



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4350

DATE FILMED 3/11/88 CAMERA NO. 2

CAMERAMAN EES

98043861242

# Wellstone For Senate

Phone: (612) 643-0828

Fax: (612) 643-0837

P.O. Box 65588  
St. Paul, MN 55165

MUR 4350

April 23, 1996

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
APR 29 2 37 PM '96

**Re: Complaint Against Republican Party of Minnesota**

Dear Mr. Noble:

This letter constitutes a complaint against the Republican Party of Minnesota and Erick Kaardal, as treasurer (collectively "Respondents") alleging violations of the Federal Election Campaign Act of 1971, as amended ("FECA" of the "Act"), 2 U.S.C. §§ 431 et seq and related regulations of the Federal Election Commission ("FEC" or the "Commission"), 11 C.F.R. §§ 101.1 et seq.

On February 12, 1996 Respondents announced an "intense, statewide flight of radio advertisements sharply critical of U.S. Senator Paul Wellstone[]." (Exhibit 1: News release dated February 12, 1996). The purpose of these ads, the news release stated, was to "start the process of educating Minnesotans." Unfortunately, as subsequent news reports and events proved, Respondents' claims in those advertisements proved false and at least one of the ads was withdrawn by the Respondents as a result. (Exhibit 2: See "Truth, the biggest victim of anti-Wellstone ads." The Tower/Orr Timberjay (Feb. 26, 1996); "Republicans forced to pull anti-Wellstone ad: incorrect information discovered in radio ad." Marshall Independent (Feb. 17, 1996).

It appears that Respondents' indifference to the truth also extended to its view of the law. Newly filed FEC reports illustrate that Respondents failed to attribute any of the cost of producing and running these advertisements to its coordinated expenditure limit under section 441a(d) of the Act. (Exhibit 3) Indeed, Respondents reported the \$11,500 cost as "party building" and attributed \$6,555 to its nonfederal account. (Exhibit 4)

The Commission has consistently found that party expenditures that name a clearly identified candidate and contain an "electioneering message" must be counted by the party against the expenditure limit imposed by section 441a(d) of the Act. See e.g.,

Printed on Recycled Paper  
10% post consumer waste

Advisory Opinion 1984-15, 1985-14. What makes this violation even more disturbing -- and indeed may satisfy the requirements of knowing and willfulness -- is the fact that the United States Court of Appeals for the Tenth Circuit recently rejected another Republican State party's attempt to run similar ads without reporting the monies it spent under section 441a(d). FEC v. Colorado Republican Federal Campaign Comm., 59 F.3d 1015 (10th Cir. 1995) cert. granted 116 S.Ct 689 (1996).

In that case, the Colorado Republican Party ran radio ads against incumbent Senator Tim Wirth. Like in this instance, the Colorado Republican Party ran the ads after the Democratic incumbent had announced his candidacy but before the Republican nomination process had concluded. Also like the present situation, the ads in Colorado named the Democrat and criticized his position on various political issues. In all important respects the facts of the two cases are the same and the Commission's response should be as well.

In upholding the Commission's standard the Court noted that:

[a]ny reasonable reading of [the anti-Wirth ad], which included the notation of Republican Party sponsorship, would leave the reader (or listener) with the impression that the Republican Party sought to 'diminish' public support for Wirth and 'garner support' for the unnamed Republican nominee.

59 F.3d at 1023. The same can be said about the anti-Wellstone ads at issue here. All three of those ads bear a "notation of Republican sponsorship" and are clearly intended to "diminish" support for Wellstone and thus "garner" support for his eventual challengers.

In fact, the text of these ads criticize Wellstone's position on three issues that will undoubtedly be at the center of the 1996 Senate election. Media analyses of the ads have noted that they are "part of the campaign to defeat Senator Wellstone," and constitute the "opening salvos of the 1996 race for Minnesota's U.S. Senate seat."

Finally, it should be noted that the ads in question closely track the issues and even "catch phrases" used by the Republican candidates themselves. For example, the Party's ad on welfare begins: (Exhibit I-B)

Paul Wellstone has earned his reputation as an ultra-liberal.

Senator Wellstone voted repeatedly against workfare, and for more welfare.

9 3 0 4 3 8 6 1 2 4 4

This corresponds closely with the text of ads run by former GOP Senator, and leading Republican primary candidate, Rudy Boschwitz, which contends: (Exhibit 5)

Liberal Senator Wellstone is earning his reputation as Senator Welfare.

\* \* \*

Yet Senator Wellstone voted against workfare. That's terrible.

Regardless of whether there was, in fact, coordination, the law states that ads that name a clearly identifiable candidate and which contain an electioneering message must be counted against a party's section 441a(d) limits. These ads clearly meet that test and therefore should have been reported 441a(d) expenditures by the Party. Further, the use of nonfederal funds, from sources not permitted under Federal law, for 441a(d) expenditures is prohibited.

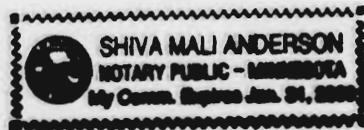
In light of this clear violation, the Commission should conduct a prompt and complete investigation to determine the scope of the violation. Based upon such an investigation, the undersigned asks the Commission to impose the stiffest civil penalty allowed for what is clearly a blatant flouting of the law. Furthermore, if the FEC finds that it is likely that such flagrant violations of the 441a(d) limits might occur again in the future, the undersigned requests that the Commission seek a permanent court injunction against future violations of the Act.

Respectfully Submitted,

*Richard S. Kahn*

Rick Kahn  
Wellstone for Senate, General Counsel

Subscribed and sworn to before me this 23 day of April, 1996.



*Shiva Mali Anderson*  
Notary Public

My commission expires 1-31-2000

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## Appendix

### Exhibit 1:

- A: "Minnesota GOP Launches Statewide Radio Campaign on Wellstone,"  
Republican Party of Minnesota Press Release, 2/12/96.
- B: "More Welfare, More Taxes." Minnesota Republican Party Radio ad transcript.
- C: "Local Control." Minnesota Republican Party Radio ad transcript.
- D: "Freedom to Farm," Minnesota Republican Party Radio ad transcript.

### Exhibit 2:

- A: "Truth the biggest victim in anti-Wellstone ads." The Tower/Orr Timberjay,  
February 26, 1996
- B: "Republicans forced to pull anti-Wellstone ad," Marshall Independent, 2/17/96

### Exhibit 3:

"Detailed Summary Page," Minnesota Republican Party, First Quarter 1996 FEC  
Report, page 2.

### Exhibit 4:

"Joint Federal/Non-Federal Activity Schedule." Schedule H4, Minnesota Republican  
Party, First Quarter 1996 FEC Report, page 29 of 38.

### Exhibit 5:

"Senator Welfare." People for Boschwitz '96 Radio ad transcript.

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# Republican Party of Minnesota

480 Cedar Street, Suite 560  
Saint Paul, Minnesota 55101

Exhibit 1-A

(612) 222-0022  
(612) 224-4122 (fax)

## NEWS RELEASE

FOR IMMEDIATE RELEASE  
Monday, February 12, 1996

CONTACT  
Randy Skoglund  
612/222-0022 x 113

## MINNESOTA G.O.P. LAUNCHES STATEWIDE RADIO CAMPAIGN ON WELLSTONE

*Three Ads to Criticize Senator's Ultra-Liberal Stances on Workfare,  
Tax Increases, Balanced Budget, Farm Bill and Voyageurs National Park*

The Republican Party of Minnesota begins today an intense, statewide flight of radio advertisements sharply critical of U.S. Senator Paul Wellstone's positions on issues currently before the 104th Congress, state Republican chairman Chris Georgacas announced this morning.

"On the fundamental issues confronting the Congress today, Paul Wellstone is an ultra-liberal, unresponsive to the majority of Minnesotans' wishes," said Georgacas. "Wellstone votes his ultra-liberal line in Washington while creating a false image of independence back home for his constituents. These ads will start the process of educating Minnesotans and smoking him out."

Georgacas said that three radio advertisements produced by the state party -- entitled "More Welfare, More Taxes," "Freedom to Farm," and "Local Control" -- will be broadcast today through at least Friday, February 16, in an intense, \$15,000 statewide ad campaign. But Georgacas said the ad campaign may be extended beyond its current scope.

Each ad urges listeners to contact Sen. Wellstone's office through its 1-800 number to express their opposition to his policy positions and asks him to change his vote when these issues next come before the Congress.

The three ads will be broadcast to different, targeted audiences:

- **"More Welfare, More Taxes"** will be broadcast statewide, and criticizes Wellstone for his votes (1) against Workfare provisions, (2) for the 1993 Budget Act, which included the largest tax increase in American history, and (3) against a Balanced Budget constitutional amendment.
- **"Freedom to Farm"** will be broadcast in rural radio markets in southern and western Minnesota, and criticizes Wellstone for his vote last week against the Freedom to Farm Act.
- **"Local Control"** will be broadcast in northeastern Minnesota, and criticizes Wellstone for siding with those who seek further restrictions on use of Voyageurs National Park.

###

### ATTACHMENTS:

Scripts for "More Welfare, More Taxes," "Freedom to Farm," and "Local Control" radio advertisements.

98043861247



# Republican Party of Minnesota

480 Cedar Street, Suite 560  
Saint Paul, Minnesota 55101

(612) 222-0022  
(612) 224-4122 (fax)

## Exhibit 1-B

Minnesota Republican Party  
"More Welfare, More Taxes"  
Radio :60

ANNCR: Paul Wellstone has earned his reputation as an ultra-liberal.

Senator Wellstone voted repeatedly against workfare; and for more welfare.

And that's not all.

Senator Wellstone cast the deciding vote for the largest tax increase in American history. Wellstone's tax increase cost Minnesota families thousands more a year in higher taxes.

Higher taxes on income, social security, small business and gasoline.

Amazingly, it gets worse.

Ultra-liberal Paul Wellstone even voted against a balanced budget amendment.

Paul Wellstone's ultra-liberal record: more spending on welfare, higher taxes on you and more debt for our children.

Call Senator Wellstone at 1-800-642-6041. Remind him those are our tax dollars he's spending.

Tell him to vote for workfare, lower taxes on the middle class, and a balanced budget.

Paid for by the Republican Party of Minnesota. Chris Georgakas chair.

98043861243



# Republican Party of Minnesota

480 Cedar Street, Suite 560  
Saint Paul, Minnesota 55101

(612) 222-0022  
(612) 224-4122 (fax)

## Exhibit 1-C

Minnesota Republican Party  
"Local Control"  
Radio :60

**ANNCR:** Senator Wellstone has earned his reputation as an ultr-liberal.

Ultra-liberal Paul Wellstone won't stand up to his liberal allies — the radical environmentalists and federal bureaucrats — who want to stop us from enjoying Voyageurs National Park.

That's wrong.

Voyageurs is too important to our economy. More tourism means more jobs for us. That's why we need more local control.

But the liberal environmentalists and bureaucrats in Washington want to restrict access to our Park. And they even want to end motorized use.

That's not fair.

We care more about our natural resources than the special interest groups two thousand miles away. It's time for them to listen to us.

But first... we need Senator Wellstone to represent us — not the radical special interests.

Call Senator Wellstone at 1-800-642-6041. Tell him to support us — by supporting multiple use... and tell him to give us a real voice in how our park is run.

Paid for by the Republican Party of Minnesota. Chris Georgakas chair.

93043861249



# Republican Party of Minnesota

480 Cedar Street, Suite 560  
Saint Paul, Minnesota 55101

(612) 222-0022  
(612) 224-4122 (fax)

## Exhibit 1-D

Minnesota Republican Party  
"Freedom to Farm"  
Radio :60

ANNCR: Senator Wellstone has earned his reputation as an ultra-liberal.

Paul Wellstone voted against the Freedom to Farm bill.

He was wrong.

The bill drastically reforms federal farm programs... reforms Minnesota's farmers have long demanded.

In fact, the Freedom to Farm bill was endorsed by the Farm Bureau... the Minnesota Wheat, Corn and Barley Growers.

It was even endorsed by the Minneapolis Star-Tribune.

Still, liberal Paul Wellstone voted "no".

The Freedom to Farm bill reduces paperwork and provides farmers with flexibility and opportunities for long term economic growth.

Still, liberal Paul Wellstone voted "no".

Liberal Paul Wellstone voted for more government, more bureaucrats and against Minnesota's farmers.

He was wrong.

Call Senator Wellstone at 1-800-642-6041, tell him to support the Freedom to Farm bill - tell him to support Minnesota's farmers.

Paid for by the Republican Party of Minnesota. Chris Georgacas chair.

9 8 0 4 3 8 6 1 2 5 0

# Truth the biggest victim of anti-Wellstone ads

## *GOP radio spots suggest a long, negative campaign for U.S. Senate seat*

The opening salvos of the 1996 race for Minnesota's U.S. Senate seat, now held by Paul Wellstone, hit the airwaves of the Iron Range this past week with the broadcast of a radio commercial portraying Wellstone as opposed to motor use in Voyageurs National Park. The ad, placed by the state's Republican Party chair Chris Georgacas, is intended to weaken Wellstone politically in a region that is considered key to his re-election.

But the content of the ad is false. That's not just according to Wellstone campaign officials.

"I think Chris Georgacas has been badly misled on this," said Martin Kellogg, a Republican, and member of the board of the Voyageurs Region National Park Association (VRNPA). The VRNPA was cited by Republican Party officials

as the environmental organization portrayed in the ad as opposed to motor use in the park.

The ad implies that Wellstone has aligned himself with "radical environmentalists" who want to restrict access to the park. "And they even want to end motorized use," states the ad.

When asked by the Timberjay,

*"By the time October comes, they'll probably be making Paul (Wellstone) out to be a child-molesting ax murderer."*

Wellstone campaign manager  
Jeff Blodgett

which radical environmental groups have sought to end motor use in the park, Republican Party official Randy Skoglund cited a February 9 StarTribune article that quoted VRNPA's executive director Jenni-

fer Hunt. But the quote, in which Hunt says: "We are totally opposed to having any of those lakes accessible by motorized means," refers only to lakes on the Kabetogama Peninsula, not the major lakes in the park, according to Hunt. She said the VRNPA has never opposed motor use on the park's major lakes, nor on safety portages. "We have always viewed Voyageurs as a compromise park, where motorized use is permitted, but there should also be opportunities for wilderness experiences."

"We're really upset with this ad. We feel our views have been totally misrepresented," said Hunt.

The VRNPA, said Kellogg, supports wilderness designation for the Kabetogama Peninsula, a designation which would prohibit motor use on the peninsula. But Kellogg said he doesn't believe that makes him a "radical environmentalist" and he cites recent opinion surveys which have shown that a sizable majority of Minnesotans support the VRNPA's position. Indeed, a press release issued in response to the ad by several statewide environmental groups, including the VRNPA, cites

opinion surveys showing that 69 percent of Republicans in the state oppose lifting motor restrictions in Voyageurs.

And far from siding with environmental groups, Hunt said Wellstone has, to date, refused to take a position on wilderness designation in Voyageurs, despite her group's requests for him to do so.

Georgacas, when questioned, acknowledged that Wellstone has tried to remain in the center on issues affecting Voyageurs and the Boundary Waters Canoe Area Wilderness. "He's tried to straddle the issue," complained Georgacas.

When asked if the ad is misleading, Georgacas said the ad doesn't specifically say that Wellstone opposes motor use in the park, even if it leaves that impression. "If we can help create further discomfort for the Senator, obviously that's what we're all about in an election year," he said.

Georgacas made it clear that the attacks on Wellstone are, in part, retaliation for Wellstone's attacks

See Attack ad... page 5

## Attack ad... from page 2

on Boschwitz in 1990. "I will readily admit that some of this stuff goes beyond the bounds of good taste. But in terms of rhetorical excess, we're just giving him a taste of his own medicine," said Georgacas.

Ironically, Georgacas acknowledged that the eventual Republican nominee may not differ that much from Wellstone on the issue. "It depends on who is the nominee," he said. He agreed that Boschwitz had enjoyed considerable support from environmentalists in the past.

Still, Republicans hope the issue of motor use in the park and the BWCAW can work to their advantage as a wedge issue, that will divide mainstream DFL support for

is only running in northern Minnesota and not in the Twin Cities where criticism of environmental groups would do the GOP little good.

"The Republicans think they can make hay with this issue, but to do so, they have to lie about it," said Wellstone campaign manager Jeff Blodgett.

The deceptive ad is part of a pattern, said Blodgett. Indeed, a similar farm policy-related ad, paid for by the Republican Party, that ran in southern Minnesota was pulled off the air after information in it was exposed as false. That ad criticized Wellstone's position on the Republican farm bill, and stated that the Minnesota Corn Growers Associa-

tion's president, when contacted by reporters, said his group had joined Wellstone in opposing the GOP bill.

Blodgett said the Voyageurs Park ad, which is being used in northeastern Minnesota, is just as false, but he has not called on Republicans to pull it. "It doesn't seem to be running that much," he said.

But Blodgett said he expects more of the same. "Considering that we're still nine months away from the election, we expect these ads to get much worse. By the time October comes, they'll probably be making Paul (Wellstone) out to be a child-molesting ax murderer," he said.

# Anatomy of a political attack ad

Below is the written text of a political attack ad aired recently over northern Minnesota radio stations. The ad was paid for by the Republican Party as part of its campaign to defeat Senator Paul Wellstone.



## Republican Party of Minnesota

480 Cedar Street, Suite 560  
Saint Paul, Minnesota 55101

(612) 222-0022  
(612) 224-4122 (fax)

Minnesota Republican Party  
"Local Control"  
Radio: 60

ANNCR: Senator Wellstone has earned his reputation as an ultra-liberal

Ultra-liberal Paul Wellstone won't stand up to his liberal allies—the radical environmentalists and federal bureaucrats—who want to stop us from enjoying Voyageurs National Park.

That's wrong.

Voyageurs is too important to our economy. More tourism means more jobs for us. That's why we need more local control.

But the liberal environmentalists and bureaucrats in Washington want to restrict access to our Park. And they even want to end motorized use.

That's not fair.

We care more about our natural resources than the special interests two thousand miles away. It's time for them to listen to us.

But first... we need Senator Wellstone to represent us... not the radical special interests.

Call Senator Wellstone at 1-800-642-6041. Tell him to support us— by supporting multiple use... and tell him to give us a real voice in how our park is run.

Paid for by the Republican Party of Minnesota. Chris Georgakas chair.

Expect the term "ultra-liberal" in almost all Republican ads attacking Wellstone. The GOP wants to portray Wellstone as out of the mainstream.

This sentence hits all the hot buttons It's Us (northern Minnesotans) versus Them (environmentalists/bureaucrats). The ad implies that Wellstone has sided with Them, without saying so specifically. This is important since doing so would mean the ad is probably false. Wellstone has called for compromise without taking a position or most of the issues affecting the VNP.

Implies the GOP would push for policy changes without saying they actually will. It is entirely possible the GOP candidate will handle the issue much as Wellstone has.

This is the meat of the ad. It falsely implies that environmentalists and bureaucrats want to end motor use in the park. And because the ad has already linked Wellstone to these groups, the ad implies that Wellstone is also opposed to motor use in the park, without actually saying so. When questioned, GOP chair Chris Georgakas noted that the ad never actually states Wellstone's position. And because the ad never says exactly where the environmentalists want to end motorized use, the statement is misleading without being an outright lie.

Falsely implies that the environmental groups lobbying for some motor restrictions within the VNP are based in Washington. They are based in the Twin Cities. As a Senator from all of Minnesota, Wellstone can be expected to try to represent views from around the state.

Reinforces the previously stated view that Wellstone is representing special interests over local interests

Independent Marshall 2/17/96

# Republicans forced to pull anti-Wellstone ad

## Incorrect information discovered in radio ad

By Ross BARNETT  
Independent Staff Writer

MARSHALL — The Minnesota Republican Party was forced to pull a radio advertisement attacking Sen. Paul Wellstone's farm policy off the air after information in the ad was found to be incorrect, according to a release issued Friday by Wellstone's campaign office.

Jeff Blodgett, Wellstone's campaign manager, blasted the local GOP party for sponsoring the ad which criticized the senator's vote against the so-called "Freedom to Farm" bill and accused the party of

misrepresenting the views of the Minnesota Corn Growers Association.

The ad read: "In fact, the Freedom to Farm bill was endorsed by the Farm Bureau ...the Minnesota Wheat, Corn and Barley Growers."

That information was found to be false and the ad was dropped, the release stated.

Bob Fox, President of the Minnesota Corn Growers Association, said that not only did the organization never announce support for the bill, it joined Wellstone in opposing it.

But the ad was changed and the word "Minnesota" was removed from the sentence before

it was aired, according to Randy Skoglund, Minnesota Republican Party spokesman. The ad which ran was accurate, he said, because "The National Corn Growers Association has endorsed all the major provisions of the Freedom to Farm bill.

"We ran it through our contact in the agriculture community," Skoglund explained, "and he said that it would be inaccurate, so we changed it and said 'corn growers association.'"

Fox said that while certain provisions of the bill were supported by the national association, "the National Corn Growers never did support

WELLSTONE PAGE 2A

## WELLSTONE FROM PAGE 1A

Freedom to Farm."

He explained that the group, at its national board meeting in December, voted to support a provision of the bill involving a payment schedule. And they endorsed the changing or eliminating of caps on marketing loan rates. The latter, he said, was not included in the final bill which passed the senate.

The issue of support for the bill is a difficult one, Fox explained, because the original bill authored by Pat Roberts, R-Kan., was significantly different than the version which passed the Senate Feb. 7 by a 63-33

vote.

"The problem with the ad was that Freedom to Farm has about three or four definitions. And the original version of Freedom to Farm was never supported by the National Corn Growers or the Minnesota Corn Growers. That was the confusion."

But Blodgett apparently doesn't view the matter as a misunderstanding.

"The simple fact is that the Republican Party was caught in the act and had to pull the ad off the air," he said.

Exhibit 2-B

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**DETAILED SUMMARY PAGE  
OF RECEIPTS AND DISBURSEMENTS  
PAGE 2, FEC FORM 3X**

(revised 1/1/91)

NAME OF COMMITTEE Republican Party of Minnesota		REPORT COVERING PERIOD FROM 1/1/96 TO 3/31/96	
		COLUMN A Total This Period	COLUMN B Calendar Year
<b>I. Receipts</b>			
<b>Exhibit 3</b>			
11. Contributions (other than loans) From:			
a. Individual/Persons Other Than Political Committees			
i. Itemized (use Schedule A)	2,300.00	2,300.00	11(a)(i)
ii. Unitemized	530,974.35	530,974.35	11(a)(ii)
iii. Total (add i and ii) >	533,274.35	533,274.35	11(a)(iii)
b. Political Party Committees	-0-	-0-	11(b)
c. Other Political Committees (such as PACs)	-0-	-0-	11(c)
d. Total Contributions (add a iii, b and c) >	533,274.35	533,274.35	11(d)
12. Transfers From Affiliated/Other Party Committees	6,000.00	6,000.00	12
13. All Loans Received	-0-	-0-	13
14. Loan Repayments Received	-0-	-0-	14
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.)	-0-	-0-	15
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees	-0-	-0-	16
17. Other Federal Receipts (Dividends, Interest, etc.)	3,759.30	3,759.30	17
18. Transfers from Nonfederal Account for Joint Activity	190,000.00	190,000.00	18
19. Total Receipts (add 11d, 12, 13, 14, 15, 16, 17, and 18) >	733,033.65	733,033.65	19
20. Total Federal Receipts (subtract line 18 from line 19) >	543,033.65	543,033.65	20
<b>II. Disbursements</b>			
21. Operating Expenditures:			
a. Shared Federal/Non-Federal Activity (from Schedule H4)			
i. Federal Share	107,457.90	107,457.90	21(a)(i)
ii. Non-Federal Share	142,444.11	142,444.11	21(a)(ii)
b. Other Federal Operating Expenditures	409,451.66	409,451.66	21(b)
c. Total Operating Expenditures (add a i, a ii, and b) >	659,353.67	659,353.67	21(c)
22. Transfers to Affiliated/Other Party Committees	48,324.51	48,324.51	22
23. Contributions to Federal Candidates/Committees and Other Political Committees	5,000.00	5,000.00	23
24. Independent Expenditures (use Schedule E)	-0-	-0-	24
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F)	-0-	-0-	25
26. Loan Repayments Made	-0-	-0-	26
27. Loans Made	-0-	-0-	27
28. Refunds of Contributions To:			
a. Individuals/Persons Other Than Political Committees	5,007.00	5,007.00	28(a)
b. Political Party Committees	-0-	-0-	28(b)
c. Other Political Committees (such as PACs)	-0-	-0-	28(c)
d. Total Contribution Refunds (add a, b and c) >	5,007.00	5,007.00	28(d)
29. Other Disbursements	-0-	-0-	29
30. Total Disbursements (add 21c, 22, 23, 24, 25, 26, 27, 28d, and 29) >	717,685.18	717,685.18	30
31. Total Federal Disbursements (subtract line 21 a ii from line 30) >	575,241.07	575,241.07	31
<b>III. Net Contributions/Operating Expenditures</b>			
32. Total Contributions (other than loans)(from line 11d)	533,274.35	533,274.35	32
33. Total Contribution Refunds (from line 28d)	5,007.00	5,007.00	33
34. Net Contributions (other than loans)(subtract line 33 from 32)	528,267.35	528,267.35	34
35. Total Federal Operating Expenditures (add 21 a i and 21 b) >	516,909.56	516,909.56	35
36. Offsets to Operating Expenditures (from line 15)	-0-	-0-	36
37. Net Operating Expenditures (subtract line 36 from 35) >	516,909.56	516,909.56	37

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Name of Committee  
**INDEPENDENT-REPUBLICANS OF MINNESOTA**  
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A. FULL NAME, MAILING ADDRESS & ZIP CODE	Purpose/Event	Date	Total Amount	Federal & Non-Federal &
DELUXE BUSINESS FORMS PO BOX 64500 ST PAUL, MN	PRINT CHECKS	02/27/96	100.90	43.39 57.51
Category: Administrative/Voter Drive				
Event Year-To-Date: 206.78				

B. FULL NAME, MAILING ADDRESS & ZIP CODE	Purpose/Event	Date	Total Amount	Federal & Non-Federal &
RAMSEY COUNTY 50 KELLOGG BLVD ST PAUL, MN	PROPERTY TAX	03/14/96	42.76	18.39 24.37
Category: Administrative/Voter Drive				
Event Year-To-Date: 42.76				

C. FULL NAME, MAILING ADDRESS & ZIP CODE	Purpose/Event	Date	Total Amount	Federal & Non-Federal &
COTTINGTON MARTI 2626 E 82 ST 8121 BLOOMINGTON, MN	RADIO ADS, PARTY BUILDING	02/12/96	11,500.00	4,945.00 6,555.00
Category: Administrative/Voter Drive				
Event Year-To-Date: 11,500.00				

D. FULL NAME, MAILING ADDRESS & ZIP CODE	Purpose/Event	Date	Total Amount	Federal & Non-Federal &
LEE SECRETARIAL SERVICE 1700 W HWY 36 ST PAUL, MN	RECORD SCH CHC TASK FBC SEMINAR/96		530.40	228.07 302.33
Category: Administrative/Voter Drive				
Event Year-To-Date: 530.40				

E. FULL NAME, MAILING ADDRESS & ZIP CODE	Purpose/Event	Date	Total Amount	Federal & Non-Federal &
PUBLIC HOUSING AGENCY 690 CEDAR ST S 600 ST PAUL, MN	RENT	01/05/96	3,058.40	1,315.11 1,743.29
Category: Administrative/Voter Drive				
Event Year-To-Date: 9,175.20				

F. FULL NAME, MAILING ADDRESS & ZIP CODE	Purpose/Event	Date	Total Amount	Federal & Non-Federal &
PUBLIC HOUSING AGENCY 480 CEDAR ST S 600 ST PAUL, MN	RENT	02/05/96	3,058.40	1,315.11 1,743.29
Category: Administrative/Voter Drive				
Event Year-To-Date: 9,175.20				

SUBTOTAL OF JOINT FEDERAL AND NON-FEDERAL ACTIVITY THIS PAGE.....			18,290.86	
TOTAL THIS PERIOD (Fed. share to 21 a i and non-Fed. share to 21 a ii).....			177,741.83	76,428.99 101,312.84
TOTAL THIS PERIOD FOR THE NON-FEDERAL SHARE (Used for line 31 of the detailed summary page).....				

People for Boschwitz '96  
"Senator Welfare"  
Radio :60 seconds

Exhibit 5

Liberal Senator Paul Wellstone is earning his reputation as Senator Welfare.

Since Wellstone's election just five years ago, Minnesota welfare costs have soared. Today there are literally hundreds and hundreds and hundreds of thousands of people on welfare right here in Minnesota. It's a fact. Over 300,000 people in one welfare program alone.

Yet Senator Wellstone voted against workfare. That's terrible.

When Rudy Boschwitz was our Senator, he fought for workfare. That's because Rudy Boschwitz is a solid fiscal conservative.

But not our liberal Senator Paul Wellstone. No wonder more and more people say Senator Wellstone has become Senator Welfare. It isn't funny. Not to taxpayers. Paul Wellstone's liberalism is a national embarrassment, and it's time for a change.

9 3 0 4 3 8 6 1 2 5 6



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

May 3, 1996

Rick Kahn, General Counsel  
Wellstone for Senate  
PO Box 65588  
St. Paul, MN 55165

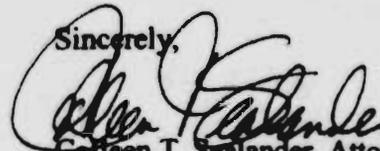
RE: MUR 4350

Dear Mr. Kahn:

This letter acknowledges receipt on April 29, 1996, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4350. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

  
Corleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

98043861257



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

May 3, 1996

Erick Kaardal, Treasurer  
Republican Party of Minnesota  
480 Cedar Street, Suite 560  
St. Paul, MN 55101

RE: MUR 4350

Dear Mr. Kaardal:

The Federal Election Commission received a complaint which indicates that the Republican Party of Minnesota ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4350. Please refer to this number in all future correspondence.

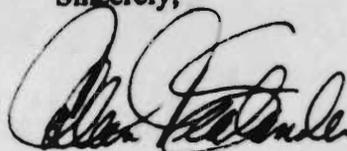
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements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

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

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

Sincerely,



Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosures

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

9 8 0 4 3 8 6 1 2 5 9

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MAY 20 10 18 AM '96

# ARNOLD, ANDERSON & DOVE

PROFESSIONAL LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW

101 PARK PLACE

HUTCHINSON, MINNESOTA 55350-2563

(320) 587-7575

FAX (320) 587-4096

RESIDENT ATTORNEY

G. BARRY ANDERSON

OF COUNSEL

RAYMOND C. LATTER

ARTHUR L. DOTEN

5881 CEDAR LAKE ROAD

MINNEAPOLIS, MINNESOTA 55416

(612) 545-9000

FAX (612) 545-1793

501 SOUTH FOURTH STREET

PRINCETON, MINNESOTA 55371

(612) 389-2214

FAX (612) 389-5506

DAVID B. ARNOLD  
STEVEN A. ANDERSON  
G. BARRY ANDERSON\*  
LAURA K. FRETLAND  
DAVID A. BRUEGGEMANN  
PAUL D. DOVE\*\*  
JANE VAN VALKENBURG  
RICHARD G. MCGEE  
CATHRYN D. REHER  
WALTER P. MICHELS, III

\*ALSO ADMITTED IN TEXAS AND NEW YORK

May 17, 1996

Ms. Alva Smith  
Federal Election Commission  
999 E Street NW  
Washington, D.C. 20463

SEND VIA FACSIMILE (202) 219-3923  
AND BY U.S. MAIL.

Re: MUR 4350  
Our File No. 3643-96012

Dear Ms. Smith:

In accordance with our conversation of earlier today, please find enclosed a facsimile transmission statement of designation of counsel executed by the Deputy Chair of the Republican Party of Minnesota.

The materials that I received from my client are dates stamped May 6, 1996 and thus a response would be due fifteen days from that date or May 20, 1996.

I am scheduled to have District Court responsibilities on May 20 which probably will conclude in such a fashion so as to allow me to comply with the FEC deadline for a response.

However, as a precaution, I would request an extension of one day to May 22, 1996.

Please let me know your position on this request.

Thank you. Best regards.

Very truly yours,

ARNOLD, ANDERSON & DOVE, PLLP

G. Barry Anderson

GBA:jm

enc.

CC: Chris Georgacas

File

CERTIFIED AS A CIVIL TRIAL SPECIALIST BY THE MINNESOTA STATE BAR ASSOCIATION  
\*\* CERTIFIED AS A REAL PROPERTY LAW SPECIALIST BY THE MINNESOTA STATE BAR ASSOCIATION

93043861250

MAY 06 '96 02:27PM

P.28/21

**STATEMENT OF DESIGNATION OF COUNSEL**

MUR \_\_\_\_\_

NAME OF COUNSEL: G BARRY ANDERSON

FIRM: ARNOLD, ANDERSON & DOVE, PLLP.

ADDRESS: 101 MAIN STREET SOUTH

HUTCHINSON, MN 55350

TELEPHONE: ( 320 ) 587 7575

FAX: (      ) \_\_\_\_\_

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

May 17, 1996  
Date

*Moonyeen Bongaards*  
Signature

RESPONDENT'S NAME: Moonyeen Bongaards, Deputy Chair

ADDRESS: 480 Cedar Street, Suite 560

St. Paul, MN 55101

TELEPHONE: HOME ( 612 ) 470-1004

BUSINESS ( 612 ) 222-0022

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**ARNOLD, ANDERSON & DOVE**

PROFESSIONAL LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW

101 PARK PLACE

HUTCHINSON, MINNESOTA 55350-2563

(320) 587-7575

FAX (320) 587-4096

RESIDENT ATTORNEY

G. BARRY ANDERSON

DAVID B. ARNOLD\*  
STEVEN A. ANDERSON  
G. BARRY ANDERSON\*  
LAURA K. FRETLAND  
DAVID A. BRUEGGEMANN  
PAUL D. DOVE\*\*  
JANE VAN VALKENBURG  
RICHARD G. MCGEE  
CATHRYN D. REHER  
WALTER P. MICHELS, III

\*ALSO ADMITTED IN TEXAS AND NEW YORK

OF COUNSEL  
RAYMOND C. LALLIER  
ARTHUR L. DOTEN

5881 CEDAR LAKE ROAD  
MINNEAPOLIS, MINNESOTA 55416  
(612) 545-9000  
FAX (612) 545-1793

501 SOUTH FOURTH STREET  
PRINCETON, MINNESOTA 55371  
(612) 389-2214  
FAX (612) 389-5506

May 20, 1996

Ms. Alva Smith  
Federal Election Commission  
999 E Street N.W.  
Washington, D.C. 20463

SENT VIA FACSIMILE  
AND U.S. MAIL

MAY 24 2 12 PM '96

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Re: MUR 4350  
Our File No. 3643-96012

Dear Ms. Smith:

As I indicated in earlier correspondence, this office represents the Republican Party of Minnesota and Erick Kaardal as Treasurer of the Republican Party of Minnesota in connection with an allegation made by the Wellstone for Senate Committee alleging certain violations of the Federal Election Campaign Act of 1971 as amended.

Apparently the gravamen of the Wellstone complaint is that the \$11,500 cost of producing and running the advertisements must be attributed to the coordinated expenditure limit under Section 441a(d) of the Federal Election Campaign Act of 1971.

Unfortunately, neither the factors nor the authority cited by the Wellstone Committee supports the conclusion sought.

It is true that the baseline question is whether or not the advertisements in question constitute "electioneering" as that term is understood. None of the advertisements, attached as Exhibits 1-B, 1-C and 1-D come anywhere near "electioneering."

For example, Exhibit 1-B, outlines Senator Wellstone's record in voting against workfare and his decision to vote for a tax increase. The ad simply encourages listeners, not even voters, to contact Senator Wellstone about the issues in question.

Similarly Exhibit 1-C, the advertising script for a commercial dealing with a local issue concerning access to Voyageurs National Park, simply encourages Wellstone to support multiple use. In relevant part, the ad reads as follows:

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\* CERTIFIED AS A CIVIL TRIAL SPECIALIST BY THE MINNESOTA STATE BAR ASSOCIATION

\*\* CERTIFIED AS A REAL PROPERTY LAW SPECIALIST BY THE MINNESOTA STATE BAR ASSOCIATION

Ms. Alva Smith  
May 20, 1996  
Page 2

"But first... we need Senator Wellstone to represent us - not the radical special interests.

Call Senator Wellstone at 1-800-642-6041. Tell him to support us - by supporting multiple use... and tell him to give us a real voice in how our park is run." Complainant's Exhibit 1-C.

Exhibit 1-D to Complainant's correspondence is a transcript of a commercial encouraging Senator Wellstone to support the Freedom to Farm bill. Here again the advertisement noted that Wellstone had voted against the Freedom to Farm bill and encouraged listeners to "call Senator Wellstone at 1-800-642-6041, tell him to support the Freedom to Farm Bill - tell him to support Minnesota's farmers."

It is the position of the Republican Party of Minnesota that no action should be taken against the Party in response to the Complaint filed by Senator Wellstone's committee.

None of the ads make reference to campaigns or to any candidates. In fact, the Republican Party in Minnesota has not yet selected a candidate for endorsement for the November campaign. All of the ads specifically reference legislation pending before Congress and encourage listeners to support a particular legislative view. Further, Complainant cites not a single shred of evidence of any collusion, let alone contact, between the Republican Party of Minnesota and the appropriate Boschwitz Committee.

It is curious that the Wellstone Committee chose to cite Federal Election Commission vs. Colorado Republican Federal Campaign Committee, 59 F.3d 1015 (10th Cir. 1995) as authority for its position that a violation has occurred in Minnesota. The Wellstone Committee neglected to note, however, that the advertisement in that particular situation was dramatically and fundamentally different than the advertisements at issue in the present complaint.

In the Colorado case, the State Republican Federal Committee spent \$15,000 for a radio advertisement directed at the announced candidacy of Representative Timothy Wirth for the United States Senate.<sup>1</sup>

---

<sup>1</sup>The Wellstone Committee misrepresented, presumably inadvertently, the facts in the Colorado case. Wellstone asserts "(T)he Colorado Republican Party ran radio ads against incumbent Senator Tim Wirth." (emphasis added) In fact, the 10th Circuit Court of Appeals notes that Wirth was then a "Congressman" not an incumbent Senator. FEC at 1017.

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Ms. Alva Smith  
May 20, 1996  
Page 3

However, the Colorado ad which was the subject of the complaint, unlike the Minnesota advertisements, did not discuss in any detail specific legislative initiatives and did not encourage communication regarding these issues.

Further, there is a fundamental difference between the Colorado circumstances and the Minnesota circumstances. In Colorado no incumbent was present. In Minnesota, Senator Wellstone represents all of the people of the State of Minnesota as one of its constitutionally and duly elected United States senators; it is certainly a reasonable use of the free speech guarantees of the First Amendment to encourage residents of the State of Minnesota to petition their senator for action about specific legislation. In fact, the position of the Wellstone campaign has serious constitutional implications because of its potential to infringe upon the rights of all citizens to communicate with their duly elected representatives.

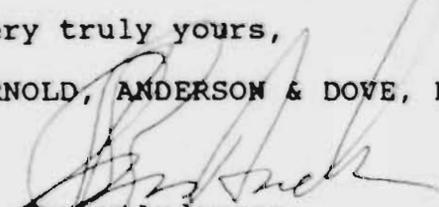
The advertisements at issue are classic party building activities. If the premise of the Wellstone Committee's complaint is sustained virtually all party advertising is subject to challenge.

Neither of the cited advisory opinions are of much help to the Wellstone Committee. One dealt exclusively with presidential campaign issues (Advisory Opinion 1985-14-15) and the other cited opinion actually ruled, at least in part, that attack advertisements, with far less specificity than is present in the Minnesota circumstances, were in fact not in violation of the Act (Advisory Opinion 1985-15).

In summary, the ads placed by the Republican Party of Minnesota encouraging residents of the State of Minnesota to contact their elected United States Senator to advise their Senator of their individual views on specific legislation were appropriately reported by the Republican Party of Minnesota and the actions of the Republican Party of Minnesota do not constitute a violation of Section 441a(d) of the Act. The complaint filed by the Wellstone Committee should be summarily dismissed.

Very truly yours,

ARNOLD, ANDERSON & DOVE, P.L.L.P.

  
G. Barry Anderson  
GBA:lm

98043861264

**BEFORE THE FEDERAL ELECTION COMMISSION**

FEB 11 3 27 PM '93

In the Matter of

)  
)  
)  
)  
)

**CASE CLOSURES UNDER  
ENFORCEMENT PRIORITY**

**GENERAL COUNSEL'S REPORT**

**I. INTRODUCTION.**

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

**II. CASES RECOMMENDED FOR CLOSURE.**

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

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing cases permits the

Commission to focus its limited resources on more important cases presently

98043861265

pending before it. Based upon this review, we have identified 16 cases that do not warrant further action relative to other pending matters.<sup>1</sup> The attachment to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

### B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS provides us with the means to identify those cases which remained unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

<sup>1</sup> These cases are: MUR 4631 (*Pratt/M. Clark*); MUR 4661 (*Cox and Amplicon, Inc.*); MUR 4667 (*Specter & Greenwood*); MUR 4668 (*Schakowsky for Congress*); MUR 4672 (*Friends of John O'Toole*); MUR 4673 (*Papan for Assembly*); MUR 4676 (*Warren County Democrats Committee*); MUR 4677 (*Patrick Kennedy*); MUR 4681 (*Jack Block*); MUR 4683 (*Janice Schakowsky for Congress*); MUR 4684 (*Spartanburg County Republicans*); MUR 4694 (*Jan Schakowsky for Congress*); MUR 4695 (*Schakowsky for Congress*); MUR 4696 (*Janice Schakowsky for Congress*); MUR 4703 (*Dumont Institute / Robert M. Gre*); and Pre-MUR 356 (*Pritzker for Congress*).

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We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend 27 of these cases be closed.<sup>3</sup> Nine of these cases were part of the so-called "Major 96" cases that have not been able to be activated due to a lack of resources to effectively pursue them in a timely fashion.<sup>4</sup> Since the time period rendering them stale has now passed, we recommend their closure at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective February 24, 1998. Closing

---

2

<sup>3</sup> These cases are: MUR 4350 (*Republican Party of Minnesota*), MUR 4355 (*Aqua-Leisure Industries, Inc.*); MUR 4372 (*Nebraska Democratic Party*), MUR 4394 (*Americans for Term Limits*), MUR 4472 (*Committee to Elect Winston*), MUR 4483 (*Nebraska Democratic State Central Committee*), MUR 4504 (*NH Democratic State Party Committee*), MUR 4507 (*People for Boschwitz*), MUR 4509 (*Wellstone for Senate*), MUR 4565 (*Bell for Congress*), MUR 4570 (*Congresswoman Andrea Seastrand*), MUR 4571 (*Sybert for Congress Committee*); MUR 4572 (*Friends of Dick B. Durbin*), MUR 4575 (*Dana Corrington*), MUR 4585 (*Hughes for Congress Committee*); MUR 4589 (*Congressman Bart Gordon*), MUR 4592 (*Iowa Public Television*), MUR 4593 (*Public Interest Institute*); MUR 4599 (*Bruce W. Hapanowicz*), MUR 4601 (*Chickasaw Nation of Oklahoma*), MUR 4602 (*WFSB-TV Channel 3*); MUR 4604 (*Dana Corrington*), MUR 4605 (*Christian Coalition*), Pre-MUR 346 (*Coalition of Politically Active Christians*); RAD 96NF-09 (*O'Sullivan for Congress*), RAD 96L-12 (*Alaska Democratic Party*), and RAD 97NF-02 (*Zien for Congress*).

<sup>4</sup> These cases are: MUR 4350 (*Republican Party of Minnesota*), MUR 4372 (*Nebraska Democratic Party*), MUR 4394 (*Americans for Term Limits*), MUR 4472 (*Committee to Elect Winston*), MUR 4483 (*Nebraska Democratic State Central Committee*), MUR 4504 (*NH Democratic State Party Committee*), MUR 4507 (*People for Boschwitz*), MUR 4509 (*Wellstone for Senate*), and MUR 4565 (*Bell for Congress*).

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these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

**III. RECOMMENDATIONS.**

A. Decline to open a MUR, close the file effective February 24, 1998, and approve the appropriate letters in the following matters:

- |                |                |                |
|----------------|----------------|----------------|
| 1. RAD 96NF-09 | 3. RAD 97NF-02 | 5. Pre-MUR 356 |
| 2. RAD 96L-12  | 4. Pre-MUR 346 |                |

B. Take no action, close the file effective March 2, 1998, and approve the appropriate letters in the following matters:

- |              |              |              |
|--------------|--------------|--------------|
| 1. MUR 4350  | 14. MUR 4575 | 27. MUR 4668 |
| 2. MUR 4355  | 15. MUR 4585 | 28. MUR 4672 |
| 3. MUR 4372  | 16. MUR 4589 | 29. MUR 4673 |
| 4. MUR 4394  | 17. MUR 4592 | 30. MUR 4676 |
| 5. MUR 4472  | 18. MUR 4593 | 31. MUR 4677 |
| 6. MUR 4483  | 19. MUR 4599 | 32. MUR 4681 |
| 7. MUR 4504  | 20. MUR 4601 | 33. MUR 4683 |
| 8. MUR 4507  | 21. MUR 4602 | 34. MUR 4684 |
| 9. MUR 4509  | 22. MUR 4604 | 35. MUR 4694 |
| 10. MUR 4565 | 23. MUR 4605 | 36. MUR 4695 |
| 11. MUR 4570 | 24. MUR 4631 | 37. MUR 4696 |
| 12. MUR 4571 | 25. MUR 4661 | 38. MUR 4703 |
| 13. MUR 4572 | 26. MUR 4667 |              |

93043861268

2/24/98  
Date

Lawrence M. Noble  
Lawrence M. Noble  
General Counsel



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

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

DATE: FEBRUARY 19, 1998

SUBJECT: Case Closures Under Enforcement Priority. General  
Counsel's Report dated February 11, 1998.

The above-captioned document was circulated to the Commission  
on Thursday, February 12, 1998

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

- Commissioner Aikens —
- Commissioner Elliott —
- Commissioner McDonald XXX
- Commissioner McGarry —
- Commissioner Thomas XXX

This matter will be placed on the meeting agenda for

Tuesday, February 24, 1998

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

AGENDA DOCUMENT NO. X98-13

98043861269

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Case Closures Under ) Agenda Document  
Enforcement Priority ) No. X98-13

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on February 24, 1998, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X98-13:

1. Failed in a vote of 3-2 to pass a motion to approve the General Counsel's recommendations, subject to amendment of the closing date in recommendation A to read March 2, 1998, and subject to deletion of those cases listed in footnote 4 on Page 3 of the staff report.

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

2. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file effective March 2, 1998, and approve the appropriate letters in the following matters:

- |                |                |
|----------------|----------------|
| 1. RAD 96NF-09 | 4. Pre-MUR 346 |
| 2. RAD 96L-12  | 5. Pre-MUR 356 |
| 3. RAD 97NF-02 |                |

(continued)

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B. Take no action, close the file effective March 2, 1998, and approve the appropriate letters in the following matters:

- |              |              |
|--------------|--------------|
| 1. MUR 4350  | 20. MUR 4601 |
| 2. MUR 4355  | 21. MUR 4602 |
| 3. MUR 4372  | 22. MUR 4604 |
| 4. MUR 4394  | 23. MUR 4605 |
| 5. MUR 4472  | 24. MUR 4631 |
| 6. MUR 4483  | 25. MUR 4661 |
| 7. MUR 4504  | 26. MUR 4667 |
| 8. MUR 4507  | 27. MUR 4668 |
| 9. MUR 4509  | 28. MUR 4672 |
| 10. MUR 4565 | 29. MUR 4673 |
| 11. MUR 4570 | 30. MUR 4676 |
| 12. MUR 4571 | 31. MUR 4677 |
| 13. MUR 4572 | 32. MUR 4681 |
| 14. MUR 4575 | 33. MUR 4683 |
| 15. MUR 4585 | 34. MUR 4684 |
| 16. MUR 4589 | 35. MUR 4694 |
| 17. MUR 4592 | 36. MUR 4695 |
| 18. MUR 4593 | 37. MUR 4696 |
| 19. MUR 4599 | 38. MUR 4703 |

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

Attest:

2-25-98  
Date

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

9 8 0 4 3 8 6 1 2 7 1



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

March 2, 1998

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Rick Kahn, General Counsel  
Wellstone for Senate  
P.O. Box 65588  
St. Paul, MN 55165

RE: MUR 4350

Dear Mr. Kahn:

On April 29, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on March 2, 1998. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437(g)(4)(B).

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

98043861272



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20461

March 2, 1998

Mr. G. Barry Anderson, Esquire  
ARNOLD, ANDERSON & DOVE  
101 Park Place  
Hutchinson, MN 55350-2563

RE: MUR 4350  
Republican Party of Minnesota  
Ron Carey, Treasurer

Dear Mr. Anderson:

On May 3, 1996, the Federal Election Commission notified Eric Kaardal, former treasurer of the Republican Party of Minnesota, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against the Republican Party of Minnesota and Ron Carey, as treasurer. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on March 2, 1998.

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

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

98043861273



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4350

DATE FILMED 3/11/98 CAMERA NO. 2

CAMERAMAN EES

98043861274