the $12,000 in contributions made by John and his other three children are legal because each child has an account in his or her own name from which the money is drawn. However, the elder Mr. Baxter further states that some of the children are not aware of the contributions.

Another example cited in the Roll Call article relates to Jennifer Croopnick, a 24-year old from Newton, Massachusetts, who was surprised to find out that she had made a $1,000 contribution to Representative Joe Kennedy's campaign. Ms. Croopnick stated that she did not know what the reporter was talking about, she had never donated money for any campaigns, and she did not have much money. She later stated that she was not sure exactly how the donations were made but that her father probably made the donation in her name. The Kennedy Committee commented that as the donation was from a 24-year old individual, it had no reason to believe that Ms. Croopnick was unaware of the contribution.

According to Roll Call, its study of Commission records regarding contributions from students disclosed $63,000 received by Senator Ted Kennedy, $43,500 for Senator Bill Frist; $28,500 for Senator Frank Lautenberg; $25,800 for Senator Fred Thompson; $25,750 for Senator Spencer Abraham; $25,500 for Senator Kay Bailey Hutchison; $24,250 for Senator Joe Lieberman; $23,900 for Senator Dianne Feinstein; $23,500 for Senator John Kerry; and $23,500 for Senator Chuck Robb.

An article in the June 14, 1995 edition of the Political Finance and Lobby Reporter indicates that two brothers from Chagrin Falls, Ohio, three-year old Peter Hitchcock and not yet one-year old Spencer Hitchcock, made $3,000 in contributions to Representative Steve LaTourette. The children's father said that "as their father, I'm responsible for their decisions and I can say it was a good decision."

Commission regulations are very specific in regard to contributions made by minors, children under 18 years of age. Minor children may make contributions to any candidate or committee which in the aggregate do not exceed FECA limits only if specific criteria is met. 11 C.F.R. § 110.1(i)(2). First, the decision to contribute must be knowingly and voluntarily made by the minor child. Second, the funds, goods, or services

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contributed must be owned or controlled exclusively by the minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name. Third, the contribution must not be made from the proceeds of a gift, the purpose of which is to provide funds to be contributed, and the funds cannot in any other way be controlled by another individual.

Because of the serious nature of the violations and the apparent widespread abuse, we recommend that the matter be activated immediately.

II. RECOMMENDATION

Open a Pre-MUR.

Attachments:
1. June 5, 1995 Roll Call article
2. June 14, 1995 Political Finance and Lobby Reporter article

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Roll Call 6/5/95

Members Cash In on Kid Contributions

By Alex Knott

Nine-year-old John Baxter of Knoxville, Tenn., didn't even know that he had donated $2,000 in 1994 to Republican Fred Thompson's Senatorial campaign. Yet he is one of the 2,100 students whose names appear at the Federal Election Commission as having made campaign contributions in the 1993-94 election cycle.

The third-grader at Shannon Dale Elementary School has donated $3,000 to political campaigns since he was eight years old, according to FEC records.

"I don't know about that," said Baxter. "My dad takes the money out of our accounts." Baxter said he's never heard of the "Contract with America," and did not know whether Thompson is a Republican or a Democrat.

Though many parents make donations on behalf of their children without their participation, the FEC warns that these donations are illegal unless made with the child's full knowledge.

Continued on page A-24

Kids as Young as Eight Listed on FEC Reports As Contributors to Congressional Campaigns

Continued from page A-1

According to Ian Sanson, an FEC public affairs spokesman, students who are minors can legally contribute funds to federal elections. "But it says in the law that the donations must be made 'knowingly and willingly.'"

"Now for an 8-year-old to be able to make these contributions 'knowingly and willingly,' they would be pretty precocious, but it is legal for them to do so," Sanson said.

"I guess I'm kind of a nerd," Baxter said. He is not alone. His older brother Joseph, ... says that he also has made donations to a couple of campaigns recently.

"I've heard that I've given money to (GOP presidential candidate and former Tennessee Gov.) Lamar Alexander and to Fred Thompson, but I don't know how much I gave them," Joseph Baxter said.

Donations by minors are allowed, says the FEC, as long as they are made 'knowingly and willingly.'

Their older sisters Jennifer, 12, and Elizabeth, 14, have also made political donations. Together, the four children have donated a total of $12,000 in the last three years.

Their father, William Baxter, is the president of Holston Gases Inc. in Knoxville. He says the donations made by his children are legal because they each have accounts in their names from which the money is drawn, even though some of them are not aware of the contributions.

"We have custodial accounts set up for all of our children," William Baxter said.

The money in the children's accounts has accumulated through inheritance and annual gifts from their parents, according to their father. William Baxter said he has control of the money in the accounts and has made some of the withdrawals for the children's political contributions.

The FEC would not comment on the specific case, but Sanson said that not every minor all donations by minors to make 'knowingly and willingly' but that the money can't be given to minors for the sole purpose of making political contributions.

"People can't just donate money in the names of others," Sanson said. "It would make the laws of disclosure ineffective."

In the past the FEC has investigated incidents in which campaign donations have been made without the named donor's consent. No specific cases were mentioned by Sanson, but he said the parents whose found to have knowingly and willingly broken these FEC laws could face up to $10,000 in civil penalties or an amount equal to 200 percent of any contribution made.

All the donations made by the Baxter children were in amounts of $1,000 and consisted of contributions to Thompson's Senatorial campaign and Alexander's presidential bid.

"It's very admirable," William Baxter said about his family's contributions. "I think more people should make contributions. A real change took place during the last election, and I'm glad we were a part of that change."

Thompson's spokesman, Paul Clark, said the Baxter children may have forgotten about their donations because of their age.

"It was a year ago, and it appears that they were fully aware of the contributions," Clark said. "It's not some laundering operation."

Clark also said that Thompson's campaign officials tried to be "extremely careful to follow FEC regulations."

Thompson was fourth among the top ten Members to receive campaign funds from donors listed as students in the 1993-94 election cycle, with the conservative-turned-politician raking in more than $25,000.

A Roll Call study of FEC records found that Sens. Ted Kennedy (D-Mass.), with $63,300 in contributions; Bill Frist (R-Tenn.), $43,500; and Frank Lautenberg (D-NJ), $28,500, led the pack in student donations last cycle.

Rounding out the top ten were Thompson, $25,000, and Sens. Spencer Abraham (R-Mich.), $25,750; Kay Bailey Hutchison (R-Texas), $25,500; Joseph Lieberman (D-Conn.), $24,250; Dianne Feinstein (D-Calif.), $23,900; John Kerry (D-Mass.), $23,500; and Chuck Robb (D-Va.), $20,250.

For attorney Laura Hershey, of Falls Church, Va., campaign giving is not a family affair. He and his three children have made 22 contributions totaling $26,000 over the last five years.

Hershey says that his children made their donations knowingly and willingly and that they "participated in the decisions" to make contributions to the campaigns.

Hershey's three children have donated $10,000 since 1992, including his daughter Amelia, 11, who began her generosity to politicians with a $1,000 donation to the Clinton for President Committee at the age of eight.

Amelia, who is a fifth-grader at Bailey's School for the Arts and Sciences, during the 1993-94 election cycle also made $1,000 contributions to the campaigns of Sen. Chuck Robb (D-Va.) and former Rep. Leslie Byrne (D-Va.).

Not all of the donations listed by the FEC are minors. Some are university undergraduates, law students, and even politicians.

In the last election cycle, Maryland Lt. Gov. Kathleen Kennedy Townsend (D) donated $250 to the Senatorial campaign of her uncle, Ted Kennedy, while she was listed as a student, according to FEC documents.

Jennifer Crosspatch, 24, of Newton, Mass., was surprised to find out that she had donated $1,000 to Rep. Joe Kennedy (D-Mass.).

"I don't know what you're talking about," said Crosspatch, who was then a graduate student at New York University. "I never donated money for any campaigns. I don't have much money."

Though Crosspatch said she hasn't personally donated any money for political campaigns in the past, she did offer a solution as to where the funding may have come from.

"I'm not exactly sure how these donations were made," she said. "My father probably made the donations in my name."

Crosspatch's father Steven, an employee of LTC Management in Cambridge, didn't return numerous phone calls, and his wife Bonnie had no comment regarding the contribution.

A statement released last week by Kennedy's office read: "We make a great deal of effort to make sure every contribution is proper. We have never knowingly accepted any improper contribution. We assume that when we receive a contribution, the donor knows they have made it.

"In this case, it was a donation from a 24-year-old individual. We had no reason to believe she was unaware of the contribution."

Rick Prince, Tree Surgeon

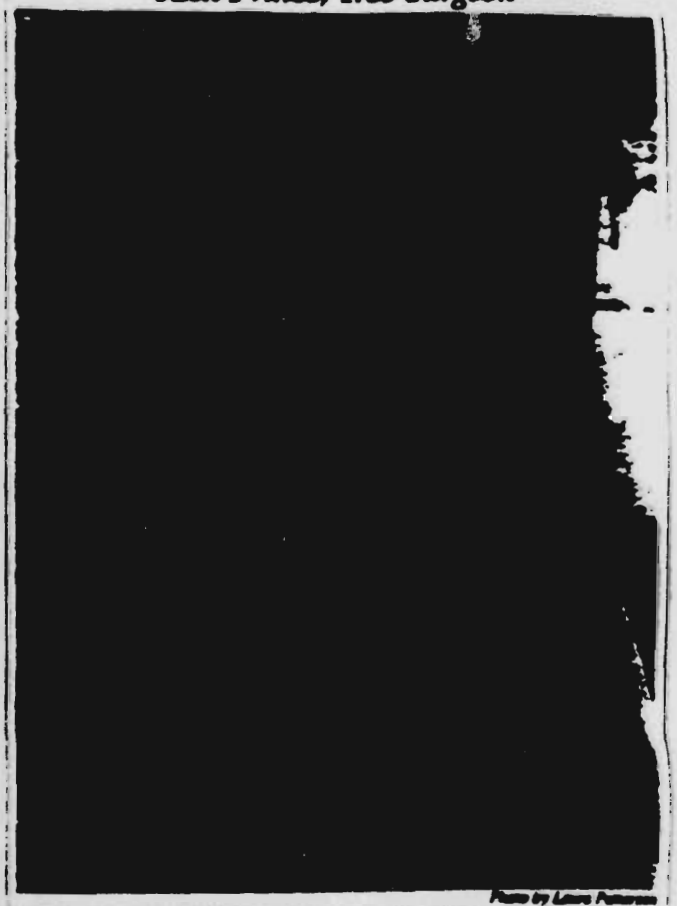

Photo by Laura Patterson

Prince, employed by the Architect of the Capitol to minister to the Hill's elm trees, is treating this sugar maple. He'll replace the inside of the tree with cement.

ATTACHMENT 1

and $2,000 from Spencer Hitchcock who are brothers living in Chagrin Falls, Ohio.

Nothing unusual in their gifts except, the *Cleveland Plain Dealer* noted, Peter was only three years old and his free-spending brother hadn't yet seen his first birthday when they made their contributions.

Their father, Christopher, said his sons were unavailable for comment. But, he told a reporter, "As their father, I'm responsible for their decisions and I can say it was a good decision."

In his financial disclosure reports to the Federal Election Commission, LaTourette's campaign described Peter and Spencer as "students."

The Cleveland newspaper noted that members of the Ratner family—including students Kevin, Jonathan, Rachel and Susan—gave $183,758 to candidates during the 1991-92 election cycle. The family is developing plans for a gambling casino in Cleveland.

Youthful donors

During the final days of last year's campaign, Rep. Steve LaTourette (R-Ohio) received $1,000 from Peter Hitchcock

ATTACHMENT d
Page 1 of 1

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document
Recommendation to Open a Pre-MUR	)	#X95-53-B
Pursuant to Directive #6	)	

P-MUR 318

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 27, 1995, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions with respect to the above-captioned matter:

1. Open a Pre-MUR.

2. Activate this Pre-MUR immediately.

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

Attest:

6-30-95
Date

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

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

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FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

Pre-MUR 318
Date Activated: June 27, 1995
Attorney: Stephan O. Kline

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Virginia Baxter
William Baxter
Bonnie Croopnick
Steven Croopnick
Birgit Hershey
Loren Hershey
Christopher Hitchcock
Martha Hitchcock

RELEVANT STATUTES: 2 U.S.C. § 441f
11 C.F.R. § 110.1(i)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On June 27, 1995, the Commission determined to refer this matter to the Office of the General Counsel for its review. The matter arises from several news clippings compiled by the Commission's Press Office in the ordinary course of its operations concerning contributions made in the name of children as young as age one.

II. FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended, (the "Act") limits contributions by an individual to a federal candidate and his or her authorized political committees to $1,000

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per election. 2 U.S.C. § 441a(a)(1)(A). The Act also prohibits any person from making a contribution in the name of another person or knowingly permitting his or her name to be used to effect such a contribution. 2 U.S.C. § 441f. Further, no person shall knowingly help or assist any person in making a contribution in the name of another. 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(iii). The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A).

Pursuant to 11 C.F.R. § 110.1(i)(2), a minor child (a child under 18 years of age) may contribute up to $1,000 to a candidate for an election if: (1) the decision to contribute is made knowingly and voluntarily by the minor child; (2) the funds, goods, or services contributed are owned or controlled exclusively by the minor child, such as income earned by the child, the proceeds of a trust for which the child is a beneficiary, or a savings account opened and maintained exclusively in the child's name; and (3) the contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another individual.

B. The Facts and Analysis

On June 5, 1995, Roll Call printed a story entitled "Members Cash In on Kid Contributions." Attachment 1 at 1. Some of the information contained in this article was then reprinted in the Knoxville News-Sentinel on June 11, 1995. Id. at 2. The Roll Call article focused on three families: the Baxters of Knoxville,

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Tennessee; the Hersheys of Falls Church, Virginia; and the Croopnicks of Newton, Massachusetts. In addition, the Political Finance & Lobby Reporter published a similar story on the Hitchcock family of Chagrin Falls, Ohio. Id. at 3.

The Baxters

Nine-year old John Baxter allegedly donated $2,000 to Fred Thompson's 1994 Senate race. According to the news article, when asked about the contributions, John stated: "I don't know about that. My dad takes the money out of our accounts." Attachment 1 at 1; Alex Knott, Members Cash In on Kid Contributions, Roll Call, June 5, 1995, at A-1. John had never heard of the "Contract with America" and did not know whether Senator Thompson is a Republican or Democrat, but he did say "I guess I'm into politics a little." Id. at A-24. Joseph Baxter, John's slightly older brother, also has made political contributions. He stated: "I've heard that I've given money to Lamar Alexander and to Fred Thompson, but I don't know how much I gave them." Id. Their older sisters, Jennifer, age 12, and Elizabeth, age 14, also made contributions.

William Baxter, their father, is quoted as saying "We have custodial accounts set up for all of our children." Id. According to the article, Mr. Baxter explained that the money has been accumulated through inheritance and annual gifts from the parents. The article notes that Mr. Baxter said that he has control of the money in the accounts and has made some of the withdrawals for the children's political contributions. According to FEC disclosure reports, each of the four Baxter children have donated $3,000 in the past year: $1,000 to Tennesseans for

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Thompson for its primary and general election campaigns on August 4 and September 19, 1994; and $1,000 to Alexander for President on March 31, 1995. Their father had previously "maxed out" in his contributions to the Thompson primary and general election campaigns and the Lamar Alexander presidential committee. Their mother, Virginia Baxter, had previously "maxed out" in her contributions to the Thompson primary committee and had contributed $500 to the Thompson general election campaign.

The following chart summarizes contributions made by the Baxter children and their ages at the time the contributions were made:

CONTRIBUTOR	RECIPIENT	DATE	AMOUNT	AGE
Baxter, Elizabeth R.	Thompson P	8/4/94	$1,000	14
Baxter, Elizabeth R.	Thompson G	9/19/94	$1,000	14
Baxter, Elizabeth R.	Alexander P	3/31/95	$1,000	14
Baxter, Jennifer L.	Thompson P	8/4/94	$1,000	12
Baxter, Jennifer L.	Thompson G	9/19/94	$1,000	12
Baxter, Jennifer L.	Alexander P	3/31/95	$1,000	12
Baxter, John Robert	Thompson P	8/4/94	$1,000	8
Baxter, John Robert	Thompson G	9/19/94	$1,000	8
Baxter, John Robert	Alexander P	3/31/95	$1,000	9
Baxter, Joseph P.	Thompson P	8/4/94	$1,000	10
Baxter, Joseph P.	Thompson G	9/19/94	$1,000	10
Baxter, Joseph P.	Alexander P	3/31/95	$1,000	10

P = primary; G = general

Even if the money for the contributions came from the children's "custodial accounts," there is a sufficient basis to conclude that these children did not knowingly and voluntarily decide to make these contributions and that the funds contributed were not owned or controlled exclusively by them. Specifically, the Roll Call article reports that the children are young and mostly without knowledge about the transactions; it was reported that the father acknowledges having control of the accounts and

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making some of the withdrawals for the political contributions; and, according to the public record, the contributions in the names of the four children were all made on the same date.

At this stage, this Office is assuming that both parents of these children -- and each of the other sets of children discussed in this report -- made decisions jointly on behalf of the children, including the decision to make the contributions at issue. In each case, both parents made contributions to the same candidates who received the contributions in the names of their children, and usually these contributions were made close in time to the contributions made in the names of the children. In addition, in each of these cases both parents had also "maxed out" to at least one of the committees that received those contributions.

Based upon the foregoing, this Office recommends that the Commission find reason to believe that Virginia Baxter and William Baxter violated 2 U.S.C. § 441f[1] by making contributions in the

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1. If the Baxter children's contributions were drawn from accounts in which the proceeds were either owned or controlled by a minor child, there may have been no violation of the Act. The Regulation only lists those elements which must be satisfied for a contribution to be made by a minor child; it does not state the consequences of a contribution made in the name of a minor child which does not meet the elements required by 11 C.F.R. § 110.1(i)(2). In this case, however, Mr. Baxter states that the money came from "custodial accounts set up for all of our children." Id. Apparently the parents have joint control and probably joint ownership of custodial accounts with their children. In discovery, this Office will examine the source of the money in the accounts from which the contributions were made, the ownership and control of these accounts, and the extent of the involvement of the children in the decision to make contributions.

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name of another.[2] Further, in light of the total amount of contributions apparently given in the children's names to each campaign, in addition to the amounts the parents had also given directly to the same committees, we recommend that the Commission find reason to believe that Virginia Baxter and William Baxter violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions.

The Hersheys

According to Roll Call, Loren and Birgit Hershey's three children -- Alexander L. Hershey, Amelia B. Hershey, and Samuel Hershey -- have collectively contributed $10,000 since 1992. Each contributed $1,000 to the Byrne for Congress primary and general election campaigns in June and November, 1994, and $1,000 to the Robb for Senate general election campaign on November 7, 1994. In addition, Amelia contributed $1,000 to the Clinton for President primary committee on March 31, 1992, when she was eight. Mr. and Mrs. Hershey also contributed the statutory maximum to the Byrne primary committee, the Byrne general election committee (on the same day as the contributions made in the names of their children), the Robb general election committee, and the Clinton primary committee (on the same day as the contribution made in Amelia's name). According to the article, Mr. Hershey "says that his children made their donations knowingly and willfully and that

2. We specifically do not make a corresponding recommendation vis a vis the children in this family or the other families discussed in this report because the available record does not indicate that the children participated in any meaningful way in the making of the contributions.

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'they participated in the decisions' to make contributions to the campaigns." Id.

The following chart summarizes contributions made by the Hershey children and the reported age of Amelia at the time the contributions were made, (the ages of the other children are not yet known):

Hershey, Alexander L.	Byrne P	6/15/94	$1,000	?
Hershey, Alexander L.	Byrne G	11/2/94	$1,000	?
Hershey, Alexander L.	Robb G	11/7/94	$1,000	?
Hershey, Amelia B.	Clinton P	3/31/92	$1,000	8
Hershey, Amelia B.	Byrne P	6/16/94	$1,000	10
Hershey, Amelia B.	Byrne G	11/2/94	$1,000	11
Hershey, Amelia B.	Robb G	11/7/94	$1,000	11
Hershey, Samuel B.	Byrne P	6/16/94	$1,000	?
Hershey, Samuel B.	Byrne G	11/2/94	$1,000	?
Hershey, Samuel B.	Robb G	11/7/94	$1,000	?

P = primary; G = general

Because of the young age of Amelia, the fact that all of the children's contributions were made at the same time, and the parents had given the maximum amount permitted to each of the same candidates, it appears that these contributions were made by the parents. In addition, it is worth noting that although Mr. Hershey contends that his children made their donations knowingly, he makes no attempt to explain how his children acquired or had access to this kind of money. Accordingly, this Office recommends that the Commission find reason to believe that Birgit Hershey and Loren Hershey violated 2 U.S.C. § 441f by making contributions in the name of another. Further, in light of the total amount of contributions apparently given in the children's names to each campaign, in addition to the amounts the parents had also given directly to the same committees, we recommend that the Commission find reason to believe that Birgit

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Hershey and Loren Hershey violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions.

The Hitchcocks

One year old Spencer Hitchcock and three year old Peter Hitchcock made contributions to Congressman Steve Latourette's 1994 campaign. Their father, Christopher P. Hitchcock, is reported as stating: "As their father, I'm responsible for their decisions and I can say it was a good decision." Attachment 1 at 3; Below the Beltway, Political Finance & Lobby Reporter, June 14, 1995 at 10. According to FEC records, the two boys made $1,000 contributions to the general election campaign of Latourette for Congress Committee on October 19, 1994, and Spencer also made an additional $1,000 contribution on that date to the committee for its primary campaign. The day before, their father had contributed the maximum amount to Latourette for Congress Committee for both the primary and general elections. The children's mother, Martha F. Hitchcock, also contributed $1,000 to the committee for the primary and general elections on October 30, 1994.

The following chart summarizes contributions made by the Hitchcock children and their ages at the time the contributions were made:

CONTRIBUTOR	RECIPIENT	DATE	AMOUNT	AGE
Hitchcock, Peter	Latourette P	10/19/94	$1,000	3
Hitchcock, Spencer	Latourette P	10/19/94	$1,000	1
Hitchcock, Spencer	Latourette G	10/19/94	$1,000	1

P = primary; G = general

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Obviously, one and three year old children cannot knowingly and voluntarily decide to make such contributions; in fact, according to the news article, their father does claim responsibility for their "decisions." Mr. Hitchcock does not explain, however, his children's source of funds for these contributions. Finally, as noted, both parents had also "maxed out" to the Latourette for Congress Committee. Accordingly, this Office recommends that the Commission find reason to believe that Christopher Hitchcock and Martha Hitchcock violated 2 U.S.C. § 441f by making contributions in the name of another. Further, in light of the total amount of contributions apparently given in the children's names, in addition to the amounts the parents had also given directly to the same committee, we recommend that the Commission find reason to believe that Christopher Hitchcock and Martha Hitchcock violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions.

The Croopnicks

The Roll Call article also discusses contributions made in the names of students. According to the article, twenty-four year old graduate student Jennifer Croopnick was "surprised" to learn that she had donated $1,000 to Representative Joe Kennedy. She reportedly stated: "I don't know what you're talking about. I never donated money for any campaigns. I don't have much money." Id. The article further reports that she said she had not personally donated any money for political campaigns in the past and stated: "I'm not exactly sure how those donations were made. My father probably made the donations in my name." Id.

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According to FEC disclosure reports, the Croopnick family has made a total of $10,650 in contributions to Congressman Kennedy's campaigns since 1988. Pertinent to the contributions at issue here, on March 8, 1993, Jennifer and her parents, Steven and Bonnie Croopnick, each gave $1,000 to Representative Kennedy's 1994 primary campaign. Similarly, Jennifer, her sister, Jacqueline, and their father are also reported as giving $1,000 each to Representative Kennedy's 1990 general election campaign; the sisters made their contributions on the same day, October 16, 1990. Finally Jacqueline, whose listed occupation is also student, made a $1,000 contribution to Representative Kennedy's 1992 primary campaign on December 9, 1991.[3]

The following chart summarizes contributions made by Jacqueline and Jennifer Croopnick and Jennifer's age at the time the contributions were made:

CONTRIBUTOR	RECIPIENT	DATE	AMOUNT	AGE
Croopnick, Jacqueline	Kennedy G	10/16/90	$1,000	?
Croopnick, Jacqueline	Kennedy P	12/9/91	$1,000	?
Croopnick, Jennifer	Kennedy G	10/16/90	$1,000	20
Croopnick, Jennifer	Kennedy P	3/8/93	$1,000	22

P = primary; G = general

Although Jennifer is now 24 and presumably capable of making a knowing and voluntary contribution, she states that she has never done so and has not had the funds to make such contributions. Because of the disavowal by Jennifer, the substantial and "maxed out" contributions made by the parents to

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3. Steven Croopnick also contributed an additional $3,650 in total to Representative Kennedy's 1994 and 1992 general election campaigns and 1992, 1990, and 1988 primary election campaigns.

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Congressman Kennedy's campaigns, and the commonalty of the dates when the contributions were made by the parents and their children, it appears that these contributions were made by the parents. Accordingly, this Office recommends that the Commission find reason to believe that Bonnie Croopnick and Steven Croopnick violated 2 U.S.C. § 441f by making contributions in the name of another. Further, in light of the total amount of contributions apparently given in the names of Jacqueline and Jennifer Croopnick, in addition to the amounts the parents had also given directly to the same committee, we recommend that the Commission find reason to believe that Bonnie Croopnick and Steven Croopnick violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions.

In an effort to expedite the handling of this matter, this Office further recommends that the Commission open a separate MUR for each separate group of Respondents. If at a later date the recipient committees are implicated in any of these matters, this Office may also recommend opening a separate MUR for each of them.

III. **DISCOVERY**

It appears that further investigation is warranted in this matter. To expedite the investigation, this Office recommends that the Commission approve the attached Subpoenas for the Production of Documents and Answers to Interrogatories. Attachment 3.

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IV. RECOMMENDATIONS

1. Find reason to believe that Virginia Baxter and William Baxter violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f and open a separate MUR pertaining to these respondents.

2. Find reason to believe that Bonnie Croopnick and Steven Croopnick violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f and open a separate MUR pertaining to these respondents.

3. Find reason to believe that Birgit Hershey and Loren Hershey violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f and open a separate MUR pertaining to these respondents.

4. Find reason to believe that Christopher Hitchcock and Martha Hitchcock violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f and open a separate MUR pertaining to these respondents.

5. Approve the attached Factual and Legal Analyses.

6. Approve the appropriate letters.

7. Approve the attached Subpoenas for the Production of Documents and Answers to interrogatories to Virginia Baxter and William Baxter; Bonnie Croopnick and Steven Croopnick; Birgit Hershey and Loren Hershey; and Christopher Hitchcock and Martha Hitchcock.

Lawrence M. Noble
General Counsel

Date 8/30/95

BY: [signature]
Lois G. Lerner
Associate General Counsel

Attachments:

1. Newspaper Articles
2. Factual and Legal Analyses
3. Proposed Subpoenas for the Production of Documents and Answers to Interrogatories.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Virginia Baxter; } MUR 4252	)	
William Baxter;	)	
Bonnie Croopnick; } MUR 4253	)	
Steven Croopnick;	)	Pre-MUR 318
Birgit Hershey; } MUR 4254	)	
Loren Hershey;	)	
Christopher Hitchcock; } MUR 4255	)	
Martha Hitchcock.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 6, 1995, the Commission decided by a vote of 6-0 to take the following actions in Pre-MUR 318:

1. Find reason to believe that Virginia Baxter and William Baxter violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f and open a separate MUR pertaining to these respondents. → MUR 4252

2. Find reason to believe that Bonnie Croopnick and Steven Croopnick violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f and open a separate MUR pertaining to these respondents. → MUR 4253

3. Find reason to believe that Birgit Hershey and Loren Hershey violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f and open a separate MUR pertaining to these respondents. → MUR 4254

4. Find reason to believe that Christopher Hitchcock and Martha Hitchcock violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f and open a separate MUR pertaining to these respondents. → MUR 4255

(continued)

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5. Approve the Factual and Legal Analyses, as recommended in the General Counsel's Report dated August 30, 1995.

6. Approve the appropriate letters, as recommended in the General Counsel's Report dated August 30, 1995.

7. Approve the Subpoenas for the Production of Documents and Answers to interrogatories to Virginia Baxter and William Baxter; Bonnie Croopnick and Steven Croopnick; Birgit Hershey and Loren Hershey; and Christopher Hitchcock and Martha Hitchcock, as recommended in the General Counsel's Report dated August 30, 1995.

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

Attest:

9-7-95
Date

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

Received in the Secretariat: Thurs., Aug. 31, 1995 11:37 a.m.
Circulated to the Commission: Thurs., Aug. 31, 1995 4:00 p.m.
Deadline for vote: Wed., Sep. 06, 1995 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christopher Hitchcock and Martha Hitchcock
486 Laurelbrook Drive
Chagrin Falls, OH 44022

RE: MUR 4255
Christopher Hitchcock and
Martha Hitchcock

Dear Mr. Hitchock and Ms. Hitchcock:

On September 6, 1995, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

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 Office of the General Counsel may recommend that pre-probable

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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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 Stephan Kline, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Danny Lee McDonald

Danny Lee McDonald
Chairman

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

9604343080

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 4255
Christopher Hitchcock and Martha Hitchcock	)	

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Christopher Hitchcock and Martha Hitchcock
486 Laurelbrook Drive
Chagrin Falls, OH 44022

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 on 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 must be 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 11th day of September, 1995.

For the Commission,

Danny Lee McDonald

Danny Lee McDonald
Chairman

ATTEST:

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Attachments
Questions and Document Requests

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INSTRUCTIONS

In answering these interrogatories and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to 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.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer 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, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

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.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose 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 officers, employees, agents or attorneys thereof.

"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.

"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.

"Identify" with respect to a person shall mean to state the full name, the most recent business and residence addresses and the telephone numbers, 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.

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

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BEFORE THE FEDERAL ELECTION COMMISSION

INTERROGATORIES AND REQUESTS FOR DOCUMENTS

MUR 4255
Christopher Hitchcock
Martha Hitchcock

1. Please list the full name and birthday (including year of birth) of each of your children and step-children.

2. Congressman Steve Latourette's 1994 primary and general election disclosure reports list $1,000 contributions made to each campaign by Spencer Hitchcock and a $1,000 contribution made to the primary campaign by Peter Hitchcock. For each of these contributions (3 in total):

a. Please identify all of the persons who were involved in making the decision to contribute to Congressman Latourette's campaign.

b. Please describe the circumstances under which the decision to make the contribution was made, including the nature of involvement of the named contributor, and state when the decision was made.

c. Please state whether the decision was made in response to a solicitation. If so, please describe the circumstances of the solicitation; please identify the person who solicited the contribution; please describe when and where the solicitation was made; and please provide a copy of the solicitation.

d. Please produce copies of all checks or other instruments used to make the contribution.

e. Please identify every account from which the funds were used to make the contribution. For each and every account:

i. Please identify the account number, the bank or other financial institution at which the account is located, and the name under which the account is held.

ii. Please identify the type of account and state whether the account is a trust. If it is a trust account, please identify the type of trust and please identify all trustees and all beneficiaries of the trust.

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iii. Please identify all of the individuals who are permitted to make withdrawals from the account. If the account is held in the name of a child, may that child make withdrawals from that account on his own signature and without seeking anyone's permission?

iv. Please identify all of the sources of funds for the account.

3. Please list all other contributions made in the names of your children and stepchildren to candidates and party committees, aside from those identified in Interrogatory 2. For each such contribution:

a. Please identify all of the persons who were involved in making the decision to contribute.

b. Please describe the circumstances under which the decision to make the contribution was made, including the nature of involvement of the named contributor, and state when the decision was made.

c. Please state whether the decision was made in response to a solicitation. If so, please describe the circumstances of the solicitation; please identify the person who solicited the contribution; please describe when and where the solicitation was made; and please provide a copy of the solicitation.

d. Please produce copies of all checks or other instruments used to make the contribution.

e. Please identify every account from which the funds were used to make the contribution. For each and every account:

i. Please identify the account number, the bank or other financial institution at which the account is located, and the name under which the account is held.

ii. Please identify the type of account and state whether the account is a trust. If it is a trust account, please identify the type of trust and please identify all trustees and all beneficiaries of the trust.

iii. Please identify all of the individuals who are permitted to make withdrawals from the account. If the account is held in the name of a child, may that child make withdrawals from that account on his or her own signature and without seeking anyone's permission?

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iv. Please identify all of the sources of funds for the account.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Christopher Hitchcock
Martha Hitchcock

MUR 4255

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).

II. FACTUAL AND LEGAL ANALYSIS

A. Legal Framework

The Federal Election Campaign Act of 1971, as amended, (the "Act") limits contributions by an individual to a federal candidate and his or her authorized political committees to $1,000 per election. 2 U.S.C. § 441a(a)(1)(A). The Act also prohibits any person from making a contribution in the name of another person or knowingly permitting his or her name to be used to effect such a contribution. 2 U.S.C. § 441f. Further, no person shall knowingly help or assist any person in making a contribution in the name of another. 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(iii). The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(A).

Pursuant to 11 C.F.R. § 110.1(i)(2), a minor child (a child under 18 years of age) may contribute up to $1,000 to a candidate

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for an election if: (1) the decision to contribute is made knowingly and voluntarily by the minor child; (2) the funds, goods, or services contributed are owned or controlled exclusively by the minor child, such as income earned by the child, the proceeds of a trust for which the child is a beneficiary, or a savings account opened and maintained exclusively in the child's name; and (3) the contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another individual.

B. Analysis

One year old Spencer Hitchcock and three year old Peter Hitchcock made contributions to Congressman Steve Latourette's 1994 campaign. Their father, Christopher P. Hitchcock, is reported as stating: "As their father, I'm responsible for their decisions and I can say it was a good decision." Below the Beltway, Political Finance & Lobby Reporter, June 14, 1995 at 10. According to FEC records, the two boys made $1,000 contributions to the general election campaign of Latourette for Congress Committee on October 19, 1994, and Spencer also made an additional $1,000 contribution on that date to the committee for its primary campaign. The day before, their father had contributed the maximum amount to Latourette for Congress Committee for both the primary and general elections. The children's mother, Martha F. Hitchcock, also contributed $1,000 to the committee for the primary and general elections on October 30, 1994.

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The following chart summarizes contributions made by the Hitchcock children and their ages at the time the contributions were made:

CONTRIBUTOR	RECIPIENT	DATE	AMOUNT	AGE
Hitchcock, Peter	Latourette P	10/19/94	$1,000	3
Hitchcock, Spencer	Latourette P	10/19/94	$1,000	1
Hitchcock, Spencer	Latourette G	10/19/94	$1,000	1

P = primary; G = general

Obviously, one and three year old children cannot knowingly and voluntarily decide to make such contributions; in fact, according to the news article, their father does claim responsibility for their "decisions." Mr. Hitchcock does not explain, however, his children's source of funds for these contributions. Finally, as noted, both parents had also "maxed out" to the Latourette for Congress Committee.

Therefore, there is reason to believe that Christopher Hitchcock and Martha Hitchcock violated 2 U.S.C. § 441f by making contributions in the name of another. Further, in light of the total amount of contributions apparently given in the names of the children, in addition to the amounts the parents had also given directly to the same committee, there is reason to believe that Christopher Hitchcock and Martha Hitchcock violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions.

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Chris Hitchcock
486 Laurelbrook Drive
Chagrin Falls, Ohio 44022-4107

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SEP 22 10 25 AM '95

September 18, 1995

Anne Weissenborn, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 4255

Miss Weissenborn:

This letter is in response to the Order to Submit Written Answers and Subpoena dated September 12, 1995.

1. Peter Spencer Hitchcock - date of birth February 25, 1991
   Spencer Evans Hitchcock - date of birth November 2, 1993

2. The following responses cover the three contributions in question, namely: $1,000 Primary contribution made to the LaTourette for Congress Campaign by Spencer, $1,000 General contribution made to the LaTourette for Congress Campaign by Spencer and the $1,000 Primary contribution made to the LaTourette for Congress Campaign by Peter.

   a. Persons involved in making these decisions were his mother (Martha F. Hitchcock) and father (Christopher P. Hitchcock).

   b. On behalf of our children we decided to support the LaTourette for Congress Campaign as much as we legally could. Neither child was involved in any of the decisions.

   c. There was no solicitation by anyone involved in the LaTourette campaign. These were solely our decisions.

   d. The original customer copy of each cashier's check for all three transactions is attached. As the boys' accounts upon which the funds were withdrawn for the cashier's checks were Statement Savings type, checks were not available which is why Cashier's checks were used. In each instance, the remitter's name is openly displayed on the check.

   e. The funds used for the Primary and General contributions made by Spencer Hitchcock October 17, 1994 came from a withdrawal from his Statement Savings Acct. [redacted]

      The funds used for the Primary contribution made by Peter Hitchcock October 13, 1994 came from a withdrawal from his Statement Savings Acct. [redacted]

      i. Society National Bank (Chagrin Falls branch) issued all three cashier's checks.
         Society National Bank account [redacted] is in the name of Peter S. Hitchcock
         Society National Bank account [redacted] is in the name of Spencer E. Hitchcock

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ii. Both accounts were considered statement savings. Neither account was a trust account.

iii. Martha F. Hitchcock was the authorized signator on Spencer E. Hitchcock's account [redacted] Spencer was not yet eligible to make withdrawals from his account.

Christopher P. Hitchcock was the authorized signator on Peter S. Hitchcock's account [redacted] Peter was not yet eligible to make withdrawals from his account.

iv. Sources of funds - birthday and Christmas gifts from parents, Godparents, friends, etc. and interest.

3. No other such contributions were made by either Peter or Spencer.

Conclusion:

It is our desire to pursue pre-probable cause conciliation and hope that our co-operation will produce a satisfactory resolution.

There was absolutely no effort to conceal these contributions. They were made openly, honestly and we thought, legally.

We have fully complied with the request for responses to the interrogatories and documents. In addition, the attached letter requesting a full refund of the three contributions has been sent to the LaTourette Committee so that there can be no hint of improper activity either by our family or the LaTourette Committee. Also, written confirmation of these refunds has been requested to be forwarded to your office which should be received within the week.

We sincerely regret the misperception that we tried to circumvent the contribution limits and hope that the combination of these responses and the complete refund of the contributions provide an acceptable resolution to this unfortunate situation.

Lastly, we can assure the Commission that our children shall not be making any further such contributions.

Respectfully submitted,

Martha F. Hitchcock

Martha F. Hitchcock

Christopher P. Hitchcock

Christopher P. Hitchcock

Encl.

Notary

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CASHIER'S CHECK

4760215

Society

NATIONAL BANK

Cleveland, Ohio

PAY $*****1,000 DOLLARS AND 00 CENTS

TO THE ORDER OF LATOURETTE FOR CONGRESS

EMILIGHT PETER HITCHCOCK

10/17/1994 002152150622

NON-NEGOTIABLE

$*****1,000.00

DATE | AUTHORIZED SIGNATURE | COUNTERSIGNATURE REQUIRED OVER $25,000 | AMOUNT

COUNTERSIGNATURE

9 6 0 4 3 7 3 4 0 0 3

FORM [illegible] (REV. [illegible])

CASHIER'S CHECK

4866394 [illegible]

Society

SOCIETY NATIONAL BANK
A KeyCorp Bank
Cleveland, Ohio

COUNTERSIGNATURE

PAY $*****1,000 DOLLARS AND 00 CENTS

008
001 13 24

LATOURETTE FOR CONGRESS

TO the order of: [illegible]

10/10/1994 0073312164626

NON-NEGOTIABLE

$*****1,000.00

DATE | AUTHORIZED SIGNATURE | COUNTERSIGNATURE REQUIRED OVER $25,000 | AMOUNT

CUSTOMER COPY

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FORM [illegible] (REV. [illegible])

CASHIER'S CHECK

4866393

Society

SOCIETY NATIONAL BANK
A KeyCorp Bank
Cleveland, Ohio

COUNTERSIGNATURE

PAY $*****1,000 DOLLARS AND 00 CENTS

LATOURETTE FOR CONGRESS

TO THE ORDER OF: [illegible]

10/18/1994 007311214425

NON-NEGOTIABLE

$1,000.00

DATE | AUTHORIZED SIGNATURE | COUNTERSIGNATURE REQUIRED OVER $25,000 | AMOUNT

CUSTOMER COPY

OCT 11 '94

R.N.B. 5013

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Chris Hitchcock
486 Laurelbrook Drive
Chagrin Falls, Ohio 44022-4107

September 18, 1995

The Honorable Steve LaTourette
LaTourette for Congress Committee
Post Office Box 516
Painesville, OH 44077-9914

Re: Return of Contributions

Dear Steve:

As a result of an action brought by the Federal Election Commission regarding contributions made by my two minor aged sons; Peter and Spencer, I am requesting that all political contributions made by my sons be returned to them at the earliest possible opportunity.

The contributions made to your campaign on or about October 19, 1994 were as follows:

1994 Primary	- Spencer E. Hitchcock	$1,000
1994 General	- Spencer E. Hitchcock	$1,000
	Peter S. Hitchcock	$1,000

The FEC requires a response to their Order and Subpoena by October 12, 1995. It would be most helpful if you could make these refunds to the boys and reporting them to the Office of the General Counsel at the earliest possible opportunity. A copy of the letter to the FEC reporting these refunds would be appreciated.

I sincerely regret the request, but it is in the best interest of my family.

Sincerely yours,

Christopher P. Hitchcock

cc: Federal Election Commission
Office of the General Counsel

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

Apr 4 4 15 PM '96

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matters of	)	
	)	
Virginia Baxter and William Baxter	)	**MUR 4252**
Bonnie Croopnick and Steven Croopnick	)	**MUR 4253**
Birgit Hershey and Loren Hershey	)	**MUR 4254**
Christopher Hitchcock and Martha Hitchcock	)	**MUR 4255**
	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On September 6, 1995, the Federal Election Commission ("Commission") opened four MURs and found reason to believe that Virginia Baxter and William Baxter (MUR 4252), Bonnie Croopnick and Steven Croopnick (MUR 4253), Birgit Hershey and Loren Hershey (MUR 4254), and Christopher Hitchcock and Martha Hitchcock (MUR 4255) (collectively, "Respondents") violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f. On the same date, the Commission also approved Subpoenas for the Production of Documents and Orders for Answers to Interrogatories to be sent to the Respondents. All Respondents submitted responses, attachments 1-4, and all Respondents except for the Hitchcocks denied violating provisions of the Federal Election Campaign Act of 1971, as amended, ("Act" or "FECA"); the Hitchcocks have requested conciliation prior to a finding of probable cause to believe. This report analyzes the results of the investigation and recommends that the Commission take no further action and close the files relating to all respondents.

II. DISCUSSION

A. Croopnicks

At issue in this matter were $4,000 in contributions made by Jacqueline and Jennifer Croopnick who, as it turned out, were at least twenty years old at the time. Bonnie and Steven Croopnick have three children -- Jacqueline (born October 5, 1969), Jennifer (born September 29, 1970), and Jonathan (born September 18, 1973). The Croopnicks state that the decisions to make the $4,000 in contributions to Representative Joseph Kennedy at issue in this matter were made by

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Jacqueline and Jennifer. "To the best of our recollection, prior to the 1990 contributions in question here, we had family discussions about the Congressman in which we (Steven and Bonnie) asked our children about contributing to Rep. Kennedy's general election campaign. Jacqueline and Jennifer agreed they wanted to contribute." Attachment 2 at 7.

The responses indicated that the funds used for these contributions came from Jacqueline and Jennifer's UGMA accounts for which Steven and Bonnie Croopnick are custodians. The Croopnicks indicated that Jacqueline and Jennifer are no longer minors, and "we do not require our daughters to obtain our permission before drawing money from these accounts, although they often seek it." Id. at 9. The money in the accounts came from income earned from stock owned by Jacqueline and Jennifer. In 1990, Bonnie Croopnick "signed the checks in each daughter's name to make clear that the contributions were from that daughter." Id. at 8. Jacqueline signed the 1992 check and Steven signed the 1994 check in Jennifer's name.

According to the Roll Call article underlying this matter, Jennifer reportedly stated in response to questions about her contributions to Congressman Kennedy's campaigns: "I don't know what you're talking about. I never donated money for any campaigns. I don't have much money. . . . I'm not exactly sure how those donations were made. My father probably made the donations in my name." Attachment 2 at 1. Counsel for Respondents has contended that "[w]ith respect to the statements attributed to Jennifer in the Roll Call article, my understanding is that Jennifer does not deny making such statements to the person who called her. The statements, however, were not true. Jennifer made them because she believed that the caller was attempting to solicit money from her, and she wanted to dissuade him." Id. at 1. In response to this conclusory statement by counsel for the Croopnicks, this Office requested that Jennifer Croopnick voluntarily submit an affidavit to the Commission explaining her conversation with the reporter. The Croopnicks agreed.

According to her affidavit, Jennifer attended approximately six fund-raisers for Representative Kennedy and she authorized her parents to make two $1,000 contributions to his campaigns. Jennifer attests that although she does not remember her conversation with the Roll

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Call reporter word-for-word, "the article captures the substance of what I said to him. My statements to the reporter, however, were untrue." Attachment 5 at 4. She attests that last summer she was an intern and had applied for permanent employment. She was told that someone from Roll Call had called at her home; not having heard of the publication, she assumed it was an organization which had received her resume. She then states:

> b) When I returned the call, the speaker said he was doing a survey or an article (I don't recall which) regarding students who made donations to political campaigns and that he had my name down as a contributor to Representative Kennedy's campaigns. I don't recall whether the speaker identified himself as a reporter, but my immediate reaction was that whatever he said about himself, he was seeking to solicit money from me for some political cause or campaign. (Our family gets frequent -- and bothersome -- telephone solicitations to a variety of causes.) In an effort to dissuade the speaker from bothering me then and in the future, I said to him, in substance the statements that are attributed to me in the article.
>
> c) The speaker then began to ask me personal questions such as what my father did for a living. This prompted me to ask him to repeat his explanation of why he was calling. He told me he was a reporter preparing an article for a Washington, D.C. publication. I told him I did not want anything I said to be used in his article. He responded that once he had identified himself to me, he could include in his article any statements that I made after that. I again requested that he not use anything I said in the article. When he refused to make that commitment, I told him I had nothing further to say, and I hung up the telephone.

Id. at 5-6.

The information provided by the Croopnicks shows that the entire family has had a long-standing relationship with Representative Kennedy, pre-dating the first contributions by Jacqueline and Jennifer. These two women were not minors at the time they made contributions and had pre-existing funds in UGMA accounts to which they had access. Although Jennifer Croopnick made statements which appear to show that she did not make the decision to contribute, she credibly explains why she made those statements in her affidavit. Accordingly, this Office recommends that the Commission take no further action against Bonnie Croopnick and Steven Croopnick and close the file.

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B. Hitchcocks

At issue in this matter were $3,000 in contributions made in the names of Peter and Spencer Hitchcock, who were one and three years old at the time the contributions were made. Christopher and Martha Hitchcock have two children, Peter (born February 25, 1991) and Spencer (born November 2, 1993). The Hitchcocks state: "On behalf of our children we decided to support the LaTourette for Congress campaign as much as we legally could. Neither child was involved in any of the decisions. . . . There was no solicition by anyone involved in the LaTourette campaign. These were solely our decisions." Attachment 4 at 1. According to the Hitchcocks, the funds used for the three contributions to the LaTourette campaigns ($1,000 primary and general election contributions in name of Spencer Hitchcock on October 17, 1994 and a $1,000 primary contribution in the name of Peter Hitchcock on October 13, 1994) were taken from statement savings accounts solely owned by either Peter or Spencer Hitchcock and made up of birthday and Christmas gifts to the children. Martha Hitchcock was the authorized signator of Spencer's account and Christopher Hitchcock was the authorized signator of Peter's account. The Hitchcocks state that they made no effort to conceal these contributions and in response to this MUR, they have sought and subsequently received a full refund from the LaTourette campaign. The Hitchcocks request pre-probable cause conciliation.

In preparing the First General Counsel's Report in this matter, this Office did not know who owned the accounts from which the contributions were made. Following discovery, it is clear that Peter and Spencer Hitchcock are the sole owners of the money used to make the contributions to the LaTourette campaigns; therefore, it is inappropriate to utilize 2 U.S.C. § 441f to conclude that these were contributions made in the name of another. However, Christopher and Martha Hitchcock admitted that they exercised complete control over the making of these contributions and thus it is appropriate to attribute the contributions made in the names of Peter and Spencer to the parents' contribution limits. Christopher and Martha Hitchcock each contributed $1,000 to both the primary and general election campaigns of Congressman LaTourette. Accordingly, the

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violations made in the names of the children are violations of 2 U.S.C. § 441a(a)(1)(A) because Christopher and Martha Hitchcock had already contributed the statutory maximum.

Additional investigation in this matter is unwarranted because the evidence of the violations is apparent from the Hitchcock's discovery response. Subsequent to that investigation the following facts are clear: the contributions at issue totaled $3,000 and, following the reason to believe findings, the Hitchcocks voluntarily sought and received a refund of these contributions.

this Office recommends that the Commission take no further action against Christopher Hitchcock and Martha Hitchcock, close the file, and send the Hitchcock respondents an admonishment letter.

C. Baxters

Virginia and William Baxter have four children -- Elizabeth (born August 15, 1980), Jennifer (born June 20, 1982), Joseph (born January 25, 1984) and John (born October 10, 1985). Because of the age of the children at the time of the contributions, this case highlights the difficulty of determining whether young children have made a contribution "knowingly and voluntarily." While this Office has significant questions as to whether children under a certain age can even meet this standard, in the absence of a presumption that they cannot, it may be very difficult to enforce this provision against the children of politically active families; yet these are the very individuals who are most likely to make such contributions.

In this case, the Baxters state that the $11,000 in contributions to Senator Thompson's campaigns and $4,000 in contributions to Lamar Alexander's Presidential race made in 1994 and 1995 in the names of Elizabeth, Jennifer, Joseph, and John Baxter at issue in this matter were made knowingly and voluntarily by the children. Assertedly, this is a natural development in a very political household; the Baxters provide some background as context in their response to the Commission's interrogatories:

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> The Baxter children have, in part because of their parents' involvement in various campaigns, had substantial opportunity to become interested in government and political campaigns. The discussion of political events, most often about Tennessee state and local politicians and Tennessee's Congressional and Senatorial candidates, has been a common occurrence in the Baxter household. The children have attended various receptions for candidates held in the Baxter home and political events at city parks and other locations.
>
> Indeed, the Baxter home has frequently been the site of receptions for candidates including a kick-off rally and reception for the 1987 Knoxville mayor's race, fund-raisers in 1989 and 1993 for Knoxville city council candidates, and a reception for George W. Bush, the President's son, in the fall of 1992. The children have often had an opportunity to meet and converse with the candidates at these events. The children also had the opportunity to accompany their parents to the Republican National Convention in Houston, Texas in 1992. Following this trip, the children had become so interested in the 1992 campaign season that a nightly quiz at the dinner table became the source of both competition and fun for the Baxter children.

Attachment 1 at 3.

According to the response, the Baxter children had met with candidate Thompson on several occasions beginning in November 1993 (prior to making any contributions), at receptions at the Baxter home and at other campaign events. "These encounters with Mr. Thompson led each child to discuss the campaign and its progress with their parents frequently. These discussions included topics such as upcoming fund-raising events, their dates and locations, and who the guest speakers at the events were scheduled to be, as well as more general discussions about how the campaign was progressing." Id. at 4. According to the response, the children were interested in learning how they could support the Thompson campaign, and the Baxters discussed various possibilities including the making of contributions. The Baxters state:

> As none of the children had previously contributed funds to a political campaign, the parents believed it was important that the children have as much information as possible upon which to base their decision whether or not to contribute to Mr. Thompson's campaign. The children, because of their contact with Mr. Thompson and their personal interest in the outcome of the Senate race, each decided that they desired to help the campaign by making a contribution.

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Id. According to the Baxters, after the contributions were made, the contributors received regular correspondence from the campaign. On September 30, 1995, Senator Thompson attended a reception at the Baxter home where "[e]ach child had an opportunity to again speak with Senator Thompson at the event." Id. at 11. Subsequently, the older three children "made the decision to contribute to Senator Thompson's [1996] reelection campaign." Id. According to FEC records, no contribution has been made in the name of John Baxter to Senator Thompson's 1996 campaign.

The Baxters state that their children's interest in the Alexander campaign was stimulated in a similar manner. Mr. Baxter volunteered to assist with a fund-raising dinner for the Presidential candidate in April, 1995. Then:

> Mr. Baxter spoke with the children about ways in which they might assist the campaign. After being informed that they could attend the Knoxville dinner, the children decided that they each wished to contribute $1000 to the campaign. They were very excited about this opportunity, having been told that they would have an opportunity to meet with Mr. Alexander. . . . The children attended the Knoxville dinner and each had an opportunity to meet and speak with Mr. Alexander.

Id. at 7-8.

Mr. Baxter attached a transmission letter to all contributions made to Senator Thompson in the names of the children, which "made clear that the contributions were being made by each of the children based upon the child's desire to make such contributions." Id. at 4. For instance, his letter containing the children's primary contributions to the Thompson campaign stated: "These funds are drawn on custodial accounts set up under the Tennessee Uniform Gift To Minors Act. The accounts are composed of stocks and bonds which are owned by Elizabeth, Jennifer, Joe, and John, respectively. They each personally wish to make these contributions to Tennesseeans for Thompson, and as their custodian, I have withdrawn these funds and endorsed them to the campaign." Id. at 17. See also, Attachment 1 at 18 and 28.

According to the Baxters, the funds used to make the contributions came from the Tennessee Uniform Gifts to Minors Act ("UGMA") accounts set up in the names of Elizabeth,

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Jennifer, Joseph, and John Baxter. William Baxter is custodian for all accounts. Under state law, a custodian has the authority to make withdrawals for minor children. Attachment 1 at 12. The money in these accounts came from gifts made by the parents to their children and resulting interest and dividends. All accounts held substantial assets at the time the contributions were made.

The Roll Call article upon which this matter was based quoted John and Joseph Baxter as making certain statements suggesting that they did not make the decisions to give contributions to the Thompson and Alexander campaigns. Specifically, when asked about John's $2,000 in contributions to Senator Thompson's campaign, John Baxter reportedly stated: "I don't know about that. My dad takes the money out of our accounts." His brother Joseph was quoted as having told the same reporter: "I've heard that I've given money to Lamar Alexander and to Fred Thompson, but I don't know how much I gave them." Then, the article refers to Mr. Baxter, although no direct quotations are reported, stating: "Their father . . . says the donations made by his children are legal because they each have accounts in their names from which the money is drawn, even though some of them are not aware of the contributions . . . . William Baxter said he has control of the money in the accounts and has made some of the withdrawals for the children's political contributions." The article does not discuss the contributions assertedly made by Elizabeth and Jennifer Baxter.

Because the Baxters' response to the Interrogatories and Requests for the Production of Documents did not address these reported statements, this Office asked counsel for the Baxters to voluntarily produce an affidavit addressing them. The Baxters agreed, but instead produced a

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letter from counsel. Attachment 6. According to counsel, the information which he has provided "is based on representations made by Mr. Baxter which in turn are based upon both his present recollection of his conversation with Mr. Knott [the reporter] as well as information he has received from his children following their conversations with Mr. Knott." Attachment 6 at 2.

Counsel contends that the statements made by the two boys support the Baxters' position that the contributions were made knowingly and voluntarily. He states:

> In spite of being wholly unprepared for a call from a reporter regarding contributions that had been made over the course of the previous year, Joseph Baxter's reported statement that he had "heard" that he had made political contributions to two campaigns, which in fact he had, plainly means that he knew about the two contributions before Mr. Knott's telephone call. Similarly, a statement of younger brother John Baxter, age 9, evidences only his awareness that funds from the children's accounts had been withdrawn by his father, presumably for the purpose of making the children's contributions, and nothing more. Thus, rather than suggesting that the children's contributions were made involuntarily or without the children's knowledge, the article fully supports the Baxter's contention that the contributions were made with their children's knowledge and consent and thus complied with all federal election laws.

Id. (Emphasis in original).

Following receipt of this letter from the Baxters' counsel, this Office again requested affidavits from the children. The Baxters complied and produced affidavits from John and Joseph Baxter. Attachment 7. John Baxter states:

> 3. I am interested in politics. My father, William Baxter, and I have talked more than once about me making contributions to the campaigns of Mr. Thompson and Mr. Alexander
>
> 4. I told my father that I wanted to make political contributions to both Mr. Thompson and Mr. Alexander. I asked him to take the money out of my account to make those contributions for me.
>
> 5. Later, I remember receiving a call from someone who asked me questions about my political contributions. I do not think that he told me who he was. I do not remember anything else about the conversation.

Attachment 7 at 3. Joseph Baxter's statement is very similar to his brother's. He says:

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> 3. I am interested in politics and consider myself a Republican. My father, William Baxter, and I have talked about the political campaigns of Senator Thompson and Mr. Alexander on several occasions. We discussed that I could make contributions to either of their campaigns.
>
> 4. I decided, following my talks with my father, that I wanted to make contributions to each of those campaigns with money from my personal account and asked my father to make those contributions for me.
>
> 5. I recall that a reporter called our house and spoke with both me and my brother John Baxter. I was asked questions about the donations I made to the campaigns of Senator Thompson and Mr. Alexander. I believe that I told him that I had made political contributions to both of those campaigns. I do not remember anything else about the conversation.

Id. at 5.

A child's contributions present difficult issues. The decision to make such a contribution must have been knowing and voluntary by the child at the time the contribution was made. The child is not required to remember and discuss the details leading up to the decision months or years after the fact. Children's memories can certainly be faulty, but in criminal cases, custody battles, and neglect hearings, very young children act as witnesses; their words are evidence, even though their age and credibility are still points to be considered by the judge and/or jury.

The information provided by the Baxters shows that custodial accounts were set up in the names of the children with ample assets sufficient to pay for the contributions at issue. Moreover, all four of these children did meet with the candidates to whom contributions were made, and it is likely that there were political discussions in the household because of the father's interest in politics. While the newspaper articles raised serious questions as to whether the two youngest children made the contributions knowingly and voluntarily, they have provided more persuasive sworn statements that the contributions were made properly. As previously noted, it is difficult to accept the notion that children as young as eight years old are capable of "knowingly and voluntarily" making the decisions to contribute to political campaigns. However in the absence of anything in the Commission's regulations such as a presumption that a young child may not make contributions this becomes a very subjective decision. In this matter there does not appear to be

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any choice but to accept the assurance affirmed by affidavits that these were knowing and voluntary decisions. Accordingly, this Office recommends that the Commission take no further action against Virginia Baxter and William Baxter and close the file.

D. Hersheys

This matter similarly highlights the issue whether there is an age below which children cannot make a contribution "knowingly and voluntarily." Loren and Birgit Hershey have three children, Alexander L. Hershey (born September 29, 1974), Samuel B. Hershey (born December 8, 1976), and Amelia B. Hershey (born May 26, 1984). The Hersheys categorically deny that they violated any provisions of the Act. According to the Hersheys, the individual contributions at issue in this matter -- $1,000 to President Bill Clinton by Amelia in 1992, $3,000 to Senator Charles Robb's general election campaign by all three children in 1994, and $6,000 to former-Representative Leslie Byrne's primary and general election campaigns by all three children in 1994 -- were not made in response to a solicitation but as a result of family discussions and decisions.

The Hersheys have provided contextual information relating to the family's political contributions. The Hersheys insist that their children were well informed about their own contributions and "each of the three children of Mr. and Mrs. Hershey participated in political discussions as 'table talk' in a household in which Democratic Party activism thrived and in which law, policy, talk shows, and political events were part of the family culture." Attachment 3 at 1. "[P]residential leadership issues were among the prominent matters discussed regularly in our household. Regular television fare in the household includes McNeil-Lehrer, Washington Week, McLaughlin Group, Meet the Press, David Brinkley and occasionally Larry King and/or David Frost -- all family hour shows." Id. at 3.

According to this response, Mr. Hershey has been active with the Fairfax County Democratic Committee in various positions, and his wife and children have assisted him with door-to-door leafletting or telephone contact work on election day. Beginning in 1987, all members of the Hershey family attended the Mason District Crab Feast and met local, state, and

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national Democratic candidates. In 1992, there were "animated" discussions in the Hershey household about which Democrat -- Clinton, Gore, or Jackson -- to support in the Virginia Democratic primary. That Fall, Democratic-nominee Clinton appeared at the Crab Feast; Samuel and Amelia Hershey also attended.

According to the Hershey response, Mr. Hershey co-founded Capitol American Financial Corporation in 1970. The company went public in 1992 and all members of the Hershey Family own shares in the corporation. The Hershey children received corporate dividends and other investment income such that they had substantial income during the years relevant to this inquiry.

Amelia Hershey presents the most questions concerning her ability to make a contribution knowingly and voluntarily as she was only eight at the time of the first contribution. The information provided by the Hersheys shows that the three Hershey children had the economic means to make the contributions and that the family environment focused on politics. The information also shows that through the Crab Feast and their father's volunteer activities, these children (Alexander was 20 at the time of his contributions) had come in contact with many Democratic politicians. Nonetheless, because of this Office's serious questions as to whether an eight year old can ever make a contribution "knowingly and voluntarily," and in an attempt to fully investigate this matter, this Office sought the voluntary production of an affidavit from Amelia Hershey. Mr. Hershey strenuously objected to this request, so this Office did not obtain an affidavit. This Office believes that the Commission should draw an inference that Amelia's contributions were not made knowingly and voluntarily from the Hershey's unwillingness to provide an affidavit. Nonetheless, because the amount of Amelia's contributions is small, this

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Office recommends that the Commission take no further action against Birgit Hershey and Loren Hershey, close the file, and send the Hershey respondents an admonishment letter.

III. RECOMMENDATIONS

1. Take no further action against Virginia Baxter and William Baxter, and close the file in MUR 4252.

2. Take no further action against Bonnie Croopnick and Steven Croopnick, and close the file in MUR 4253.

3. Take no further action against Birgit Hershey and Loren Hershey, and close the file in MUR 4254.

4. Take no further action against Christopher Hitchcock and Martha Hitchcock, and close the file in MUR 4255.

5. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

April 4, 1996
Date

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

Attachments

1. Response of Virginia and William Baxter
2. Response of Bonnie and Steven Croopnick
3. Response of Birgit and Loren Hershey
4. Response of Christopher and Martha Hitchcock
5. Jennifer Croopnick Affidavit
6. Letter from Baxter counsel
7. John and Joseph Baxter Affidavits

Attorney assigned: Stephan O. Kline

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Virginia Baxter and William Baxter;	)	MUR 4252
Bonnie Croopnick and Steven Croopnick;	)	MUR 4253
Birgit Hershey and Loren Hershey;	)	MUR 4254
Christopher Hitchcock and Martha Hitchcock.	)	MUR 4255

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 10, 1996, the Commission decided by a vote of 5-0 to take the following actions in MURs 4252, 4253, 4254, and 4255:

1. Take no further action against Virginia Baxter and William Baxter, and close the file in MUR 4252.

2. Take no further action against Bonnie Croopnick and Steven Croopnick, and close the file in MUR 4253.

3. Take no further action against Birgit Hershey and Loren Hershey, and close the file in MUR 4254.

(continued)

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4. Take no further action against Christopher Hitchcock and Martha Hitchcock, and close the file in MUR 4255.

5. Approve the appropriate letters, as recommended in the General Counsel's Report dated April 4, 1996.

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

Attest:

4-10-96
Date

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

Received in the Secretariat: Thurs., April 04, 1996 4:15 p.m.
Circulated to the Commission: Fri., April 05, 1996 12:00 p.m.
Deadline for vote: Wed., April 10, 1996 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 11, 1996

Christopher P. and Martha F. Hitchcock
486 Laurelbrook Drive
Chagrin Falls, OH 44022-4107

RE: MUR 4255
Christopher P. Hitchcock and
Martha F. Hitchcock

Dear Mr. and Ms. Hitchcock:

On September 12, 1995, you were notified that the Federal Election Commission found reason to believe that you violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f. On September 22, 1995, you submitted a response to the Commission's reason to believe finding. After considering the circumstances of the matter, the Commission determined on April 10, 1996, to take no further action against you, and closed the file in this matter.

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

The Commission reminds you that the contributions made by you in the names of Spencer and Peter Hitchcock are attributable to your contribution limits and are violations of 2 U.S.C. § 441a(a)(1)(A). You should take steps to ensure that this activity does not occur in the future.

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

Sincerely,

Stephan O. Kline
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

THIS IS THE END OF MUR # 4255

DATE FILMED 5-19-96 CAMERA NO. 4

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