



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4454

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

A Project of Voter Revolt

SEP 9 10 22 AM '96

September 6, 1996

Office of General Counsel
Federal Elections Commission
Washington, DC 20463

MUR 4454

To whom it may concern:

This is a complaint against Ralph Nader, a candidate for president on 12 state ballots, for failing to register with the FEC as a candidate and provide disclosure of his campaign and personal¹ finances as required by law.

Mr. Nader has said publicly on numerous occasions that he does not intend to file any disclosure reports with the FEC and that he is not legally required to do so since he will spend less than \$5,000 on his campaign. While Mr. Nader is correct that the law does not impose filing obligations on persons who make campaign expenditures of less than \$5,000², Mr. Nader's activities as reported by the media indicate that his expenditures already exceed that amount.

Indeed, Mr. Nader's campaign travel expenditures alone appear to exceed \$5,000. In addition, even greater expenditures appear to have been made on behalf of Mr. Nader's campaign, and with his cooperation, by the Green Party.

I. Travel Expenditures

A. Nader has traveled to numerous cities for campaign events

Mr. Nader has held press conferences, given media interviews, and made speeches in which he has discussed his campaign in at least 12 cities, according to published reports. (Attached is a summary of Mr. Nader's campaign travel, as well as copies of the articles and interview transcripts upon which the summary is based.) At each of these events, Mr. Nader criticized other presidential candidates, spoke of breaking up the two-party "duopoly," or offered other reasons for voters to support him. Expenses resulting from this activity seem clearly to fall within the definition of campaign expenditure as set forth in 11 CFR 100.8(a)(1): "A purchase, payment, distribution, loan ... advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office is an expenditure."³

¹ While disclosure of a presidential candidate's personal finances is required under the Government Ethics Act, which is not within the jurisdiction of the FEC, the obligation of a person to file such disclosure is triggered when the person qualifies as a candidate under FEC regulations.

² See 11 CFR 100.3(a).

³ While the law establishes that "incidental contacts" do not constitute campaign activity, Mr. Nader's public statements about his campaign are clearly more than "incidental contacts." In many cases, his remarks were made at press conferences and in interviews with reporters where questions about his campaign were to be expected. Indeed, Mr. Nader

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B. Expenditures resulting from Nader's campaign travel appear easily to exceed \$5,000.

According to the attached articles and interview transcripts, Mr. Nader has made campaign stops in Bedford (NH), Syracuse (NY), Ithaca (NY), Haverford (PA), Providence, Seattle, Cleveland, Los Angeles, Sacramento, Berkeley, Los Angeles (again), and Chicago. Under the law, the full cost of Mr. Nader's transportation to and from each of these cities is a campaign expenditure, regardless of who paid for it or whether Mr. Nader also engaged in non-campaign-related activity in any of these cities.⁴ Assuming Mr. Nader traveled by airline for distances greater than 200 miles and by car for shorter distances, and assuming he used the lowest advance-purchase airfares available for midweek travel, his transportation expenditures alone would have been about \$5200.⁵

This calculation does not include the facilities rental costs for his campaign-related press conferences and speeches⁶, the costs of any hotels used, or any other expenses associated with his campaign stops—all of which are campaign expenditures under the law even if paid by others.

II. Green Party Expenditures

A. The Green Party has made thousands of dollars in expenditures on behalf of Nader's campaign.

The Green Party has supported Mr. Nader's campaign chiefly by organizing efforts to qualify him for ballot status in a number of states (often as an independent or write-in candidate) and by hosting a national convention at which Mr. Nader was officially nominated the Green Party's presidential candidate. While no reports have appeared in the news media indicating how much the party has spent on ballot qualification efforts, the nominating convention and a four-day conference held in conjunction with the convention were reported to have cost approximately \$25,000.⁷ While many of the events were devoted to activities not directly related to Mr. Nader's campaign, Mr. Nader's nomination and his acceptance speech took up one full day and were billed by the Party as the main purpose of its

himself has said repeatedly that he would rely on such contacts with the media to mount his campaign. "Asked how he planned to reach voters, Nader said he would 'campaign through the free [news] media and make very brief sojourns through a number of states.'" (See attached *Los Angeles Times* article.) "Nader is planning to use free TV appearances, the Internet and college speaking tours to advance his cause. 'It is a no-money campaign,' he said." (See article #6 attached to campaign travel summary.)

⁴ 11 CFR 106.3(b) states:

(1) Travel expenses paid for by a candidate from personal funds, or from a source other than a political committee, shall constitute reportable expenditures if the travel is campaign-related.

(2) Where a candidate's trip involves both campaign-related and non-campaign-related stops, the expenditures allocable for campaign purposes are reportable, and are calculated on the actual cost-per-mile of the means of transportation actually used, starting at the point of origin of the trip, via every campaign-related stop and ending at the point of origin.

(3) Where a candidate conducts any campaign-related activity in a stop, the stop is a campaign-related stop and travel expenditures made are reportable. Campaign-related activities shall not include any incidental contacts.

⁵ See attached summary of campaign travel for details.

⁶ Note that only campaign events held outside Washington, D.C. are cited in this letter. Facilities rental costs for events held in Washington, D.C., such as that reported in the attached *Washington Post* article, should also be counted towards the \$5,000 threshold.

⁷ See attached article from *San Francisco Chronicle*.

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gathering.⁸ Clearly, a significant portion of the total \$25,000 cost constituted an expenditure on behalf of Mr. Nader's campaign.

B. Green Party expenditures are not "independent expenditures" and so must be counted towards the \$5,000 threshold.

Under the law, an independent expenditure is "an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate." (11 CFR 109.1(a))

Mr. Nader has clearly cooperated with the Green Party's efforts on behalf of his campaign. He has given his consent to appear on state ballots as the Green Party's candidate, he spoke at their nominating convention, and he appeared at a Green Party-hosted press conference alongside a large placard reading: "Vote Green / Ralph Nader for President"⁹

11 CFR 109.1(c) states that "an independent expenditure not qualifying under this section as an independent expenditure shall be a contribution in-kind to the candidate and an *expenditure by the candidate*, unless otherwise exempted"¹⁰ (emphasis added)

III. Conclusion

Despite Mr. Nader's oft-repeated claim that he will spend less than \$5,000 on his presidential campaign, expenditures made on behalf of his campaign have clearly exceeded that amount, qualifying him under the law as a candidate. As a candidate, Mr. Nader is required to disclose both his campaign and personal finances. He has failed to do so and stated publicly that he has no intention of doing so in the future. We urge you take whatever action is necessary to bring Mr. Nader into compliance with the law and provide members of the public the financial information they are entitled to regarding this candidate.

Sincerely,



Michael Johnson

⁸ See attached press release issued by the Green Party

⁹ See attached article from *Los Angeles Times*

¹⁰ It is possible that Mr. Nader considers expenditures by the Green Party "otherwise exempted" under 11 CFR 110.7(a)(6), which states:

Any expenditures made by the national, state and subordinate committees of a political party pursuant to 11 CFR 110.7(a) on behalf of that party's Presidential candidate shall not count against the candidate's expenditure limitations under 11 CFR 110.8

11 CFR 110.8, however, refers only to the expenditure limitations imposed on candidates who accept federal funding. Nothing in 11 CFR 110.7(a)(6) suggests that party expenditures do not count towards the \$5,000 expenditure threshold for qualifying as a candidate.

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Summary of Nader's Campaign Travel

City: Bedford, NH

Date: 2/12/96

Est. Transportation Expense¹: \$240²

Campaign-Related Activity: Appearance on Phil Donahue show (aired from New Hampshire for the presidential primary). From the show: PD: "Are you running in New Hampshire?" RN: "No, I'm running on the Green ballot in California, and perhaps in Maine. And the idea is not to just do jackpot politics. We've got to break up the two-party duopoly in this country. So many people are alienated from it. Look, Perot gets 19 million votes because he's None of the Above in 1992. So we're going to try to generate more competition." (See item #1.)

City: Syracuse, NY

Date: 3/27/96

Est. Transportation Expense: \$144

Campaign-Related Activity: Made speech at Syracuse University to 500 students and residents. From *Post-Standard*: "He said he decided to run for president when President Clinton failed to achieve significant changes while in the White House. The Democrats and Republicans are both under the control of corporate America, he said, and no one is representing the average American. 'We can't take it anymore,' Nader said, describing elections as 'a choice between the bad and the worse.' ... He said his candidacy will appeal to laborers who feel left out of both major parties." (See item #2.)

City: Ithaca, NY

Date: 4/23/96

Est. Transportation Expense: \$144

Campaign-Related Activity: Press conference prior to speech at Cornell. From *Post Standard*: "At a news conference before his 8 p.m. lecture, Nader said he decided to run for president on the Green Party ticket in the hope that it will force the major-party candidates to focus on the damage that corporations are doing to the nation. 'They're pouring huge amounts of money into political campaigns at all levels that corrupt the political process,' Nader said. 'And none of the candidates, at any level, are making corporate accountability—law and order for corporations—a major issue in their campaigns.'" (See item #3.)

City: Haverford, PA

Date: 4/28/96

Est. Transportation Expense: \$30

Campaign-Related Activity: Speech to 150 people at Haverford College and news interview. From *Philadelphia Inquirer*: "In an interview, Nader said this was his reason for a presidential run—to break up the two-party system, which he called a 'duopoly.' Nader said he is not raising money for his candidacy. It's what he called a 'very unconventional' approach to politics. He said he was relying on grass-roots organizing and volunteers. During the three-hour event, petitions circulated that could qualify Nader for the Pennsylvania ballot." (See item #4 and additional article from Dallas Morning News attached as #4a.)

¹ Transportation expenses are estimated based on the lowest roundtrip airfare from Washington, D.C., not requiring a Saturday stay-over offered by USAir, United, and Continental, with the exception that an expense of 30 cents a mile is estimated for trips of less than 200 miles. Washington, D.C. is used as the point of origination because it where Mr. Nader's home and office are located.

² Roundtrip airfare to Boston.

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City: Providence, RI

Date: 4/29/96

Est. Transportation Expense: \$165³

Campaign-Related Activity: Speech at Brown University. From *Providence Journal-Bulletin*: "In the afternoon session, Nader did talk about his campaign. He said he's not out to get many votes, but to pose critical questions and build a large enough 'progressive' third party so that Democrats and Republicans alike will have to deal with it." (See item #5.)

City: Seattle, WA

Date: 5/1/96

Est. Transportation Expense: \$1,592

Campaign-Related Activity: Speech to trial lawyers and press conference. From *Seattle Post-Intelligencer*: "Ralph Nader plans to offer President Clinton 'modest competition' in the November presidential race, but there's nothing modest about the agenda being advanced by the consumer advocate. ... Nader is planning to use free TV appearances, the Internet and college speaking tours to advance his cause. 'It is a no-money campaign,' he said. ... Nader professed not to worry that his candidacy might increase chances that Dole will win in November. 'If you're going to start a progressive reform movement, you can't be worried about taking votes away from one candidate or another,' he said. (See item #6 and additional article attached as #6a.)

City: Cleveland, OH

Date: 6/7/96

Est. Transportation Expense: \$144

Campaign-Related Activity: Discussions with "Labor for Nader" Green Party members. From a report posted on the Internet by Walt Sheasby, a Green Party candidate: "In discussions with the 'Labor for Nader' Greens in Cleveland, Nader also discussed and approved the enlisting of a 'team' of supporters, who might serve as electoral college 'state electors,' to carry the message of the campaign and to allow Greens and progressives to educate and organize around issues of affirmative action, immigrant rights, and the like." (See item #7.)

City: Los Angeles, CA

Date: 7/26/96

Est. Transportation Expense: \$584⁴

Campaign-Related Activity: Press conference. From *Agence France-Presse*: "At a press conference here, Nader said he would be on the ballot in as many as 25 states, perhaps more, and he is entirely unapologetic if he draws votes away from Clinton. 'Clinton's motto could be: "A mind is a terrible thing to make up."' he said glibly of the president's notorious penchant to waffle on issues. 'And Dole's could be: "I've just begun to blunder."' (See item #8 and AP story attached as #8a.)

³ \$45 in mileage expense from Haverford to Providence and \$120 for one-way airfare back to Washington.

⁴ Fare used for this estimate assumes a Saturday night stay-over since Nader's California campaign swing spanned a weekend.

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City: Sacramento, CA

Date: 7/27/96 or 7/28/96⁵

Est. Transportation Expense: \$108⁶

Campaign-Related Activity: Not exactly clear; described in press as "campaign stop." From Sacramento Bee: "'This candidacy ... is not designed to win,' Nader said during a recent campaign stop in Sacramento. 'It is designed to build ... a moderate-sized progressive political party that in a few years can make sure that the two parties will never be able to say to progressive Americans, 'You have nowhere to go, but vote for us or ... be considered apathetic because you don't vote.'" (See item #9.)

City: Berkeley, CA

Date: 7/27/96

Est. Transportation Expense: nominal

Campaign-Related Activity: Press conference. From Fresno Bee: "Nader was on a campaign swing through California that included appearances in Sacramento, Berkeley, Beverly Hills and Los Angeles. He stopped in Berkeley to meet briefly with a small group of reporters in a neighborhood church." (See item #10.)

City: Los Angeles, CA

Date: 8/19/96

Est. Transportation Expense: \$1,604

Campaign-Related Activity: Speech and press conference at Green Party nominating convention. The *Los Angeles Times* photographed Nader speaking in front of a "Ralph Nader for President" sign. From the *Times*: "The candidate did not spare either of his major party opponents his sharp-edged wit. 'President Clinton is too unprincipled ever to lose to Sen. Dole,' Nader said. 'He will never let Dole turn his right flank.' And of Clinton's Republican opponent, he added. 'There are few legislators in history who have sold out more thoroughly, more frequently and more diversely than Senator Dole.'" (See item #11.)

City: Chicago

Date: 8/28/96

Est. Transportation Expense: \$460

Campaign-Related Activity: Appearance on "Democracy Now" radio program in which Nader discussed his campaign. Broadcast from Chicago for the Democratic convention, the program aired in Los Angeles on 8/28/96 on KPFK-FM at 8:30 am. The transcript is not yet available.

⁵ The attached article on Nader's Sacramento campaign stop did not specify the date, but several articles indicated that stop was part of a California campaign swing that began and ended in Los Angeles.

⁶ Roundtrip airfare from Los Angeles to Sacramento

September 6, 1996

Subscribed and sworn to (affirmed) before me this 6th day
of September, 1996.

Name *[Signature]*

Notary *Rick Morehead*



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Sources Referenced in
Footnotes to Letter

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FOOTNOTE #7

SE EDITORIAL

CLM EDITORIALS

HD Greening the Campaign

WC 185 Words

CC 1500 Characters

PD 08/19/96

SN The San Francisco Chronicle

ED FINAL

PG A18

CY (Copyright 1996)

LP

WITH ALL the glitzy hoopla of the GOP's \$30 million nominating convention behind us, and next week's equally lavish Democratic coronation to come, the Spartan nature of today's planned Green Party nomination of Ralph Nader at UCLA looks downright refreshing. The entire, four-day Green Party bash was budgeted at \$25,000, which probably wouldn't pay for the balloons at either the Democratic or Republican events.

TD Not that the Greens are handicapped by balloon-envy. "We don't want balloons -- the plastic, the horror," said the convention's media coordinator, Mark Heller.

* Nader, the leader of the American consumer movement, promises his campaign -- he'll be on the ballot in up to 30 states -- will be as uncorrupted by campaign lucre as the convention. He will run no TV ads, accept no campaign contributions and will limit spending to \$5,000 of his own money.

* Yet despite Nader's uncandidacy, his name on the ballot could have great significance in California -- a fact that should remind

* President Clinton that this state is still up for grabs. That,

* alone, is good reason to welcome Nader to the fray.

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Footnote # 3



Article 2 of 11

Subject: Green Party Presidential Convention
 From: Mike Feinstein <mfeinstein@igc.apc.org>
 Date: 1996/08/11
 Message-Id: <APC&1'0'4f788c8f'1c6@igc.apc.org>
 X-Gateway: notes@igc.apc.org
 Newsgroups: ca.politics

From: Mike Feinstein <mfeinstein@igc.apc.org>

/* Written 3:37 AM Aug 11, 1996 by mfeinstein in igc:grns.usa.forum */
 /* ----- "Green Party Presidential Convention" ----- */
 Green Party of California
 1008-10th St., #482, Sacramento, CA 95814 (916) 448-3437
 www.greens.org

Contact: Mike Feinstein 310.314.7336

For Immediate Release

Presidential Candidate Ralph Nader To Address Green Party

The Green Party will hold its first-ever presidential nomination convention, August 19th in Los Angeles at UCLA's MacGowan Hall. Green Presidential candidate Ralph Nader will address the convention at 6pm PST, following speeches and discussion from Greens active in the Nader campaign, and a report from each state Green Party on its history, candidates and office holders, as well as why it is nominating Nader.

Nader claims his presidential run is meant to energize a nationwide progressive movement to expand democracy, confront corporate power, break-up the two-party system and build the Green Party. "Every four years, the choice between the bad and the worst gets worse", Nader says. "Clinton wouldn't qualify for being a liberal Republican in 1970. Government is dominated by one major corporate party with two heads, Democrat and Republican."

Nader is already on 12 state ballots and Green organizers expect to have his name on the ballot in as many as 30 states, with an additional dozen as an official write-in.

"Nader's Green candidacy gives millions of politically disenfranchised Americans an opportunity to make their vote really count - not waste it on the false choice between Clinton/Dole", said Green Party of California spokesperson Mike Feinstein.

U.S. Greens have been organizing since 1984, and have formed parties in 22 states, including California and New York. Currently 29 Greens in 10 states hold elected municipal office. The highest elected Green officeholder is Keiko Bonk, Chair of the County Council on the Big Island of Hawai'i. In 1996, Greens will contest at least 52 races in 13 states, including US Senate, Congress, State Legislature/State Constitutional and Municipal/County races.

Green Party Convention
 Media Credentials Request
 Fax To: 310.314.7336

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Sources Referenced in
Campaign Travel Summary

1 8 0 4 3 8 5 4 2 3 4

Item # 1

Ralph Nader on Donahue

Aired on KNBC Television
Monday, **February 12, 1996** 2:00 p.m. PST
7,200 Words

Contents:

- **Phil Donahue** introduces **Ralph Nader**
- **Steve Forbes**
- the voters' responsibility
- the worker's plight
- welfare
- bias in the media
- Are you running? (and why.)
- about the New Hampshire primary
- spending priorities
- public education
- abortion
- apathy and participation
- telecommunications act
- PD plugs Multinational Monitor
- health care
- how to fix the tax code
- **Go Green Party!**
- the "spoiler" question

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Phil Donahue (PD) to live audience: *Hi, I'm Phil Donahue, and we are--well where else should we be in February? We're in New Hampshire. This is where it's at. Certainly Iowa, a real primary, with real voting booths, and real Americans going to the polls. And who's going to win this one? And is the media too concerned about the horse race? Well, we'll talk about it.*

This town of 12,000 in beautiful New Hampshire is not far from Manchester, and I would remind you that this is a state claiming over 1,000,000 souls--not much more, but they are over a million. And 98% of the folks in New Hampshire are white. That doesn't mean they should plead guilty about anything, but it does make you wonder why we're so focussed on New Hampshire, for our first real primary state.

We've got some folks in here, and a real live guest as well we want you to meet. Welcome to the Bedford, NH town hall. And we're going to find out if these folks in here are as pumped up about this primary as media seems to be...in just a moment...

(Loud cheers)

You're so much thinner in person. Well we haven't seen you in four years; God knows how you get along without us during those four years. What do you do up here for four years? I mean there're a whole bunch of folks in my game who think

that somehow New Hampshire reappears on the horizon every four years, and what a race we've got here. I mean, come on. Who's going to predict this one? And is there a corner in this state that doesn't have a sign planted in the ground?

We are pleased to welcome as our guest, on this--our second program from New Hampshire for this very political week--a man who has become a household word. You cannot count the number of people whose lives have saved, and who have been spared maiming catastrophic injuries, because of quite literally a quarter-century fight with the auto companies for air bags. Can you imagine: NAH, they don't wanna put 'em in; NAH, they cost too much; NAH, they're going to go off. We cannot calculate the families who have been spared the agony of head-on collisions--injuries that follow--when the egg in the crate--us, people inside the car rattle around--because of his stalwart defense and promotion of the air bag. Now the auto companies use it to promote and sell their own cars. And, incidentally, is he going to run for president this year? Ladies and gentlemen, here's **Ralph Nader**.

(Applause)

Well, they sure look very much energetic and--they take care of themselves here in New Hampshire. We can feel the energy. Well, Ralph, you must be more than a little concerned about what's happening in this race. Where shall we start? Let's talk about **Steve Forbes** just for a second. Boy, he's making moves. Running ahead in the race. Some polls have him leading here, Steve Forbes. The magazine man. Ralph, what's wrong with a guy spending his own money and saying he wants to be president. 'Least he's not going to take bribes; he's already rich.

RN: Well he's spent all his life representing big, powerful corporations when they conflict with the interests of workers, small business, small tax-payers, consumers. That's the first thing you want to know. I mean, someone once said about **Steve Forbes**, he was born with a silver spoon in his mouth and a silver lining to his diaper, and that he inherited over \$400 million. There's nothing wrong with that if you use it to fight for the average person in this country, but he's a raw, straight insider. He runs a big magazine, Forbes Magazine, full of sniping mistakes and selling the editorial pages to advertisers--we call it Fibs Magazine.

The key is where does he get the cachet to say to the people in New Hampshire, I have stood for people who have confronted injustice time and time again? He hasn't. He's stood for big, fat businesses, the big mega-corporations, and this flat tax is a is a great tax cut for the rich and powerful and for the **Forbes** family. **Do you know this flat tax only taxes working people? And if you sit around getting huge amounts of money from capital gains and interest and dividends, no tax whatsoever** It's at 17%, guaranteed to create \$300 billion deficit, and it doesn't have a flat effect on everyone. Not if you have a home mortgage interest payment every month. Not if you get employer-based health insurance.

And yet, \$20 million he's spent in about two months. Flooding the airwaves in New Hampshire, Arizona, Iowa, and he's ahead of the race. You know why? Because people are so disgusted with professional politicians they'll almost take anybody who says he's an outsider and who says that he represents change.

Listen, we can't get away from our own commitment as citizens. How many people here have spent 25 hours--before the February primary in New Hampshire--studying the records of the candidates? Mobilizing yourselves. You know, that's what it's all about, folks. Society rots from the head down, and it reconstructs from the bottom up. That's the history of the United States. From the abolition of slavery, womens' right to vote, the right of workers to organize, the environmentalists, civil rights movements--that's where it's at. We can't get away with just picking presidential candidates like we pick ice cream flavors, based on thirty- second ads. It's too deadly serious a business for us not to spend more time on it.

(Loud applause)

PD: *It's a rather unbecoming comment about ourselves, isn't it? That a man can come in here and wallpaper television channels with commercials and find himself in the lead. It sounds like we can be just pulled and pushed in any direction at all. It makes us wonder about our own independent enthusiasm for citizenry.*

RN: Because, first of all, we don't give ourselves time to think. When you're dealing with politicians, politics, government, the future of the United States of America, and all its manifestations, you just have to spend more time on it. I mean, if we want to be smart consumers it's a good idea to spend more time learning how to shop, what not to buy, what to buy--food, insurance, cars. The same is true if we want a skill for a job. We spend time learning how to be a mechanic, how to be a doctor, how to be an architect. When it comes to come to voting, it's like "forever amateur."

I mean, just look at the plight of the country today. Right now you have super-corporate profits up, corporate executives making tons of money, stock markets setting all records, at the same time that homelessness is on the increase, 80% of the workers have suffered declining standards of living--in terms of wages for the last twenty years--one out of four children lives in poverty, corporations shipping jobs to Mexico and the Far East for serf labor--and shipping it back here--and, to top if off, we don't have much of prospect for improving things, for the bottom 80% of the people in this country

If someone said to you, what country in the world is it that 1% of the wealth at the top is equal to 95% at the bottom. You might say, you know, Guatemala, Brazil. **The wealth of the top 1% in this country is equal to the wealth of the bottom 95% of Americans in this country**

History shows when you get a big disparity of the rich and the rest of America we're in trouble. **Every time in our history we recovered democracy--the farmer, reforms around the turn of the century, workers and conservers and women--we have improved our country. Why? Because democracy works. Democracy is the best way to solve our problems**

And these corporations have got us on our knees. They're basically saying, we're going to downsize the middle class, we're going to lay off thousands of workers, we're going to escape from this country to make more profit. And this is what's going on. Here you have banks--they give you 3% interest on your savings; they charge you 17.5% on your credit card. They charge you 8.5% on your mortgage.

They're making tons of money and--guess what?--whenever these big corporations get in trouble, what happens? They go to Washington for a bailout. So the taxpayers are bailing out these companies like the savings and loan-- you're paying half a trillion dollars interest and principle in the next 25 years to bail out a bunch of crooks and speculators.

The workers--how about this--Martin/Marrietta/Lockheed merged recently. Did you know the Pentagon allocated \$31 million of your tax money to pay for the bonuses of a handful of the executives at the top, one of whom made \$8 million in one year? And you talk about welfare mothers with two kids who are trying to get a job but can't find one, and if they do it's \$4.25 an hour minimum wage. And these fat cats--we call it Wall Street Socialism. In other words, they capitalize the profits, but if they lose you pay. You pay through bailouts, give-aways, all kinds of corporate subsidies.

PD: *But we're gonna to save money, Ralph. We're gonna get those illegitimate babies off welfare. We're not gonna give any money to teen age mothers. We're gonna give it back to the states. We're gonna make government lean and mean, more efficient, and our taxes are going to go down as a result of it.*

RN: And we're gonna make kids walk with bare feet, huh? What about these kids? Listen, the entire federal government welfare programs, except for Medicaid--I don't consider Medicaid welfare because all Western countries give universal health insurance (health insurance is not considered welfare--in England, Japan, France, etc.)--apart from Medicaid it's 3.5 to 4% of the entire federal budget. That's the poverty programs--feeding programs, food stamps, Aid to Families with Dependent Children.

The **corporate welfare** budget--the give-aways of federal lands, minerals, the guarantees, the bailouts, the inflated government contracts, the tax loopholes--are far bigger. You're paying far more for corporate welfare. And what do we do? They say, no, stop foreign aid. You know there was a poll recently where people thought foreign aid was 15% of the federal budget? It's 1%. When they ask people, do you want foreign aid, they say, no. We say, how much do you think it should have? 5%. It's 1%. You got to get the information.

We're going to show--you know, this **multinational magazine** that one of our affiliates puts out that concentrates on what the tobacco, chemical, drug industry, oil industry are doing to our jobs, and to our consumers and to our environment. The great thing about all this is citizen action, Phil, is **fun**. Democracy's the best way to human happiness, and if **Andrew Jackson**--one of our early presidents--once said, if our country's in trouble, the answer is not less democracy, it's more democracy. The more we lose control, the more concentration of power and wealth in fewer and fewer hands, the more trouble we're in.

PD: *And isn't it curious that arguments or statements against corporate greed...just kinda lay there. You don't hear this in a campaign. You hear welfare. And abuse. You hear, throw the bums in the slammer. You hear that. And you hear lower taxes. You do not hear about corporate greed. Why should that be? I asked Ralph one time why there're so many conservatives on the air and so few liberals. And in his own way he said because conservative criticize government, and liberals criticize corporations.*

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RN: And corporations advertise, and government doesn't.

PD: *And is Arthur Daniels Midland inoculated from review because they sponsor the Sunday morning news talk shows?*

RN: Of course. Have you ever seen **David Brinkley** or **Tim Russert** or the others talk about corporate crime, fraud and abuse? An when it comes to corporate crime, corporate violence--toxic chemicals, workplace death, pushing tobacco on little kids to hook them for life-- street crime is about 28,000 homicides in this country. Medical malpractice alone in hospitals--according to the Harvard School of Public Health Physicians study--take 80,000 lives a year. Just in hospitals--that's more than the combined death toll of motor vehicle crashes, homicides, and death by--

PD: *And there are very few autopsies, incidentally. They just cover them up and wheel them out the back door. There is no autopsy. Why did this patient die?*

RN: And furthermore, if someone says to you, what do think of when the three words are crime, violence and welfare? We all think of the street. We all think of street crimes, poor welfare people standing in line for their checks--the biggest crime, welfare and violence, comes from corporate misbehavior. You have 420,000 people dying from tobacco-- they are all hooked, almost without exception, under the age of seventeen. Thirteen, twelve. That's where they hook them.

You got 100,000 people dying in workplace accidents--toxics, lead, berillium, trauma, etc. You got 50,000 people dying from air pollution alone. 45,000 on highways. We've helped to reduce that. That's one of the few problems we've overcome. Why? Because consumers banded together and spoke out.

PD: *But it's gonna get worse. Because the speed limit has been--now we can go above 55. You figure how deaths as a result of that?*

RN: Department of Transportation says 6500 more deaths, 20,000 total permanently disabled a year.

PD: *Because we're giving states the option to raise the speed limit. This audience wants to question Ralph Nader. Incidentally, is he going to run for president this year? You might want to ask him. We'll give you a chance to get in on this. This is your country. Your state. Everybody's talking about you. You're on the front page of the newspapers all over America. Hey, what's not to love about New Hampshire. I'm gonna kiss a baby myself while I'm here. And we'll be back in just a moment.*

Ads Easy Spirit walking shoe. One-A-Day Vitamins (for women) Lever 2000 deodorant body wash (for a new you) Cars Yes (cut off) Care America 65+ (unlimited generic prescription drugs) Don't miss the four o'clock news (we stalk a stalker)

PD: *Yes ma'am. You wanted to ask...*

Audience member 1: Yes, Ralph, we want you to run for president. Are you running?

(pause)

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PD: *Are you running in New Hampshire?*

RN: No, I'm running on the Green ballot in California, and perhaps in Maine. And the idea is not to just do jackpot politics. **We've got to break up the two-party duopoly in this country.** So many people are alienated from it. Look, **Perot** gets 19 million votes because he's None of the Above in 1992. So we're going to try to generate more competition. No focus on the candidate as much as on broadening the agenda. How do we rebuild our democracy, that's the biggest issue. Giving voice and power to voters--citizens, taxpayers, workers, consumers and shareholders. Those are the five roles we've got to play--otherwise we just pack it in. These giant global corporations will twist our country, pit poorer countries abroad against us under these giant trade agreements, and there won't be much left of our nation.

PD: *Over here, please.*

Audience member 2: I'm not sure if the New Hampshire primary is even that relevant anymore. I think Forbes has proven the point through using the airwaves that, why come to New Hampshire, the whole point of it--to mix it up with people, to go out and shake hands. Well, Forbes cancelled an appearance at our college, New England College, two days before he was scheduled to arrive, and it was when he was climbing up in the polls. So he probably asked himself, what's in it for me, and said it's not worth it. I may slip up. I mean, imagine, a citizen who's unpredictable asking a question he can manufacture the answer to.

RN: You know, New Hampshire's always had the tradition of holding the candidate's feet to the fire. You know, retail campaigning--they've got to shake hands, they've got to talk, they meet in living rooms with the candidates. If the fool's gold of **Steve Forbes** prevails here in New Hampshire, based on all this celluloid money on Boston--mostly--TV stations, it's just going to give the signal to the rest of the country. It's all over. It's all who can get the thirty-second ad, who can get the slogan.

I think we're better than that as a people. I want to see New Hampshire be known as a tough state, so these politicians when they're talking to one another are saying, hey, these citizens are really organized. They require us to meet in auditoriums; they're informed, they want to know what our record is, not our rhetoric--what have you done in the past? And New Hampshire is a tough state. So in the next few days, don't allow yourselves to be overwhelmed by this kind of celluloid campaigning. You're going to send that signal to the rest of the country.

PD: *The most oft-repeated political story in New Hampshire is the one about the woman who was asked by the press, are you going to vote for **George Bush**? And the New Hampshire citizen said, I don't know; I've only met him three times. Now, the fact is that is apparently a day that is ending, as indicated by this young woman's question. Why go to the coffee klatches when you can go on TV and you get yourself a lead in the polls, as long as you have an unlimited supply of money*

RN: See, the citizens long before the primary should all get together, like the did in the old town hall meetings, and develop a democracy agenda, and present it to the candidates and say, this is what we want you to discuss. We are summoning you, the candidates, to our town hall. And instead, what the candidates do is parade in

front--on TV-- in front of the people, and it tweedle-dum, tweedle-dee, one slogan--it's like choosing ice cream flavors. **And you know one thing about pushing for stronger democracy, it brings out the best in us. Democracy searches for the solutions that we have in this country--to energy, housing and the economy, etc. We have these solutions.** The idea that people change jobs, they can't get health insurance on their pre-existing athsma? Or high blood pressure? Is there something in Europe that they know that we don't know? They've got universal coverage. So does Canada. We've got to shape the campaign.

PD: *We are spending \$3.2 billion for each B-2 bomber, but we're angry at out welfare mothers. It does look like we're worried about the wrong things. I don't understand why we don't see more indignation about corporate excess. We think of a union member as a person who drinks coffee all day. And never give a glance to the white-collar people, who are laying people off so their stock will go up and they get more dividends. Why should this be? Labor is somewhere in the neighborhood of 15 to 16% of the population--it couldn't be lower than it is now.*

RN: We're not making connections, Phil. Look, there are taxpayers who are fed up with that bailout to the Mexican dictatorial regime and their billionaire oligarchs. Small businesses are fed up with these franchise agreements that bring them a kind of modern form of feudalism, as Gordon Sherman who set up the Midas Muffler franchise system admitted. There are workers who see these fat cats at the top of their company making off like bandits, while they're just thrown on the unemployment heap.

We're not making connections, though. For example, if we want a good budget for drinking water safety in this country, for dealing with infectious diseases, for dealing with childrens' nutrition, for dealing with legal services for the poor--you know, equal justice under the law--for dealing with the better repair of our highways and bridges. Why don't we say this **hey, the Republicans gave \$8 billion more to the Pentagon--a few weeks ago--than the Pentagon wanted. And the Pentagon budget is now in the post-Soviet Empire days is almost as big as it was when it was designed to deal with the Soviet threat.**

PD: *But it's a works program, Ralph. Let's understand what this is--*

RN: But it doesn't create anywhere near the number of jobs that building houses, building clinics, repairing our schools that are falling apart--**when you build missiles you don't create a fraction of the jobs per billion dollars that you create when you build public works.** And people say we've got to balance the budget. There are two simple ways to balance the budget. **You cut the Pentagon budget by bringing our boys back from Europe and Asia. Those countries are perfectly able to defend themselves from Moldova and the Ukraine.**

(Applause ... on cue)

PD: *You're first when we come back. We're in New Hampshire with Ralph Nader. We'll be back in a moment.*

Ads: Sears (will pay \$2 for a photo of your kitchen in need of cabinet refacing, and will reface your cabinets for free if you are chosen in a drawing. Homeowners only need apply.) GE (new profile washer). Five o'clock news (we'll show you what you'll

be buying this Christmas).

PD: *Yes, ma'am.*

Audience member 3: I agree that people are looking for somebody who's not really a politician to put in the White House. I think that people would like to see who remembers what it was like to live paycheck to paycheck, and somebody who's got some common sense....

PD: *So you could use a non-millionaire...*

Audience member 3: Exactly. Not somebody with a silver spoon in their mouth.

(Applause)

Audience member 3: If you were to endorse someone in the Republican primary, who would that be?

RN: I don't endorse politicians. I just want to say one thing. The only person--and I disagree with him on a lot of other issues--the only person raising of global corporate power over our jobs and standard of living is **Pat Buchanan**. *

(Weak applause)

PD: *And you get a fence along the Mexican border, I think.*

RN: Well, as I say, I don't (laughs) agree with him on everything.

PD: *And, sir, you wanted to say....*

Audience member 4: Yeah, I think we're perhaps holding the election too soon. But **Forbes** hasn't won the election here in New Hampshire. And New Hampshire voters have been very astute in past elections and usually come up with a good candidate. So I think we had better wait until we see the results of the election before we assume that Forbes is going to be our candidate.

PD: *Your very thoughtful comment is on the record. You're quite right, sir.*

(Applause)

PD: *Yes, sir.*

Audience member 5: Ralph I agree with just about everything you're saying. In fact I voted for you in '92. From what you say it looks like **Bill Clinton** would be the best person to do the things that would be done. If it wasn't for him we would have been out of this deficit thing, and he's holding it up because of aid to education and the welfare program. And environment. I think there's something to be said for him.

(Moderate applause)

PD: *The president does not get a standing ovation from Ralph.*

RN: I think he would have been better off if he had had some primary challengers to debate with him. He's got an easy road now, and that's not good for any politician.

PD: *Yes.*

Audience member 6: Would you comment on the candidates and public education

in the United States?

RN: I believe in public education. I think it's worked in the past. It has some serious problems, especially in some of our large cities. The approach is to improve it--to have the parents more involved, to get more repairs in the schools, to get a different quality of civic education-- get these kids out analyzing and working with responsible adults trying to improve their community. It's a good way to get them to read, write and figure.

I don't believe in privatization. Once you corporatize our schools, then the bottom line becomes the tyranny. And all kinds of things start happening. Corporate propoganda floods the schools. Certain text books are used; certain video tapes are not used. And before we know it, the overall binding together of people and children will be gone. They'll cream off the top, the students who have learning problems and disabilities will be thrown together with underutilized resources. I'm not for it.

PD: *Over here, please.*

Audience member 7: Ralph, do you believe abortion should be a political issue?

RN: I don't talk about those issues. I talk about democracy issues and giving people the tools.

(Loud applause)

RN: Giving people the tools to build their own communities. We're throwing out into the public arena too much private stuff.

(Loud applause)

Audience member 8: Why does mud-slinging produce positive results for the candidates?

PD: *It does, though, doesn't it? Yeah, negative advertising works.*

RN: Well, if it's robust debate--one person says, I believe on cracking down on corporate crime. Another person says, oh no, that's not a problem--and they're both candidates? That's great. But these are stupid, insipid, insane, vapid ads.

(Applause)

RN: What can you get across in thirty seconds? A sound bite, or maybe a sound bark.

PD: *Yeah. The three growth industries in America today.*

RN: To show you where our economy's going: **the three fastest growing industries in American are temporary employment firms--**

PD: *Stop there.*

RN: --gambling casinos, and prison construction.

(Laughter)

PD: *Temps because you don't have to pay benefits.*

RN: Right.

1 8 0 4 3 8 5 4 2 4 3

PD: *Don't have to worry about health insurance.*

RN: And part-time work.

PD: *Hire 'em and fire 'em according to your own needs.*

RN: That's right.

PD: *A lot of very large corporations are trying to do that with the union. So you'd have like a dugout. You'd sit there all day long waiting for the phone to ring, and maybe you'd have a job for that day. And you'd probably paid maybe even in cash. I don't know. And then the company doesn't have to worry about you anymore, when it no longer uses your services. Gambling, big.*

RN: They're betting on future instead of building the future. Nice.

PD: *And prisons.*

RN: Theme parks are right up there too.

(Laughter)

RN: In the meantime, **look, there're people undernourished, children undernourished, housing, mass transit, schools need to be built, our bridges are crumbling. You've got stuff under the cities--the wires and the pipelines--we're not remodeling our public works. We're going to pay awful for it.**

PD: *And if you stand up for unions, for organized labor, you're a commie. And we'll be back in just a moment.*

Ads: The Donahue show tomorrow (fed up voters). Prevent and Correct the first age-defying system (with FDS to help prevent damage year around). Fasine (more gas relief in one soft gel than in a whole bottle of Maalox). Cars Yes (complete). Computer Learning Center (so people will hire you).

PD: *Yes ma'am.*

Audience member 10: Ralph, I'd like to know your advice for the average person that's working a full-time job with a family to try to become educated on the candidates. When all we're seeing is newspaper ads and TV ads, I don't know how to make a reasonable decision.

RN: Here in New Hampshire there's a Presidential Welcoming Committee made up of citizens such as yourself. And they are presenting questions to the candidates to answer. Now, if the candidates felt that there were a lot of people behind that, they would answer those questions. We have a magazine--one of our nonprofits puts out--on global corporations, which frames the issues of corporate welfare, crime, pollution, job loss, etc. The address will be on shortly. That's another source of information.

And then you've got a lot of good citizen groups here in New Hampshire--environmental groups, worker groups, taxpayer reform groups--they know what these candidates stand and what they have done on these issues. You just have to call them. Your library has a list of them. The information is there; you just

got to give yourself time to study. That's all.

PD: *Over here, please.*

Audience member 11: Hi, Ralph. As town clerk for the town of Bedford for seventeen years, I see this apathy all the time. And I'm always after people--get an absentee ballot, find out what's going on, do this, do that. And it's like knocking your head against the wall.

RN: Let me suggest, if you had the initiative recall referendum statewide, and you had other issues on the ballot you cared about, more voters would turn out. Even if they're turned off on the candidates. Number two, if you had a **binding None of the Above** on the ballot, so you don't like the candidates on the ballot you don't stay home and be accused of being apathetic, you vote for None of the Above and if it wins it cancels the election, sends the candidates packing and orders a new election.

(Loud applause with cheers)

Audience member 12: It seems to me the problem just in the country as a whole right now is that we are a nation of people that just don't have any real values about anything. We don't get out there and say what we feel because we're afraid that Joe Blow, the neighbor next door is going to be ticked off. We don't voice our opinions and we don't stand behind what our true values are.

RN: Let me tell you what will help. First of all, if we know our history, that almost all the things we love about this country started with just one or two people--whether it was the womens' right to vote (remember the six women in an upstate farmhouse in New York in 1846), the trade union movement (giving workers a chance to bargain with these big companies), consumer, environmental movements--everything starts with one or two.

Why is that important for you to know? It gives you heart. It gives you hope. You know that people like the farmers going after the railroads and the banks in 1890. They went after overwhelming odds, compared to what we're up against. And they prevailed. And they got rid of the plantation-type indentured agrarian system. And we got the greatest production machine for food the world has ever seen.

The second thing to know is really important: we have so many solutions in this country that are on the shelf, that aren't being applied to problems we don't deserve. And you name it Health care? We're allowing these HMOs to merge, to gag the doctors and the nurses so they can't tell the truth--

(Loud applause)

RN: --and to marginalize our health care. They give this incentive now to doctors--if you don't treat this person, if you don't refer this person, you get a bonus at the end of the month? I mean, come on! This is America. Land of the free, home of the brave

Look at the New England town meetings--I grew up in Connecticut. My parents took me to the town meeting. That's where I learned, that was the real thing. The most democratic institution the world has ever seen. They were the legislature. And we've got to rebuild it. Here in New England

(Loud applause)

Audience member 13: I'm working up to being retired and I've volunteered at the Democratic headquarters and one of my jobs is to do research on all the candidates and I'm appalled about what I've read about every one of them.

RN: Well, I was going to say, Phil. You're worrying about deficits? You know, our future generation? **Cut out the corporate welfare budget, bring the Pentagon down to normal size given the situation in the world, and that'll balance your budget.** Instead, they're making us fight over the crumbs. Over a shrinking pie--oh we've gotta take it away from your drinking water renovation program, oh we gotta take it away from your auto safety program, oh we gotta take it away from your child nutrition. While the fat cats are loading up on the backs of you taxpayers ... fantastic! The more you know about this, the more you realize the essence of our country is community--it's self-reliance--we own the public land. We own the public airways. We own \$4 trillion of worker pension fund. We own trillions of dollars of mutual savings money. We control nothing. The corporations control what we own. We don't have our own audience network on TV. You don't have a cable channel for workers, for consumers, for students--

PD: *But, thank God, we've got a brand new communications act! There's going to be more competition!*

RN: More mergers! Read the papers in the next few weeks as the big guy gobble up and we end up with ten **John Mallones**. Ever hear of **John Mallone**? Out of Colorado, he controls one third of the cable customers in the country. He can say to a competitor, to CNN, you're not going to get past my door, because I own a chunk of CNN.

PD: *For what it's worth, C-SPAN. Is there a better idea on cable television than C-SPAN? You get to see the House and Senate--right there on C-SPAN1 and 2. C-SPAN1, which covers the House, carried by only 66% of America's cable systems. Your--*

RN: Home Shopping

(Laughter)

PD: *Well I got three channels for Jesus, two where I can buy cheap jewelry, I can get Barney on three different stations...*

RN: And not one citizen action channel

PD: *C-SPAN to me is the gold standard. If you're not carrying C-SPAN, and you're a cable operator, you cannot call yourself a proud American. I don't see how. Incidentally, C-SPAN2, which is the Senate, 45%. Only 45%. We'll be back in just a moment.*

Ads Sally (you won't believe your eyes) Sears (you may not know exactly how to go about shopping for replacement windows, so just call the number on your screen and we'll tell you how) Sit & Sleep, Your Mattress Super Store (sleep free for six months--no deposit, no interest, no payments) Manufactured Homes (homes designed by computer to exacting standards) The six o'clock news (14-karat con

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Don't get taken).

PD: *I am pleased to call your attention to the magazine about which Ralph spoke a moment ago--it's titled Monitor. It is the most thorough, scholarly review of what's happening in corporate America. Most of what you see in here you won't find in the major, mainline newspapers. That's Post Office Box 19405, Washington, D.C. 20036. [Here's a Multinational Monitor archive. --cls] Someday we'll live in a land without all these numbers. \$12 a year for subscription.*

RN: Almost everything you do is affected by these companies. Your pension fund, your health safety, quality of your air, water--quality of your government.

PD: *You know I took a tire back, and they made me buy a new one. A brand new tire. Major league tire company. I don't want you to know which one it is, but you've seen them on the blimp.*

(Laughter)

RN: They must have been a blimp not to give you a tire! They picked the wrong person.

PD: *I mean these treads were--nah, you hit a pressure and something we can't foresee and a pothole and all--here's your bill. You know, what happened to courtesy, generosity, and good old fair play? Sir, you wanted to ask...*

Audience member 14: I think one of the problems today is the taking out of context. People can make a 400-word speech and some newspaper will pick up one line. How can that reflect the feeling of the person making the speech?

RN: That's why you've got to bring the politicians to you. In meetings like this. There are plenty of auditoriums around the country.

PD: *Yes.*

Audience member 15: Regarding health insurance: I'm an RN, and I'm sick and tired of seeing the health insurance controls stays in the hospital and doctors what they do and so on. But why hasn't the AMA done something. Why do they allow this to happen?

RN: Well first of all, they're under increasing pressure by physicians-- who are being marginalized or having insurance clerks second-guess their treatments, saying you can't do this treatment, you can't do this operation. I think the AMA is going to finally turn around. **I think we're going to get universal health insurance when these doctors and nurses in this country revolt.**

They're being de-skilled, they're being marginalized by these giant HMO's where they pay the guys at the top \$10 - 20 million a year. One of them got \$104 million in one year, the head of Hospital Corporation of America.

PD: *And nurses are being incentivized to move you out. Of the hospital. No kidding! You get a bonus! In the hospital you may be surrounded by health care personnel that inside, unspoken they're looking at you and they're saying, get outta here.*

RN: Drive-through births.

Audience member 16: I was wondering what you would propose as a constructive alternative to the existing tax code, savings and investment. And, also if we are in the early stages possibly of a populist revolution, what do you see as the relative role of the government in the future to effectuate things that you feel are important?

PD: *Appreciate the question; Ralph gets an uninterrupted chance to answer when we come back. We're still a commercial television program--I can't believe it myself. In just a moment.*

Ads: Citricel Fiber Therapy (as effective as psyllium without producing gas). From Robin Cook's heart-pounding best seller, Terminal, tonight's big movie. We believed it was the best hope against cancer, now critics say it hurts: the eleven o'clock report tonight. Repeat of Sears cabinet refacing ad. Lose weight (PSA).

PD: *Which corporations get the most money from the United States government? Which corporations get the most subsidies? Which corporations are the stingiest. Which corporations have CEO's and other white-collar executives way up here while their workers make almost nothing. You'll find these and other answers in the **Multinational Monitor**. Post Office Box 19045, Washington, D.C. 20036. It is \$12 a year for a subscription. With only moments left, this man asked you a question.*

RN: Okay, on the tax system: **Saul Price**, founder of the Price Clubs, worth \$400 million, wants a 1-2% tax on wealth above \$1 million. You notice there's no tax on securities and stock transactions, but they tax often your food or they tax your clothing--on the sales tax. I believe in a progressive tax. You're making a lot of money? You're making it because you're privileged in a lot of ways by public policy in this country, you should pay a higher rate than persons making \$30, 40, 50, 60,000 a year.

(Loud applause)

PD: *The California primary is in March. Nobody wins without California. Now, you're on the ballot in the Green Party. The mainstream newspapers are suggesting you could do 10% of the vote or more, as a Green Party candidate. You'll be right there on that ballot next month in California, and its rich cache of electoral votes. Are you gonna go for this, or are you just going to sit in Washington and watch what happens? You gonna go out and sweat a little?*

RN: **I think we have to shake up or bust up the two-party duopoly in this country.** I want to try to contribute to that. I think in answer to the gentleman's question, the big thing government can do for us is give us the tool--the democratic power--to shape our own country, and not get our needs from global corporations that have no allegiance to this country or its people. Second, **people don't like money in politics? Well this Green Party candidacy of mine: I'm not seeking any money, spending any money--no money in politics. It's going to be volunteer work, brainpower, footwork--go Green Party in California.**

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(Loud applause)

PD: *Wait a minute! Hold it!*

(Applause continues)

PD: *Hold it! You're a spoiler, Ralph. The people who would have voted for Clinton are going to vote for you; you're going to bring Clinton's total down, and the Republican candidate's going to win; you're a spoiler and everything you ever worked for--*

RN: Okay, okay. First of all, **how do you spoil an already spoiled system**--by the two parties? And second of all, all our proposals to strengthen and deepen the democracy for all of you, have no patent on them. If **Clinton** wants to steal them, if **Dole** wants to steal them, be my guest.

PD: *And we'll be back in New Hampshire with **Ralph Nader** in just a moment.*

Ads: Repeat of the Donahue spot for fed-up voters. Four o'clock news (Michael Jackson in Brazil and pictures of a devastating mudslide). Five o'clock news (toys again). Six o'clock news (eyestrains, headaches and back problems from computers). Cars Yes (peace-of-mind financing, guaranteed). C&R (has the best brands and the best prices). Sav-on Drug Stores (open 24 hours so you never have to worry).

PD: ***Ralph Nader** may be the most conscientious citizen--in the truest sense of the word--of our time and I am pleased to ask you to welcome to New Hampshire the person who raised him. This is **Rose Nader**. Will you kindly stand for **Mrs. Nader**?*

(Loud applause)

PD: *And his little sister, **Clair**! Taught him everything he knows! **Clair**, you gotta stand here!*

(Loud applause continues)

PD: *They'll never call him egotistical! **Ralph Nader** got 6,000 votes in this very state four years ago--on a write-in! Holy cow! And he is on the Green Party ticket in California; probably some other states as well-- keep your eye on **Ralph Nader** this year--wants more than the two-party system. Join me in thanking **Ralph Nader**.*

(Loud applause)

Voiceover: Services and promotional fees paid by the following: Melatonin. It's making news. Now General Nutrition Centers has Melatonin in 3-milligram tablets or new sublingual liquid. GNC, America's Melatonin headquarters.

End of program

Footnote:

***Buchanan** won the New Hampshire primary, beating **Dole** by 1%.

The preceding is the real reason for the Communications "Decency" Act. --

Richard DuPertuis
Coordinator, Media Working Group
Green Party of California

RALPH NADER FOR PRESIDENT
(310) 31-GREEN

/* Written 11:32 PM Feb 25, 1996 by pgreen in igc:gpcra forum */
/* ----- "Nader on Donahue 2/12/96" ----- */

HTML by Cameron L. Spitzer

18043854250

Item #2

SE Local News

HD * NADER WANTS CITIZENS TO GET ANGRY
THE CONSUMER ADVOCATE AND PRESIDENTIAL CANDIDATE
ENCOURAGES

AMERICANS TO CHANGE THEIR SOCIETY - AND THEIR MINDS.

BY LAUREN WILEY Contributing Writer

WC 362 Words

CC 2645 Characters

PD 03/28/96

SN The Post-Standard Syracuse, NY

ED Metro

PG B2

CY (Copyright 1996)

LP * Green Party presidential candidate Ralph Nader urged Syracuse residents and university students to use their civic willpower to improve their lives.

About 500 people gathered Wednesday night at Syracuse University's Schine Student Center for a lesson in civics from the consumer activist.

TD "A country full of problems is also a country full of solutions," he said.

However, most citizens do not hold corporations and the government accountable for their actions, he said.

* Nader has led the battle to improve safety standards in automobiles and helped create the New York Public Interest Research Group to lobby for consumers' rights.

* He said he decided to run for president when President Clinton failed to achieve significant changes while in the White House.

The Democrats and Republicans are both under the control of corporate America, he said, and no one is representing the average American.

* "We can't take it anymore," Nader said, describing elections as "a choice between the bad and the worse."

Government officials declare that the economy is booming because corporate profits are up and the deficit is shrinking, he said, but wages for entry-level workers are stagnant and the middle-class is disappearing.

* "If you get angry enough," Nader said, "you can be a very powerful force."

He said his candidacy will appeal to laborers who feel left out of both major parties.

He supports free health care for all citizens, cuts in military spending and an end to increases in government aid to corporations.

8043854251

* Nader is on general election ballots in California and Maine, and the Green Party is organizing a petition drive to qualify in New York.

* Nader said he hopes his candidacy will mobilize younger voters, who often feel left out of the political process.

His visit was sponsored by the SU School of Management's Student Franklin Industrial Advisory Board.

He made a special appeal to college students, who he said have been taught corporate values.

"We grow up corporate," he said. "We have stopped thinking for ourselves."

* Nader encouraged them to question everything and learn how to assert their rights.

"When you seek to understand in order to improve, your minds work differently," he said. "Your education will come alive."

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Item #3

AN SYRC9611600095

SE Local News

HD * NADER: CORPORATE CRIME SHOULD BE ISSUE

BUSINESSES ARE "RESPONSIBLE FOR FAR MORE VIOLENCE,
ADDICTION,

PORNOGRAPHY" THAN THEY ARE FOR STREET CRIME, HE CONTENDS
DURING AN

APPEARANCE AT CORNELL.

BY REBECCA JAMES The Post-Standard

WC 434 Words

CC 3203 Characters

PD 04/24/96

SN The Post-Standard Syracuse, NY

ED Cortland

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CY (Copyright 1996)

LP * Ralph Nader, Green Party presidential candidate and grass-roots
guru, said Tuesday that the greatest environmental risk Americans
face today can be found on their tobacco-stained fingers.

Cigarette manufacturers and other multinational

* corporationstook the brunt of Nader's criticism during a visit to

* Cornell University. Nader said corporate crime, not street crime,
should be a major issue in the presidential race.

TD "Corporations are responsible for far more violence, addiction,
pornography, you name it, than the street version," he said. "And
yet, these are the executives who make millions of dollars a year
and get invited to White House dinners."

The government should ban tobacco advertising, impose a surtax
on tobacco profits, and use the revenue from the surtax to pay for

* free clinics to help people stop smoking, Nader said.

Taxpayers shoulder the cost of corporate greed, such as the
multi-billion-dollar savings and loan bailout, but politicians
rarely focus on this issue, he said.

* At a news conference before his 8 p.m. lecture, Nader said he

* decided to run for president on the Green Party ticket in the hope
that it will force the major-party candidates to focus on the
damage that corporations are doing to the nation.

"They're pouring huge amounts of money into political campaigns

* at all levels that corrupt the political process," Nader said. "And
none of the candidates, at any level, are making corporate
accountability - law and order for corporations - a major issue in
their campaigns."

* Nader is on the ballot in California, Maine and New Mexico.

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Green Party volunteers are working to put him on the ballot in other states, including New York.

* Nader, who pushed for the establishment of the U.S. Environmental Protection Agency and the Occupational Safety and Health Administration, said the government still isn't doing enough to protect the health of Americans.

No concerted effort is being made to counter lead poisoning, a problem that has been known for 35 years, or to stop toxic waste from polluting drinking water, Nader said.

"The country is inundated with these toxic hot spots," he said.

* Corporations are responsible for most of the problems, Nader said. As an example, he said pesticide companies are creating health risks by exposing people to combinations of chemicals without complete safety testing.

* And while Nader was spending the day at one of the world's major research universities, he made it clear that he wasn't happy with the growing corporate affiliations with universities.

"The problem is that universities are not upholding their responsibility to being independent sources of knowledge," he said.

"They're not sufficiently independent of special interests as history designed them to be."

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Item #4

The Philadelphia Inquirer
Suburban West

Tuesday, April 30, 1996

Nader faults two-party system

As the Green Party candidate, he urged more civic activity from young people.

By Justin Pritchard
INQUIRER CORRESPONDENT

HAVERFORD TOWNSHIP -- He made the automobile industry turn its attention from tail fins to seat belts. He railed against the drug companies and the food giants. In an era of corporate profit-taking, he calls for product and worker safety.

And he's running for president.

Ralph Nader -- candidate on the Green Party ticket, revolutionary in a gray pin-striped suit -- figures he'll wind up on ballots in 20 states in November. He came to Haverford College Sunday evening and told a receptive audience of 150 that "flesh and blood people" are losing control of the political process.

The event was far less a political rally than a call for increased civic participation. He presented a grim description of American democracy, saying a "corporate juggernaut" has steamrolled the two parties so that they are "as different as Tweedledum and Tweedledee.

"We have government of the **Exxons**, by **General Motors**, for the **DuPonts**," he said.

In an interview, **Nader** said this was his reason for a presidential run -- to break up the two-party system, which he called a "duopoly."

Nader said he is not raising money for his candidacy. It's what he called a "very unconventional" approach to politics. He said he was relying on grass-roots organizing and volunteers. During the three-hour event, petitions circulated that could qualify Nader for the Pennsylvania ballot.

"I think it's going to be a pattern in the coming years, where the ballot will be employed to broaden agendas," he said. The issues he wants to push are environmental regulations and citizen protections against big business, he said.

Full of vehemence but shying from vitriol, **Nader** attacked corporations, characterizing them as "violent" and "beasts" above the scrutiny of either the populace or federal regulators.

"Nobody talks about Aid to Dependent Corporations," he said of scarce talk of trimming big-business subsidies. "The real economy back on Main Street and Elm Street is starving for capital."

What's worse, he said, "more and more, corporations are raising our children." The

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result is a society brought up beholden to the notion "that if we work hard, and that if we study hard, we'll be able to get a good job in a good profession, buy our own home, and have a recreational cabin in the Poconos."

Instead, Nader said, America should move toward what he called a "civic society," in which democracy and civic participation flourish.

He illustrated how far American society is from that ideal by painting a picture of several Haverford students idly chatting on their college green.

When a friend of one passes by, a student in the group remarks that he is "an extremely competent citizen." A second student passes by and is described as "an extremely astute consumer," or "an extremely demanding taxpayer."

As the audience laughed, Nader pointed out that although not glamorous, such attributes are important to civic society. He exhorted audience members to develop their civic skills and not allow themselves to continue "wallowing in a sort of civic depression" that he described as permeating our society.

"You must, I think, have a higher estimate of your own significance," he said. "Let no one say that this may be the last generation -- yours -- that will look back and say, 'We had to give up so little to achieve so much, and didn't do it.'"

Thanks to Ronnie Dadone of Chester County for forwarding this piece which did not appear in the city edition.

http://www2.phillynews.com/inquirer/96/Apr/30/pa_west/WNADR30.htm

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Item #4a

SE NEWS

HD * Nader seen as a threat to Clinton in California Green Party candidate blasts corporate America

CR Chicago Tribune

WC 901 Words

CC 6081 Characters

PD 05/26/96

SN The Dallas Morning News

ED HOME FINAL

PG 16A

CY (Copyright 1996)

LP HAVERFORD, Pa. - It was a scene that could well have taken place in 1966.

Several hundred admiring college students gave consumer advocate

- * Ralph Nader a standing ovation after a speech that derided the evils of corporate America. Some students were so impressed that
- * they exhorted Mr. Nader to run for president.

TD That scene actually played recently on the pastoral campus of Haverford College, a liberal arts university near Philadelphia.

- * And Mr. Nader is running for president this year, upsetting
- * Democrats who fear he could drain votes from President Clinton.

"Four more years of either of these candidates is not good for

- * the country," Mr. Nader said of Mr. Clinton and Republican nominee-in-waiting Bob Dole. "Both have ignored legal protections for consumers and the environment.

"The important thing is to give people an answer: Why is it we have nowhere else to go?" he said.

- * It's not that Mr. Nader has a chance of winning this year. Even he acknowledges that's not going to happen.

What's causing concern, mostly in Democratic circles, is that

- * one of the states where Mr. Nader is on the ballot as a candidate of the Green Party is California, the much-coveted electoral college jewel that has a history of empathizing with third-party candidates.

- * It's also a place where Mr. Nader, 62, has a following.

Two recent polls show that the father of the consumer rights movement could get from 7 to 11 percent of the vote in California.

Although Mr. Clinton now enjoys a double-digit lead over Mr. Dole in national surveys, in a close race the man synonymous with

- * auto safety could cause the president to crash politically, analysts say.

- * "There is definitely a potential for Nader cutting into Clinton's base," said William Lammers, a professor of political

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science at the University of Southern California. "My sense is that the Clinton camp is appropriately concerned."

To solidify his base, Mr. Clinton has made numerous trips to California. He has promised economic assistance, such as a \$400 million federal loan for a Los Angeles rail-cargo artery, and reiterated his support in lobbying Congress for approval of defense programs important to the state's defense industry. He also has delivered timely earthquake and flood assistance.

Clinton-Gore deputy campaign manager Ann Lewis has expressed confidence that voters who care about the environment and other issues important to the Green Party in California ultimately would decide that the best way to advance those causes is to back Mr. Clinton.

* Much like the candidate, Mr. Nader's campaign is unorthodox.

For instance, he is not raising money, not accepting campaign contributions and won't air television commercials.

Instead, he said he will depend on newspapers and television news, the word of mouth of "faithfuls," leaflets, his volunteer-driven pages on the Internet and speaking appearances at hundreds of colleges.

* Mr. Nader refuses to state his positions on such concerns as the death penalty, abortion, immigration and affirmative action, saying that they would detract from his message of getting voters to organize a viable third party to "challenge the system."

* Besides California, Mr. Nader is a presidential candidate on Green Party ballots in Maine and New Mexico.

Volunteers are trying to amass the necessary signatures to get his name on the ballot in about a dozen other states, including Alaska, Colorado and Pennsylvania.

* At Haverford College, Mr. Nader held court for two hours with nothing more than a few scrawled notes on a piece of paper. He outlasted all but a handful of the 300 who ventured out on a chilly, rainy Sunday evening to hear him speak.

The Princeton- and Harvard-educated "public citizen" railed against corporate America - corporate violence, corporate welfare, corporate crime and his latest target since announcing his candidacy, "corporate government."

"What we have in America today is one party - the corporate party," said Mr. Nader, using recent efforts at tort reform as an example of business' influence over politics.

"It just has two heads, one that calls itself Democrat, the other {that} calls itself Republican. But these two parties don't stand for anything anymore. They represent big business, and they are cheating voters out of power."

* Mr. Nader saved his harshest words for Mr. Clinton, derisively

calling him George Ronald Clinton to suggest a political kinship to former Presidents George Bush and Ronald Reagan.

* Mr. Nader lambasted Mr. Clinton's support of the NAFTA trade agreement, his failure to pass "significant" campaign reform and his support of an increase in the nationwide speed limit.

* In response, Clinton spokesmen have defended the president and said that a Nader candidacy harms rather than helps the issues he says he cares about

* Audience members at Mr. Nader's college appearance applauded often and loudly, but some acknowledged that they know little, if anything, about the man who was once one of the most admired Americans in the nation. His influence over the years can be seen in changes such as auto airbags, shatterproof windshields and nonsmoking sections in restaurants.

"My parents told me about him," said Shale Rosen, 19. "After seeing him, he seems to be just what this country needs. He is a man of principle, a man of convictions."

Especially with some things. One Haverford official revealed * that a condition of Mr. Nader's contract to speak at the college was that he be shuttled to and from the airport or train station in a midsize American car equipped with a shoulder harness.

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Item #5

HD * Nader: Business dark side must be taught * "Look at your own courses," he tells a Brown University audience, "... the cost of corporations to our society are almost never discussed."

BY BRIAN C. JONES Journal-Bulletin Staff Writer

WC 706 Words

CC 4769 Characters

PD 04/30/96

SN The Providence Journal-Bulletin

ED ALL

PG B-01

CY (Copyright 1996)

LP * Ralph Nader took off his drab raincoat, which might have been bought at the same store where TV's Detective Columbo gets his rumpled overcoats, tossed it onto a table and got right down to cases

* There's trouble, Nader said. Trouble, right here on this campus; right here under the graceful chandeliers at Faunce House, where elegant windows overlook Brown University's college green.

TD "Have any of you yet read one book completely dedicated to the the

* study of corporate abuse or crime here at Brown?" Nader asked.

* Actually, one student said he had. But Nader noted that only one of the 50 students answered yes, so here was his point: giant companies so dominate universities that they spend little time on the "dark side of corporate behavior."

"In one area after another, you will see that the critical freedom of the academy is not being fulfilled," Nader said, "that it's extremely subservient and becoming more so to corporate ideology and corporate vocationalism."

It was a vintage performance by the man who many believe invented the consumer movement mainly just with words delivered in a calm, scholarly, technical manner but ultimately with incendiary impact.

* And yesterday, it was as if Nader could not bear to be on friendly territory, at an Ivy League school like the one (Princeton) he went to four decades ago, so that landed his first blows close to home.

Instead of starting off with his presidential platform - he's running on the Green Party ticket in several states - or reviewing his landmark work on car safety, or discussing the evolution of

* consumerism, the 62-year-old Nader picked his first fight with the students paying his lecture fee

Law schools don't teach about corporate crime, he contended, social services schools don't teach about the corporate impact on the economy, focusing instead on the shortcomings of the poor.

"Look at your own courses, right across the board, whether

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economics, or politics or business - the cost of corporations to our society are almost never discussed - the cost of regulation is discussed," he said.

* One exception, Nader said, has been environmentalism. He said that even a conservative such as the late President Richard M. Nixon campaigned against pollution. Here Nader dug not into a fancy briefcase but a big paper folder and pulled out a Nixon speech and read an excerpt.

* Nader implored his audience to think critically about the impact of business on the environment, politics and even entire countries.

* What, Nader asked, are the risks of new technologies that are being developed with an eye toward the corporate bottom line?

"That's the key question to keep asking yourself, because otherwise, you are going to go through life earning a lot of money, as long as you crawl on your knees in front of the corporate altar and they put 100-dollar bills in your back pocket," Nader said.

The informal session with the students was one of two appearances by Nader, sponsored by the student lecture board; a major address was held in the evening in a much larger lecture hall.

* In the afternoon session, Nader did talk about his campaign. He said he's not out to get many votes, but to pose critical questions and build a large enough "progressive" third party so that Democrats and Republicans alike will have to deal with it.

In passing, he touched on his earliest and most famous consumer fight, forcing automobile companies to pay attention to car safety.

The importance of the safety drive was not to accept the General Motors view of "giving people what they want," he said, but instead, to question how things were being done and to demand better.

"Now, you take it for granted - air bags, seat belt, padded dashpanel, collapsible steering columns, head restraints - and instead of 125,000 dead this year in the U.S., there will be 47,000 (pretty bad as that is, but a lot better)," Nader said.

After answering some questions from a quiet, but respectful young audience, Nader seemed to have second thoughts, as if he had come on too strong.

"Have I depressed you?" he asked.

Without waiting for an answer, he told his listeners not to lose heart. Causes can be won, lives can be saved, Nader said.

"There's thousands of opportunities to make a global impact with your talents."

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Item #6

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Nader pushes ambitious campaign agenda on a shoestring budget

SEATTLE (May 1, 1996 9:24 p.m. EDT) -- **Ralph Nader** plans to offer **President Clinton** "modest competition" in the November presidential race, but there's nothing modest about the agenda being advanced by the consumer advocate.

Nader used a Seattle appearance Wednesday to push causes that range from curbing corporate power to requiring renewable energy to "demanding new technologies" that don't do things like burn holes in the ozone layer.

And computer software should not be a "tool of the rich and powerful" but deployed to "improve the lives of people," he said.

During a Law Day speech to trial lawyers, and a news conference flanked by victims whose personal injury suits would be limited by **Congress**, **Nader** sounded themes that could be subtitled Early Armageddon. He depicted a world of dominant corporate masters, subservient politicians and a deteriorating global environment.

"We have a real plutocracy-oligarchy investing itself in our political economy," **Nader** told reporters

But some audience members who gave **Nader** a standing ovation, and a public official he praised, indicated they won't join a presidential campaign that could siphon away enough votes from **Clinton** to put presumptive Republican nominee **Bob Dole** in the White House.

"I'm a fan of **Ralph Nader** but I supporting **Bill Clinton**," said State Insurance Commissioner **Deborah Senn**. Moments earlier, **Nader** had praised **Senn** as "the best insurance commissioner in the United States."

Roberto Maestas, executive director of **El Centro de la Raza** and a veteran community organizer, said **Nader's** candidacy could become "the two-edged sword" of the 1996 election.

Nader could "release a wave of interest and involvement," **Maestas** said. But he could also "divide the center-liberal-left movement to the benefit of a conservative candidate."

Nader is planning to use free TV appearances, the Internet and college speaking tours to advance his cause. "It is a no-money campaign," he said.

But despite years of campaigning for open government, **Nader** does not think his income is any concern of the voters. Unlike **Clinton** and **Dole**, **Nader** declines to make public his income tax returns or personal financial information.

"There are a lot of things on peoples' tax returns, concerning such things as relatives and health expenses, that are none of the public's business," **Nader** said.

Early polls show **Nader** getting about 7 percent of the vote in such big states as California. He has been put on the ballot as a Green Party candidate in California,

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New Mexico and Maine.

While **Clinton** enjoys big leads over **Dole** in such states as California, Democrats fear a tightening of the race in which **Nader** could take away needed votes.

"**Ralph Nader** has been the consumer's best friend for decades; he can best continue in that role by not jeopardizing the president's re-election," said **Jeff Coopersmith**, a former King County deputy prosecutor and Democratic House candidate in the 1st District.

Nader Wednesday denounced what he called "the **Gingrich-Dole** devastation of the Legal Services program." And he attacked **Dole** for campaigning to limit damage awards in product liability lawsuits.

Nader professed not to worry that his candidacy might increase chances that **Dole** will win in November.

"If you're going to start a progressive reform movement, you can't be worried about taking votes away from one candidate or another," he said.

Nader is in a curious position these days. He is running against **Clinton** while at the same time lobbying the president.

Congress recently passed legislation putting some limits on liability suits. It would bar victims from suing after 15 years from the date on which a defective product was purchased. The legislation would also cap punitive damages and preempt some state laws on damage awards.

Wednesday, **Nader** urged that **Clinton** carry through with a promise to veto the bill. He said it would "smash judicial law and order when it comes to corporate wrongdoing."

At 62, **Nader** is older and grayer than the youthful 1960's consumer advocate who exposed safety defects in the Corvair with his bestselling book, *Unsafe at any Speed*. **General Motors** hired private detectives to spy on him, and the company president was later forced to apologize before a **Senate** committee.

But **Nader** has lost none of his gift for turning phrases, deploying hyperbole, and hurling invective.

He can reach for comparative statistics on such subjects as how many children live in poverty in Washington, D.C., compared to children in Sweden.

He took out after **Congress** yesterday for maintaining, in **Nader's** words, billions in "Aid to Dependent Corporations" while chopping the **Legal Services** budget from \$415 million to \$278 million.

He said the insurance industry's campaign to limit product liability and medical malpractice awards is based on "false anecdotes and outright fabrications." He cited **Sen. Slade Gorton**, R-Wash., as "one of the ringleaders" in curtailing the ability of injured people to sue.

One major lobby gets praise from **Nader** -- trial lawyers.

"People have no way of knowing how much safer society is because of the injured

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people who were able to go to contingency fee lawyers," Nader said.

He told the **Washington State Trial Lawyers Association** that their profession has been "pilloried, slandered and lied about" by such foes as the **U.S. Chamber of Commerce** and **National Association of Manufacturers**.

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Message-Id: <199605020336.UAA22280@igc3.igc.apc.org>

From: "George Dolph" <gdolph@igc.apc.org>

Date: Wed, 1 May 1996 22:44:43 +0000

Subject: **Nader on "Law Day"**

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Item #6a

SE Local/State

HD * NADER TAKES ON CORPORATIONS IN INDEPENDENT PRESIDENTIAL

BID

BY Peter Callaghan; The News Tribune

WC 507 Words

CC 3493 Characters

PD 05/02/96

SN The News Tribune Tacoma, WA

PG B6

CY (Copyright 1996)

LP Saying there's no significant difference between Republicans and

* Democrats, consumer watchdog Ralph Nader said Wednesday he would like to be on Washington state's presidential ballot in November.

His issue? Corporate power in America

TD * Nader said his candidacy will try to raise issues such as international trade agreements, GATT and NAFTA; corporate welfare; corporate crime, fraud and abuse; and renewable energy conversion.

"It's designed to give competition to the Tweedledum, Tweedledee Republican and Democratic parties, which are essentially one corporate party with two heads wearing different makeup," he said.

* Nader, 62, was in Seattle as part of a Law Day commemoration by the Washington State Trial Lawyers Association.

* He dismissed suggestions his candidacy would hurt President Clinton's re-election chances by costing him states such as California, Oregon and Washington.

* "President Clinton, if he wants to broaden his agenda, can reduce whatever modest competition comes from this quarter if he chooses," Nader said "If he doesn't, it shows all the more need for competition from people who are tired of being told by the two parties they have nowhere to go "

His speech to the Trial Lawyers Association was riddled with * criticisms of corporate America Nader told the several hundred people they should be outraged over a recently passed tort reform bill that would limit damage claims and pre-empt state laws on personal injury cases

That measure - Senate Bill 565 - has passed the U S House and Senate and is before Clinton, who has threatened to veto it.

* Nader blamed GOP presidential candidate Bob Dole and House Speaker Newt Gingrich - as well as the effectiveness of the "wrongdoers' lobby" - for the bill's success He also condemned attempts to cut the legal services - a federal program to provide legal help to the poor

* Nader first contended there is no difference between the major

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political parties, but then noted Clinton might veto a bill Dole would sign.

"Tweedledee is different from Tweedledum, but not by much," said

- * Nader, who claimed it took great effort to persuade Clinton to veto the bill.
- * Members of a state group pushing Nader's candidacy handed out leaflets before the speech, saying they'll gather June 29 at Seattle's Gasworks Park to collect the 200 voter signatures needed to put him on the ballot.
- * While Nader will be a Green Party candidate in California, he likely will be listed as an independent on the Washington state ballot.

"If Bill Clinton had followed through on more of his campaign

- * promises, there would be fewer people interested in a Nader candidacy," said Marian Lowe, who said she voted for Clinton in 1992.

"The idea that we should vote for the lesser of two evils is an idea whose time has gone," she said.

A spokeswoman for the Washington State Democratic Party said there is plenty of difference between Clinton and Dole.

"Democrats want to expand economic opportunity for the middle class, preserve Medicare and Medicaid, protect our environment and public health, strengthen education and offer tax cuts to working families, not the rich," Jenny Holladay said.

Item # 7

As Nader hears labor, populist roots go deeper

By Walt Contreras Sheasby
Green Party 27th Congressional candidate

With the Nader campaign now on the ballot in nine states (Alaska, Colorado, Hawaii, Maine, New Mexico, Oregon, and now California and Washington as of June 30), and with more to announce in the next few weeks, the "People's Campaign" is being re-defined in deeper hues of populism. Significant links are being made with unionists, gays and lesbians, and people of color, as activists demonstrate that there are many shades of Green.

In New York state, the Green Party named **Muriel Tillinghast** as the Vice-Presidential candidate. Muriel is a veteran civil rights and community activist who became a leader of the DC Nonviolent Action Committee section of SNCC, the 1964 Mississippi Summer project, and in Maryland served as state director of the Council of Federated Organizations. For the last decade she has been a leader of the National Committee for Independent Political Action and currently is on the staff of the Independent Progressive Politics Network. The IPPN is now contributing a number of key activists to the Nader campaign. National Coordinator Ted Glick is a Nader elector in New York state, and National Committee Members Linda Wambaugh and Claire Cohen are electors in Pennsylvania.

In California, Greens officially invited a number of IPPN and Peace and Freedom Party activists to join the list of 54 state electors for Nader. Half the electors are expected to be people of color, half are women, and a number of gays and lesbians will be active as electors, dispelling the media spin that this campaign is not relevant to human rights and civil rights struggles. About half will be active in labor unions. The new orientation of the Nader campaign was worked out in Rhode Island in March and in Cleveland at the Labor Party in June, as well as in other meetings as Nader travels around. Since Nader intends to focus on the Toolbox for Democracy issues, this approach was settled on as a way of bringing social justice issues to the fore and reducing the media fixation with candidates.

In his faxed address to the State Convention of the California Green Party, responding to previous criticisms of the narrowness of his focus, Ralph Nader called for an initiative of "unity and diversity," with a coalition "agreeing on core issues of fundamental democracy and not fracturing on demands for unanimity about remaining priorities." Nader emphasized that this democracy in depth could not be separated from "solving problems with justice in a society where everybody counts and everybody is respected and everybody is eager to assume the duties of citizen action writ large and writ small." His remarks will undoubtedly frame the movement's discussion of how to blunt the edge of red-hot wedge issues intended to divide and conquer, and how to incorporate single-issue identity politics into a broad-left populist campaign.

The same questions were evident in the debates at the Labor Party Convention, as recounted by Maureen Smith elsewhere in this issue. In his remarks to the Labor

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Party delegates in Cleveland on June 7, Nader again emphasized broad-left unity against the corporations and their two parties.

Nader received a standing ovation and was interrupted by applause when he spoke to the delegates from a microphone at the rear of the convention hall. He had just returned from having lunch with the leaders of the new Labor party. The staging was clearly designed to show that the Labor Party was not endorsing Nader, but the warm reception revealed where the delegates' feelings were. His remarks celebrated the founding of the organization and the tireless work of Tony Mazzochi of O.C.A.W. over the last six years of LPA organizing: "This convention will be looked upon as the rebirth of the labor movement after so many years of being subordinated to corporate power."

Nader said that the corporations have "no allegiance to this nation" and "cross the globe looking for brutal dictators to suppress labor." Nader said out loud what was on every delegates's mind: "Corporations are the enemy," he thundered to another standing ovation. "This is the unifying theme here."

Speaking as an At-Large Delegate, he said: "This convention brings together union people across union lines, across geographic lines - that doesn't happen very often. They will go back energized to continue the ferment in their own unions. The Labor Party is going to end the ability of Democrats to tell progressives they've got nowhere else to go. Clinton pushed through NAFTA and GATT and did nothing on labor law reform or the minimum wage when he had control of Congress. He's stiffed us again and again. Those days are about over."

He was given a vigorous round of applause when he said that, "Society rots from the top down, and it reconstructs from the bottom up."

On the question of the Labor Party endorsing or running candidates, some delegates wanted to follow the AFL-CIO in endorsing Clinton, and it was clear that they would bolt the Labor Party if it endorsed anyone else. That would almost certainly destroy the fledgling Labor Party.

A move to endorse Clinton was rejected the next day, Saturday, in favor a two-year moratorium on endorsing or running candidates, a move which Nader, a delegate, supported. Both Nader and the bulk of rank-and-file delegates who supported the two-year moratorium wanted to focus on building the Labor Party, which at this point is not united and not able to withstand any censure from the AFL-CIO.

As Nader said, "Before you immediately start fielding candidates, you've got to be sure there are enough people who are serious enough to commit their time and energy to do that, rather than simply start a candidacy here and there based on a 'Hurrah!' that drifts away when the going gets tough with the other parties." Hopefully, he wasn't decribing his own risk in taking on the two-party duopoly.

In discussions with the "Labor for Nader" Greens in Cleveland, Nader also discussed and approved the enlisting of a "team" of supporters, who might serve as electoral college "state electors," to carry the message of the campaign and to allow Greens and progressives to educate and organize around issues of affirmative action, immigrant rights, and the like. In New York, Ronnie Dugger, founder of the new populist Alliance, has indicated he will speak out as an elector for the Nader

campaign, and entire electoral teams of left-progressive leaders, people of color, unionists, gays and lesbians, feminists, and environmentalists are being recruited.

Nader was clearly impressed with the Labor Party militants who came up to him to encourage him in his race. As they finally left to return to convention business, an aide to Nader asked, "Well, after this, are you going to take a higher profile in the campaign?" He replied, "I have to."

-30-

Newsgroups: igc:grns.usa.forum

From: Walter Sheasby <wsheasby@igc.apc.org>

Subject: **AS NADER HEARS LABOR...**

Message-ID: <4rku5f5rd7@igc.apc.org>

Date: Sat, 6 Jul 1996 05:33:25 GMT

HTML by [cls](#)

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Item #8

PD 07/27/96

SN Agence France-Presse

CAT Domestic U.S.

CY (Copyright 1996)

LP * At a press conference here, Nader said he would be on the ballot in as many as 25 states, perhaps more, and he is entirely unapologetic if draws votes away from Clinton.

"Clinton's motto could be: 'A mind is a terrible thing to make * up,'" he said glibly of the president's notorious penchant to waffle on issues. "And Dole's could be: 'I've just begun to blunder.'"

TD * By most standards, Nader would seem an oddity on the political scene. He dresses like an old-fashioned university professor, remains faithful to this typewriter, has no car and shuns credit cards.

But he has proven over the past 30 years how grass-roots campaigns can tackle powerful organizations and win. He helped roll back car insurance premiums and fought off attempts to limit insurance company liability.

While Clinton and Dole boast war chests of tens of millions of * dollars, Nader refuses not only corporate contributions but private ones as well, preferring to rely on a compliant press corps.

Indeed, while both Dole and Clinton come here with large * entourages and huge amounts of television advertising, Nader's staff merely announced on a local news wire he was in town and invited the press.

kl/dkb270345

AFP

AFP

8043854270

Item #8a

HD Consumer Advocate Predicts Greater Role for Smaller Parties

BY DINOS LAMBROPOULOS

WC 469 Words

CC 3411 Characters

PD 07/26/96

SN The Associated Press Political Service

CAT Campaign Story

CY (Copyright 1996 The Associated Press All Rights Reserved)

LP * BEVERLY HILLS, Calif. (AP) - Consumer advocate Ralph Nader said

Friday that voter discontent with the major political parties will significantly expand the political clout of third parties by the end of the century.

* Nader, expected to become the Green Party's presidential nominee, said the success of Ross Perot in the 1992 election illustrates how the Democratic and Republican parties are driving increasing numbers of voters to other parties

TD "By the year 2000, I think we will begin to see the beginning of a negotiated political process, where both parties will have to negotiate with smaller parties on either side of them ... or suffer a

* growing draining-away of voters," Nader told a news conference.

* Nader, 62, is expected to receive the Green Party's endorsement

* for president at its national convention next month in Los Angeles.

His name has already been placed on the November ballot in California, Alaska, Colorado, New Mexico, Nevada, Maine and Oregon.

* Nader's platform includes overhauling the campaign finance system and the "corrosive impact of special interest money." He also has advocated overturning the General Agreement on Tariffs and Trade and the North American Free Trade Agreement

* Nader said Friday that the current political system has encouraged "corporate welfare," in which large businesses receive tax breaks and other financial advantages while services to the poor are cut.

He repeatedly touched on the theme of corporate power, saying the United States has become "government by the Exxon, for the General Motors, by the DuPonts "

"Any time a country becomes extreme in its concentration of power in the hands of a few, that means decision-making is concentrated in fewer hands ... That means not many solutions are offered" for societal problems, he said.

He said more public funds need to be directed toward solving homelessness, public transportation and infrastructure, poverty and other problems more relevant to the average citizen

Empowering citizens to participate more in the political process

* requires an expansion of the "tools of democracy," Nader said. He

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said he supports such measures public financing of campaigns and a "none of the above" option on ballots that could force a new election if enough voters were dissatisfied with their choices.

* Nader also criticized President Clinton and Republican presidential hopeful Bob Dole as being nearly identical in their stands on issues.

"There are more differences in the rhetoric between Clinton and Dole than there is between the actions of Clinton and Dole," he said.

* Nader's brief presidential run in 1992 saw him gain a roughly equal amount of support from Democrats and Republicans. About 6,300 people voted for him as a write-in candidate in the New Hampshire primary. He received 3,054 votes in the Democratic primary and 3,258 in the GOP primary.

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Item #9



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NADER'S RUN FOR PRESIDENT DESIGNED TO JOG THE SYSTEM

Sacramento Bee, August 3, 1996, METRO FINAL
MAIN NEWS; Pg. A1; 1640 words
Dan Bernstein, Bee Capitol Bureau

He has been a national public figure for more than 30 years, a consumer crusader who has successfully railed against dangerous cars, harmful food additives and congressional pay raises.

He has taken on the insurance industry, the banking industry and the nuclear power industry, to name a few.

And now, Ralph Nader has decided to take on the entire American political establishment in a quixotic bid for the presidency.

A quintessential political outsider, Nader readily concedes he cannot win the race. He plans to spend no more than \$ 5,000 on his campaign; so far, his public appearances have been few and far between. But he says victory will not be measured in votes.

"This candidacy . . . is not designed to win," Nader said during a recent campaign stop in Sacramento. "It is designed to build . . . a moderate-sized progressive political party that in a few years can make sure that the two parties will never be able to say to progressive Americans, 'You have nowhere to go, but vote for us or . . . be considered apathetic because you don't vote.'"

Nader, 62, will appear on the ballot in California as a candidate of the Green Party. Party officials say he is now on the ballot in 10 other states, and they hope his name ultimately will appear on the ballots of more than 30 states, comprising more than half of the nation's electoral votes.

Nader's central message is that large corporations have taken over control of the nation's political system, and that both the Democratic and Republican parties -- which he refers to as "the two-party duopoly" -- are too beholden to them to make the radical changes needed to restore democracy.

On the stump, Nader offers up a mixture of statistics, sarcasm and sound bites.

He quotes Thomas Jefferson, decries federal budget cuts in programs that benefit

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the poor, and cites past movements in American history to reduce the influence of corporate interests. Some of his sharpest attacks are aimed at the practices of health maintenance organizations and efforts to limit damage awards in personal-injury lawsuits, which he terms "tort deform."

"Big business and their political servants in Washington are on a collision course with American democracy," Nader said. "American democracy is losing on the installment plan, and it's stripping people of control over their own country and concentrating more power and wealth in fewer and fewer hands. It's time for a government of the people, by the people and for the people -- instead of a government of the Exxons, by the General Motors and for the DuPonts."

Although Nader's message -- like his deep voice -- is somber, he can evoke chuckles when he describes freshman lawmakers as the "cruellest rogues ever to crawl up Capitol Hill," or when he suggests a new motto for President Clinton: "A mind is a terrible thing to make up."

When Nader launched his campaign earlier this year, some Democratic activists expressed concern that he would draw votes mostly from Clinton, possibly costing the president a victory in some states.

Those fears have abated now that Clinton has widened his lead in the polls against the presumptive Republican candidate, Bob Dole. A Field Poll of California voters in June found Clinton leading Dole by 44 percent to 29 percent. Nader was supported by 8 percent, compared with 13 percent who backed Ross Perot.

Still, Nader's candidacy continues to irk some people who are trying to build progressive political parties at the local level.

"Ralph Nader is one of the greatest living Americans, but this is not one of his greatest ideas," said Daniel Cantor, an organizer for the New Party, a progressive party active in about a dozen mostly Midwestern states. "It's not because he's wrong about the bankruptcy of the two-party system. But the way to challenge it is not by running for president, but by building political organizations from the grass roots up."

Others have urged Nader to devote more effort to the campaign.

Steve Cobble, political director of the National Rainbow Coalition, penned a brief open letter to Nader in a recent edition of the Nation magazine.

"Dear Ralph," he wrote, speaking for himself and not his organization. "If you're not going to do it seriously, don't do it."

Nader insists he can run an effective campaign on a token budget. He plans to make at least one campaign swing up and down the East Coast in a car, staying with friends and relatives. He also says he will distribute copies of a 15-minute videotape in which he outlines his reasons for running.

For now, Nader's main campaign goal is to garner enough media attention to be invited to participate in the upcoming presidential debates. Taking advantage of every opportunity for free exposure, he recently appeared on "Politically Incorrect," an offbeat talk show on the Comedy Central cable television channel.

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Nader's campaign platform is built around "The Concord Principles" -- a series of proposals he compiled in 1992 when he briefly ran for president as a write-in candidate in New Hampshire.

The principles are what Nader describes as a "modern tool box for redeeming our democracy." They include public financing of campaigns through a voluntary taxpayer check-off and a "none of the above" option on the ballot that would force a new election with new candidates if the category were chosen by a plurality of voters.

Nader wants to abandon the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, and instead negotiate individual trade agreements with nations.

In addition, he supports a progressive national sales tax, with exemptions for products purchased by low-income people and higher rates for luxury items. He declined to offer specifics. "It doesn't matter what I think about those things," he said. "This is not this kind of candidacy."

Nader says he welcomes other minor-party candidates to the race, saying the best way to gain leverage with the two major parties is to deprive them of votes.

"The two-party system is crumbling," he said. "It started in 1992 with 19 million votes for Perot. It's going to crumble even more, and maybe by the year 2000 we're going to see some interesting political realignments -- if not a crumbling of two parties per se, an elaborate set of negotiated politics."

Graphic: Ralph Nader Big business has an iron grip on both mainstream parties, he says.

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Item #10

SE TELEGRAPH

HD * Nader wants 'None of the Above' option

BY Karyn Hunt Associated Press

WC 357 Words

CC 2501 Characters

PD 07/28/96

SN The Fresno Bee

ED HOME

PG A3

CY (Copyright 1996)

LP At a time when viable third-party candidates are giving voters

* more choices in presidential campaigns, Ralph Nader wants to offer still another option: "None of the Above."

* "A lot of people don't like the candidates on the ballot," Nader said Saturday during a campaign stop in Berkeley. "Right now, their only option is to stay home."

TD * Nader, the Green Party's expected nominee for president, is making a binding "None of the Above" option a cornerstone of his campaign. If "None of the Above" gets more votes than the other candidates, the election would be declared null and void and another one would be ordered within 30 days.

"That's the way to bring forth the protest, no-confidence vote in a corruptly run political system that increasingly only reflects the corporate interests and neglects the interests of the American people," he said.

* Nader was on a campaign swing through California that included appearances in Sacramento, Berkeley, Beverly Hills and Los Angeles. He stopped in Berkeley to meet briefly with a small group of reporters in a neighborhood church.

The 62-year-old consumer advocate is expected to receive the Green

* Party's endorsement for president at its national convention next month in Los Angeles. His name has already been placed on the November ballot in California, Alaska, Colorado, Hawaii, New Mexico, Nevada, Maine, Oregon and Washington.

* In other comments, Nader repeatedly touched on the theme of corporate power, claiming politicians have become puppets for multinational corporations.

The United States has become "government by the Exxon, for the General Motors, by the Du Ponts," he said.

"Big business and their political servants are on a collision course with democracy."

He also criticized the concentration of wealth among the top 5 percent of the population and the fact that the middle class

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continues to lose ground during a period of economic growth.

* Nader said American citizens want more power in the political process and that requires more "tools of democracy."

He called for public financing of campaigns, free radio and television time for candidates who qualified for the ballot and public elections based on well promoted voluntary checkoff on tax returns.

CAPTION:

18043854277

California and the West

Green Party Nominates Nader for President

■ **Politics:** Consumer advocate launches crusade against corporate interest in elections and the two-party system.

By **HECTOR TOBAR**
and **BILL STALL**
TIMES STAFF WRITERS

Ralph Nader, the pioneer consumer activist who has spent a lifetime attacking the Washington establishment, Monday accepted the Green Party's nomination for president, declaring his candidacy a crusade against corporate interests' domination of the electoral process.

Nader, 52, said he hoped his unconventional, no-frills campaign would galvanize opposition to the Republican and Democratic parties

and offer a "progressive alternative" to the two-party system.

"This is the first stage of the breakup of the two-party duopoly," he said at a midday news conference before accepting the nomination Monday night at UCLA's McGowan Hall. "The days of millions of people turned off to politics and staying home and not voting may be changing."

Ever the iconoclast, Nader made it clear he does not plan to run on the Green Party platform, which includes support for affirmative action and gay rights in addition to the fundamental support of environ-

mental protection and social justice.

"It's an excellent platform, but I'm independent and I'm not running on any platform," he said. "I'm emphasizing the parts [of the platform] that reflect my own interests."

Thus, he declined to answer a question about gay marriages (which are supported by most Greens), saying it would detract from the central focus of his campaign, a critique of corporate America and what he called "a government of the Exxon, by the General Motors and for the Du Ponts."

It is the first time the Green Party has chosen a presidential candidate. Party officials said Nader was on the ballot in a dozen states, includ-

ing New York and California, where there are 85,000 registered members. They hope to have him on the ballot in as many as 30 states by November. Nader and party officials said they will meet to choose a vice presidential candidate by the end of the month.

Nader said his would be something of an anti-candidate with few of the trappings associated with national presidential campaigns. He will travel alone, without the usual entourage of aides and press deputies, and will spend no more than \$5,000 of his own money.

Asked how he planned to reach voters, Nader said he would "campaign through the free [news] media and make very brief stops in

Photo see GREEN, A2



Consumer advocate Ralph Nader holds a news conference Monday at UCLA where he accepted the Green Party nomination.

GREEN: Party Nominates Ralph Nader

Monday morning news conference reflected what is sure to be a defining characteristic of his campaign: snide barbs aimed at wealthy and powerful. The candidate did not spare any of his major party opponents in a sharp-edged wit. "President Clinton is too unprincipled ever to see Doie," Nader said. "He will never let Doie turn his right

Clinton's Republican opponent he added. "There are few leaders in history who have sold more thoroughly, more frequently and more diversely than Bill Doie."

Nader said he felt uncomfortable "campaigning and its days of personality."

"I'd like to engage in a campaign," he said. "I like to engage in a campaign, an exhortation of the

Green Party activist and Santa Monica City Council candidate Mike Feinstein would not estimate what the party would spend to help Nader, suggesting a figure of "more than \$10,000 and less than \$1 million" in California.

Political experts said Monday that although the effect of the Nader candidacy is difficult to assess, he has the most potential for eating into the vote for President Clinton. Nader votes would be especially costly to Clinton in California, where the president is counting on winning the state's crucial 54 electoral votes.

However, any Nader impact on the Clinton vote might be more than offset by the presence of Reform Party candidate Ross Perot, who is likely to cost the Republican ticket votes.

Nader "ran" campaign without spending a lot of money because he is viewed as someone who is colorful and interesting to cover," said Darryl Sragow of Los Angeles, a veteran Democratic political con-

sultant. "He does have credibility if not viability. He'll be taken seriously, but his prospects may not be taken seriously."

The most logical hypothesis is that Nader would take votes from the Democratic ticket because of his reputation as a strong environmentalist and a consumer advocate Sragow said.

California Democratic Party consultant Sub Mulholland, asked about the potential impact of a Nader candidacy, answered "None."

"The Green Party peaked the day they qualified" for the ballot, Mulholland said. "It's sort of like the Greens and Nader need each other because neither of them is going anywhere."

In a Los Angeles Times poll conducted among California registered voters in March, Nader was favored by 7% of those polled compared with 12% for Perot, 31% for Doie and 47% for Clinton. That was before the March 26 California primary.

PHOTO BY AP/WIDEWORLD
A PARTY OF ONE
Ralph Nader, the pioneer consumer activist, was named the Green Party's presidential nominee Monday.



FEDERAL ELECTION COMMISSION

Washington, DC 20463

September 16, 1996

Michael Johnson
Nader Watch
3303 Pico Blvd., Suite C
Santa Monica, CA 90404

RE: MUR 4454

Dear Mr. Johnson:

This letter acknowledges receipt on September 9, 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 4454. 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,

A handwritten signature in cursive script that reads "Colleen T. Sealander by marz".

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 16, 1996

James Orlando Ogle, III, Treasurer
The Green Party
PO Box DJ
Pacific Grove, CA 93950

RE: MUR 4454

Dear Mr. Ogle:

The Federal Election Commission received a complaint which indicates that the Green Party 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 4454. 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 Green Party 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

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 16, 1996

Ralph Nader
2000 P Street, NW
Washington, DC 20036

RE: MUR 4454

Dear Mr. Nader:

The Federal Election Commission received a complaint which indicates that you 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 4454. Please refer to this number in all future correspondence.

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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 by mas

Colleen T. Sealander, Attorney
Central Enforcement Docket

Enclosures

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

18043854233



From: USA Parliament
James Ogle, secretary
Post Office Box DJ
Pacific Grove, CA 93950
(800) 369-USA-1

OCT 1 12 25 PM '96
FEDERAL ELECTIONS COMMISSION
OFFICE OF GENERAL COUNSEL

30
85424

September 26, 1996

To: Federal Elections Commission
Attn: General Counsel's Office
Washington DC 20463

RE: MUR 4454

Dear Sirs,

Enclosed is the filing for the Green Party's quarterly FEC report, in which the national Green Party's financial report is recorded. I wish that the matter be made public immediately.

As the elected secretary of the USA Parliament Coalition, I am also the legitimate elected secretary of all parties represented in the coalition. The financial expenditures of the USA Parliament Coalition totaled \$928.77 up to 9/30/96.

The Green Party's representation in the USA Parliament Coalition was 28% from February '96 to August '96 (during the 6 month election cycle), but now stands at 5% of the parliament. The 5% figure would be the current one, which would put the Green Party's quarterly expenditures at \$13. (line 7, column A, Form 3X). However, the yearly total could also be interpreted as \$928.77, which is also the total expenses for the USA Parliament in the first three quarters of 1996.

As the approved USA Parliament rules dictate a 2-year cycle for the 3rd USA Parliament election, the percent of the Green Party's expenditures will remain at 5% of the parliament's total through 8/5/98.

I hope that this answers your questions regarding the complaint made by Voter Revolt's Michael Johnson. I have also enclosed the rules for the USA Parliament, the current make-up of the parliament, and the voting records of all voting MPs. Please feel free to call or to write if you have any further concerns or questions.

Sincerely,
James Ogle
James Ogle, secretary
USA Parliament

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full) GREEN PARTY		2. FEC IDENTIFICATION NUMBER C00286625
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported POST OFFICE BOX DJ		
CITY, STATE and ZIP CODE PACIFIC GROVE, CA. 93950		
3. <input type="checkbox"/> This committee has qualified as a multicandidate committee. (see FEC FORM 1M)		

4. TYPE OF REPORT

(a) April 15 Quarterly Report

July 15 Quarterly Report

October 15 Quarterly Report

January 31 Year End Report

July 31 Mid Year Report (Non-election Year Only)

Termination Report

Monthly Report Due On:

- | | | |
|--------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20 | <input type="checkbox"/> October 20 |
| <input type="checkbox"/> March 20 | <input type="checkbox"/> July 20 | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20 | <input type="checkbox"/> August 20 | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20 | <input type="checkbox"/> September 20 | <input type="checkbox"/> January 31 |

Twelfth day report preceding _____ (Type of Election)

election on _____ in the State of _____

Thirtieth day report following the General Election on _____

_____ in the State of _____

(b) Is this Report an Amendment? YES NO

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period ⁵⁰ APR 1, '96 JULY 1, '96 through SEPT 30, '96		
6. (a) Cash on Hand January 1, 19 96		\$ 644.99
(b) Cash on Hand at Beginning of Reporting Period	\$ 10.00	
(c) Total Receipts (from Line 19)	\$ 13.00	\$
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 23.00	\$ 644.99
7. Total Disbursements (from Line 30)	\$ 13.00	\$ 634.99
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 10.00	\$ 10.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-219-3420
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer **JAMES OGLE**

Signature of Treasurer *James Ogle*

Date **9/25/96**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

FEC FORM 3X

(revised 9-93)

28043854235

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) USA PARLIAMENT		2. FEC IDENTIFICATION NUMBER C00304766
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported P.O. BOX DJ		
CITY, STATE and ZIP CODE P.G., CA. 93950		
3. <input type="checkbox"/> This committee has qualified as a multicandidate committee. (see FEC FORM 1M)		

4. TYPE OF REPORT

- (a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non-election Year Only)
 Termination Report
- Monthly Report Due On:
 February 20 June 20 October 20
 March 20 July 20 November 20
 April 20 August 20 December 20
 May 20 September 20 January 31
- Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____
- Thirtieth day report following the General Election on _____
_____ in the State of _____

(b) Is this Report an Amendment? YES NO

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period JULY 1, '96 through SEPT 30, '96		
6. (a) Cash on Hand January 1, 19____		\$ 644.99
(b) Cash on Hand at Beginning of Reporting Period	\$ 10.00	
(c) Total Receipts (from Line 19)	\$ 273.78	\$
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 283.78	\$ 644.99
7. Total Disbursements (from Line 30)	\$ 273.78	\$ 928.77
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 10.00	\$ 10.00
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 0	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-219-3420
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$ 0	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer: **JAMES OGLE**

Signature of Treasurer: *Jan Ogle* Date: **9/25/96**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

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Steve Michael Taoiseach
 Office of the Secretary
 James Ogle

For Immediate Release

September 4, 1996

Leader	MP	Party/Category	Individual's # of Seats	Party's # of Seats
Bill Clinton		Democratic	11	
	Bruce Daniels	Democratic	8	
	Jerry Brown	Democratic	1	
	Jesse Jackson	Democratic	1	21
James Ogle		Labor	13	
	Gene Marsee**	Labor	1	14
Valerie Madriaga		Hemp	9	9
Daniel Brockman		Environmentalist	2	
	Mike Bogatirev	Environmentalist	2	
	Regina Lingenfelter	Environmentalist	1	
	Patrick Seats*	Environmentalist	1	6
Michael Banon		Skateboard	6	6
Ralph Nader		Green	5	5
Colin Powell		Republican	4	
	Alan Keyes	Republican	1	5
Jim Carey		info. not avail.	1	
	Clint Eastwood	info. not avail.	1	
	John Madden	info. not avail.	1	
	Jason Arambulo*	info. not avail.	1	4
Noam Chomsky		New	4	4
Nathan Brown		Pot	3	
	John Mayer*	Pot	1	4
Ross Perot		Reform	4	4
Gorden Hartmen		Bicycle	3	3
Harry Browne		Libertarian	2	
	Igor Chudov*	Libertarian	1	3
Wayy Gravy		NOTA**	3	3
Jeff Fecke		Anarchist	1	1
Steve Michael		AIDS Cure	1	1
Mike Robinson		Artists	1	1
Monty Truitt		Beer	1	1
Locke Heemstra*		Conservative	1	1
Charles Collins		independent	1	1
Kirby Hensley		Universal Life	1	1
Jack Clayton		What's A Matter U	1	1
S Marcos		Zapatista	1	1
Total			100	100

* Appointed MPs
 ** None Of The Above

--James Ogle

For Immediate Release

September 11, 1996

The USA Parliament
 F.E.C. ID# C00304766
 Post Office Box DJ
 Pacific Grove, California 93950
 usa-par@netcom.com
 (800) 369-USA-1

RESULTS OF VOTING FOR TAOISEACH

MP	Vote For PM	Vote For Secretary	# Of Seats	Vote For Rules
Monty Truitt	1 Monty Truitt	1 James Ogle		
	2 James Ogle	2 Monty Truitt		
	3 Donald Duck	3 Micky Mouse	1	no
Daniel Brockman	1 Steve Michael	1 James Ogle		
	2 Wavy Gravy			
	3 Valerie Madriaga		2	yes
Mike Robinson	1 Daniel Brockman	1 James Ogle		
	2 Steve Michael	2 Mike Robinson		
	3 Mike Robinson		1	yes
Nathan Brown	1 John Mayer	1 James Ogle		
	2 Michael Banon		3	yes
Patrick Seats	1 Patrick Seats	1 James Ogle		
	2 Daniel Brockman	2 Gary Swing	1	yes
Kerby Hensley	1 Locke Heemstra	1 James Ogle	1	
Jack Clayton	1 Steve Michael	1 James Ogle		
	2 Jack Clayton		1	yes
Igor Chudov	1 Daniel Brockman	1 James Ogle		
	2 Igor Chudov		1	yes*
James Ogle	1 Steve Michael	1 James Ogle		
	2 Daniel Brockman	2 Daniel Brockman		
	3 Igor Chudov			
	4 Wavy Gravy		13	yes
Bruce Daniels	1 Daniel Brockman	1 Gary Swing	8	yes
Gorden Hartman	1 Daniel Brockman	2 James Ogle	3	yes
John Mayer	1 Steve Michael	1 James Ogle	1	yes
Mike Bogatirev	1 Daniel Brockman	1 James Ogle	2	abstain
Gene Marsee	1 Valerie Madriaga	1 James Ogle	1	abstain
Total			38	

*Voted yes on other rules and wrote in "Create USA PAR Web Page".

Results As Of 9/11/96

Steve Michael Elected Prime Minister - 17 votes
 James Ogle Elected Secretary - 28 votes
 Rules Approved - 34 votes

--James Ogle, secretary
 USA Parliament

For Immediate Release

August 13, 1996

The USA Parliament
F.E.C. ID# C00304766
Post Office Box DJ
Pacific Grove, California 93950
usa-par@netcom.com
(800) 369-USA-1

PURPOSES

The four purposes of the 3rd USA Parliament are: 1) to continue building a political organization which is based on a voting system in which every US citizen can participate for free - where 1/100ths of the votes will elect one of the 100 seats, 2) to elect a new 100-member committee (The 4th USA Parliament) who will elect a Prime Minister or "Taoiseach" (pronounced tee-SHOCK) and secretary, and who will vote on new rules for the 4th USA Parliament election which begins on 5/5/2000, 3) to help establish subsidiary 100-member state parliaments, that will coordinate with the national USA Parliament through state parliament elections, 4) to approve a system for electing judges for the USA Parliament and state parliaments, and to elect judges, who will build a parliament justice system and rule on questions such as ballot validation and verification.

2 The 3rd USA Parliament election begins on 5/5/98 and ends on 8/5/98.

RULES

- 1) VOTER MUST be a citizen of the United States of America. Violation of this or any other rule will automatically cause a spoiled ballot.
- 2) All VOTERS MUST be 18 years or older, must register to vote for both USA Parliament election and their own state's election, and may vote only once during each USA Parliament election cycle and state election cycles.
- 3) FOR BALLOT VERIFICATION purposes all paper ballots must include the registered voter's printed name, contact information and signature. Verification will be based on the state's voter rolls in their state. Each voter registration form must follow national FEC standards for such forms. Eballots should expect a standard response from the USA Parliament's secretary at some time in the future, and those voting by eballot are subject to standard verification procedures. Voting by telephone or fax is permitted. When any ballot has been challenged and marked spoiled, an appeal to the USA Parliament "Supreme Court" may be made, who will rule on the matter by a majority vote of the elected judges.
- 4) NOMINEES' NOMINATOR AND SECONDER'S NAMES and contact information will be made public and will be available through the USA Parliament's secretary's office. No person may nominate or second more than one person. Nominations and secondings mailed through US Mail or email, must be postmarked and received between 2/1/98 and 4/1/98. Pacific Standard Time (PST) shall apply in all time-relevant cases on all matters in the 3rd USA Parliament election. Only first, middle and last names, including initials, will be permitted on the ballot (no titles). A nominee's name may appear on the ballot once, so fusion voting is not allowed. All nominees must be US citizens, and must provide proof of citizenship within 21 days of requested verification

by any MP or parliament staff that requests such proof, and violation of these nomination procedures will result in the nominee's removal from the ballot.

- 5) NOMINEES' STATEMENTS must be post-marked and received before 4/15/98. Late statements shall be included when possible.
- 6) SPACE FOR THREE OR MORE WRITE-IN choices must be provided on each ballot.
- 7) BALLOTS MUST be post-marked and received between 5/5/98 and 8/5/98, when the election cycle is complete. Results will be made public when the vote-count is complete, soon after 8/5/98. Any US citizen, nominee and/or proxy may observe the counting of the ballots. The vote-count will be conducted by volunteer counters.
- 8) ALL NOMINEES and write-ins that win 1/100ths of the total votes cast may vote as a member of parliament (MP). Each elected MP shall receive a number of votes, or "seats", on the USA Parliament committee, proportional to the total number of votes they received in the election. The elected MPs may make appointments for any seats that are won in each USA Parliament election cycle. The MP elected to each party/category who receives the most votes shall be designated the leader of that party/category they've chosen. When MPs win more than one seat, and voting as a member of parliament (MP) as leader of their list, each elected MP may either cast votes for every member of their list in the parliament (proxy voting), each appointed member of their list may cast the vote themselves, or any combination of MP's vote and/or appointed MP's votes may be cast. Once a leader appoints an MP, the MP remains on the parliament committee until they resign, and the appointed MP's vote supersedes the proxy vote of the faction leader. When appointed MPs resign, their seat reverts back to the elected MP. Appointed MPs may be categorized with any party/category that they wish, but party/categories of all MPs must be the true one. The USA Parliament secretary is not responsible for collecting the ballots of appointed MPs, but is responsible for publishing all the MP's ballots as received from elected and appointed MPs and leaders.
- 9) EBALLOTS must be sent to voting-systems@netcom.com, a private listserver used by the secretary and other observers, for receiving eballots. Each nominee, and/or proxy, is permitted to observe the eballot's arrival on the listserver. Eballots and registered "e"voter's information are public domain, and not confidential. Eballots will be counted after the election deadline, midnight of 8/5/98, PST. Eballots will be observed by subscribers of the Internet listserver address voting-systems@netcom.com, which is a private listserver used for observing such eballots. To engage or disengage the voting-systems listserver, send the message "subscribe" or "unsubscribe".
- 10) POSTAL BALLOTS must be mailed to USA PAR, PO Box DJ, Pacific Grove, California, 93950. Postal ballots, will be handled by, and the results will be posted on the voting-systems@netcom.com listserver, by volunteer counter(s) and/or the USA Parliament secretary. Choices marked on paper ballots are guaranteed to be confidential. Each nominee, and/or their proxy, is permitted to observe the vote-count while the paper ballots are removed from the envelopes in which they were mailed. Paper ballots are to be removed from the envelope on the last day of the election cycle on 8/5/98. Once ballots are counted, allegations of fraud or mistakes will be addressed by the elected judges of the USA Parliament's Supreme Court.
- 11) FOR SINGLE-WINNER ELECTIONS, such as election of a secretary and Prime Minister or Taoiseach, treasurer and judges, the single-transferable vote system (STV, Droop) will be used through preference voting.

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- 12) FOR ASSIGNING SEATS in the 100-member 3rd USA Parliament committee, each elected MP will submit a "MP's list", who will take seats and vote for PM or "Taoiseach", secretary, rules, and judges. Only elected MPs and appointed MPs will be recognized as the legitimate voters in the USA Parliament internal elections.
- 13) TIE VOTES will be broken by calling new elections.
- 14) VOTES OF CONFIDENCE for the PM or Taoiseach and/or secretary and/or rules, may be taken at any time, by any member of the USA Parliament.
- 15) JUDGES shall be elected by the 3rd USA Parliament, and will take votes on judicial matters. Nominations of the judges will be made by elected MPs, and each MP may vote for the nominations on a preference ballot. Up to nine judges will serve, and this will be known as the USA Parliament's "Supreme Court". Judicial positions will be for life, although elected judges may retire/resign at any time they wish. The elected judges must swear allegiance to the USA Parliament's principles of fair and equal elections for every citizen, through the protection of the proportionality of the parliament, based on the ratio where 1/100ths of the votes will equal one of the 100 seats.
- 16) RESIGNATIONS. When any elected PM or Taoiseach, MP, judge or secretary - resigns, retires, or dies - the single-transfer of 1st preference votes from the voters' ballots that had elected the departing member, will be used to elect the 2nd preferred choice on the same voters' ballots (STV).
- 17) DISTRIBUTED UNMARKED BALLOTS AND EBALLOTS may be reproduced, copied, re-type set or reduced in any way, however the paper voter registration form must meet state and federal requirements. The ballot itself must include all nominees' correct party affiliations, a detachable voter registration form, USA Parliament contact information, and initiative(s). All ballots released to the public from the USA Parliament's elected secretary shall count as a legitimate ballot, even after the ballot had been updated to reflect party switching, withdrawal or any other corrected errors and changes.
- 18) CONFIDENTIALITY OF CHOICES made by all voters is guaranteed by the parliament secretary, except on eballots and votes by MPs and MSPs. Ballots and eballots may be challenged, scrutinized and/or annulled, during the time they are being viewed by the public, and/or during the vote-count or during a recount. In case a computer breaks down, the USA Parliament will revert to a hand count of paper ballots and eballots received up to the time of the break down.
- 19) CATEGORIZATION of those that win 1/100ths of the total votes cast, will be based on the #1 preference vote cast by the MP. Elected MPs may decide to change their party/categorization at anytime. MPs automatically qualify for the next election cycle under the party/category of their choice. New nominees, registered with non-qualified USA Parliament parties, will be categorized as "independents". Parties become qualified once a member from that party is elected to the parliament, and when no nominee of any party/category is represented in the parliament, that party/category becomes unqualified after one full election cycle has passed. In cases where elected MPs decide to switch the party/category that they are categorized with, then the new category will be instantly granted, and their entire set of elected seats and appointments will be re-

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categorized under the same party/category, except in cases where appointments wish not to be recategorized under the new party/category to which the elected faction leader had switched. The most important criteria in determining the nominee's party/category is determined by the nominee's state's records, which is the true category. The second most important criteria in determining the nominee's party/category is the nominee's requested party/category in USA Parliament matters. The third most important criteria for determining the nominee's party category will be set by the party/category of the person who the nominee voted for Taoiseach.

- 20) PARTY LEADERS will be replaced in each election cycle when a nominee of the same party/category receives more votes than the incumbent leader. Party leaders are responsible for the distribution of all ballots and rules to the members of their party/category and lists.
- 21) ELECTION OF THE USA PARLIAMENT will be based on the Sainte-Lague party list system (STV, Hare) through preference voting (PrV).
- 22) ORDER OF NOMINEES on the ballot of the USA Parliament ballot will be determined by the leader of each party/category, who will be entitled to the top space under their party/category. Additions to the ballot are to be based on numbers of seats - those with more seats in the parliament will be placed above those with lessor seats. Ties will be broken through alphabetizing the names. Additional nominees will be placed on the ballot in the order that they were nominated. Secondings do not apply to the order of placement on the ballot. If elected MPs switch party/categories at anytime, they will be placed in the new party/category below all other nominees already listed. Parties and categories will be listed on the ballot in alphabetical order. A maximum of twelve nominees per party/category will be permitted on the ballot for the 3rd USA Parliament election.
- 23) THESE RULES will not change once approved by majority vote by the 3rd USA Parliament. These rules will apply to the 3rd Parliament's election unless they are voted down by a majority vote of the 3rd USA Parliament's voting MPs before release of the ballot for the 3rd USA Parliament on 5/5/98.
- 24) REPORTING OF vote totals and percentages will be made reflecting separate categories for email votes and postal votes. Vote totals for party/category/group's "internal elections" will be reported.
- 25) NO PERSON MAY BE CENSORED, and no limits may be placed on free speech by/of any other person or nominee, including USA Parliament elected members and staff, at any time. Party/category's names may not be used in such a way that mimics or libels names of other party/categories or individuals. Those that refuse to comply, by continuing to libel others through their choice of party name, will be categorized as members of the Anarchist Party.
- 26) The ELECTED PARLIAMENT LEADER will be known as either the Prime Minister or the Toaiseach (pronounced tee-SHOCK). The USA Parliament election may also be known as the "USA Parliament Coalition Election", the "3rd Presidential Preferential Ballot and USA Parliament Election", the "Election of Taoiseach", or some other similar name, or combinations of names.
- 27) MEMBERS OF STATE PARLIAMENTS (MSPs) will be categorized under the party/category for whom they chose as their #1 preference, unless the MSP specifies to be recategorized. Ballots cast by MSPs will not be confidential and will be public domain.

- 28) DUTIES OF THE SECRETARY shall include overseeing the communication link between MPs, to create and maintain communication links between MPs, MSPs, treasurer and supreme court judges, as well as PM and other elected and appointed staff, and to also improve communication among all the voters. The secretary shall approve the verification methods that are used for internal and external parliamentary voting, to call for new elections when ties occur, and to oversee convening and recessing of each parliament assembly. Newly elected secretaries must sign an oath of loyalty to approved rules, the 1/100ths voting ratio, preference voting and recognition of the powers of the judicial branch.
- 29) HOW THE VOTE-COUNT WORKS; Majority Preference Voting (MPV) for the PM and other single-winner elections. Everyone's vote goes initially to their 1st choice. If no candidate has a majority, then the candidate with fewest votes is eliminated, and each of his ballots goes to its next choice. This process of elimination & re-distribution continues until 1 candidate has a majority of the ballots.
- 30) THE SAINTE-LAGUE seat allocation for the USA Parliament. 1. Divide the election's total number of votes by 100 (number of seats). This is the 1st quota. 2. Divide this quota into each candidate's votes, and round off to the nearest whole number. That's that candidate's seat allocation. 3. If, due to rounding, this awards a number of seats different from the desired number of 100 seats, then adjust the quota slightly up or down, till, when paragraph 2. is carried out, it will award exactly 100 seats.

-*end*-

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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OFFICE OF GENERAL
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Sept. 30, 1996

Colleen T. Sealander, Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C., 20463

Dear Attorney Sealander:

I am in receipt of your letter dated September 16, 1996 in an envelope postmarked September 25, 1996 and sent to a wrong address. Consequently, I received your letter and attached complaint (MUR 4454) on September 27, 1996. Please be informed that the 15 days allowed by the Commission for reply will start from September 27, 1996.

Thank you.

Sincerely,

Ralph Nader
Ralph Nader

PO Box 19312
Washington, D.C., 20036

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 8, 1996

Alfred Christopher Lane, III
Green Party Organizing Committee (GPOC)
P.O. Box 128684
San Diego, CA 92112

RE: MUR 4454

Dear Mr. Lane:

The Federal Election Commission received a complaint which indicates that the Green Party Organizing Committee (GPOC) ("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 4454. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against 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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Green Party Organizing Committee (GPOC)
Page 2

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 8, 1996

Bruce Hinkforth, Treasurer
Green Party USA
P.O. Box 100
Blodgett Hills, NY 13738

RE: MUR 4454

Dear Mr. Hinkforth:

The Federal Election Commission received a complaint which indicates that Green Party USA ("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 4454. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against 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.

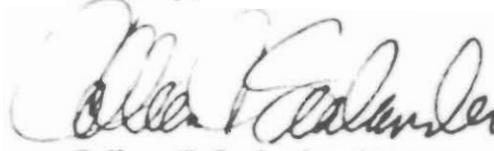
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed 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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Green Party USA
Page 2

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

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 10 9 42 AM '96

DAVID HALPERIN
Attorney At Law
2027 Massachusetts Avenue NW
Washington, DC 20036
(202) 328-2232 / (202) 265-5384 (fax)

October 7, 1996

Ms. Alva E. Smith
Federal Election Commission
Washington, DC 20463

Re: MUR 4454

Dear Ms. Smith:

I am representing Ralph Nader with respect to the above-numbered matter.
Enclosed is a Statement of Designation of Counsel signed by Mr. Nader.

Sincerely,



David Halperin

cc: Ralph Nader
Enclosure

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STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 10 9 43 AM '96

MUR 4454

NAME OF COUNSEL: DAVID HALPERIN

FIRM: _____

ADDRESS: 2027 MASSACHUSETTS AVE. NW
WASHINGTON, DC 20036

TELEPHONE: (202) 328-2232

FAX: (202) 265-5384

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.

Oct 5, 1996
Date

Ralph Nader
Signature

RESPONDENT'S NAME: Ralph Nader

ADDRESS: P.O. Box 19312
Washington, DC 20036

TELEPHONE: HOME() _____

BUSINESS(202) 462-6435

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

OCT 15 12 14 PM '96

DAVID HALPERIN
Attorney At Law
2027 Massachusetts Avenue NW
Washington, DC 20036
(202) 328-2232 / (202) 265-5384 (fax)

October 15, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 15 3 23 PM '96

Office of the General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Re: MUR 4454

Dear Office of the General Counsel:

I represent Ralph Nader in the above-numbered matter. Attached is a letter providing Mr. Nader's response to the Complaint filed therein, accompanied by a notarized affirmation from Mr. Nader regarding the letter.

It is my understanding, based on the applicable regulations, 11 C.F.R. §§111.20, 111.21, that, if the Commission takes no action on the Complaint, then neither the Complaint nor Mr. Nader's response may lawfully be released to any person outside of the Commission without Mr. Nader's consent. It is also my understanding that the complainant will not have access to Mr. Nader's response, either before or after the Commission's decision. If you believe that this understanding is incorrect, I request that you notify me promptly and at least ten days prior to any dissemination outside of the Commission of the Complaint or Mr. Nader's response.

Thank you in advance for your consideration of Mr. Nader's response.

Sincerely,



David Halperin

28043854301

DAVID HALPERIN
Attorney At Law
2027 Massachusetts Avenue NW
Washington, DC 20036
(202) 328-2232 / (202) 265-5384 (fax)

October 15, 1996

Office of the General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Re: MUR 4454

Dear Office of the General Counsel:

This letter is in response to a complaint filed on September 9, 1996, with the Commission against my client, Ralph Nader.¹ The Complaint alleges that Mr. Nader has failed "to register with the FEC as a candidate and provide disclosure of his campaign and personal finances as required by law." The Complaint charges that Mr. Nader has spent more than \$5000 on his 1996 presidential campaign and therefore is a "candidate" for purposes of federal election law.

Mr. Nader will appear on the ballot in November as the presidential nominee of Green Party organizations in 21 states and the District of Columbia. He is waging an unusual campaign for the presidency. It is aimed at promoting greater debate among citizens about issues which he believes the major parties have neglected, such as the influence of corporations over government and politics. He has acknowledged that he has no chance of winning, and indeed his name will appear on too few state ballots to provide even a mathematical possibility of being elected. He has chosen to spend less than \$5000 on his campaign -- and accept no contributions -- primarily to focus attention on the role of money in American politics; he wants to demonstrate that it is possible to prompt debate and obtain support without spending large sums.

For more than thirty years Mr. Nader has earned his living and supported various non-profit organizations by writing and speaking about public policy and politics, and he has continued to pursue such activities in 1996 separate from his presidential campaign. The Complaint suggests that Mr. Nader's traditional speaking activities are converted into

¹ Commission staff mailed notification of the Complaint, dated September 16, to the former address of the organization Public Citizen. The Postal Service eventually forwarded it to Public Citizen, which forwarded it to Mr. Nader, who received it on September 27, as Mr. Nader noted in a September 30 letter to the Commission. The 15-day deadline for a response is today. See 11 C.F.R. 111.2(a) and 111.6(a). Mr. Nader submitted a Statement of Designation of Counsel on October 7.

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campaign events, and spending for such activities is converted into campaign spending, whenever he responds to an audience question about his campaign or whenever he comments generally on politicians or the United States political system. However, the statutes and regulations governing federal elections do not support this interpretation, and nor would the Constitution permit such an interpretation. Therefore, Mr. Nader has spent and will spend less than \$5000 on his presidential campaign, and he is thus not a "candidate" for purposes of federal election law.

Accordingly, there is no reason to believe that Mr. Nader has committed or is about to commit a violation of the statutes or regulations over which the Commission has jurisdiction, and the Commission should take no action with respect to the Complaint.

1. Acting on the Complaint Will Further No Interest Underlying FECA

It is doubtful that the instant Complaint is an appropriate matter for the Commission's consideration. The main governmental interest served by the Federal Election Campaign Act of 1971 ("FECA") is the prevention of corruption and the appearance thereof created by the influence of large financial contributions on the positions taken by candidates and elected officials. *Buckley v. Valeo*, 424 U.S. 1, 25 (1976). The Act also established, and charged this Commission with regulating, a system providing eligible presidential candidates with federal matching funds to encourage overall expenditure limits. Mr. Nader is receiving neither contributions nor federal funds but rather is spending his own money. The amount he is spending, under even the broadest conceivable interpretation of this Commission's regulations, is minuscule compared to the major candidates, so there is no issue here of an individual bringing substantial personal wealth to bear on an election. Mr. Nader has purchased no time or space for advertisements of any kind. He has no chance of being elected. As such, and because, as is discussed in Part 4, *infra*, Mr. Nader's First Amendment rights would be burdened were he to be subjected to the disclosure provisions of the Act, constitutional considerations counsel against any action by the Commission on the Complaint.

Whether or not the Commission has an appropriate basis to act on a claim that Mr. Nader must disclose his *campaign* finances, it is plain that the Commission lacks jurisdiction over any contention that Mr. Nader should be required to disclose his *personal* finances. As the Complaint acknowledges, disclosure by FECA "candidates" of personal finances is required not by FECA but by the Ethics in Government Act of 1978, as codified at 5 U.S.C. App. 4 § 101(c). Although presidential "candidates" must file financial disclosure forms with the Commission (for subsequent transmittal to the Office of Government Ethics), *see* 5 U.S.C. App. 4 § 103 (c) & (e), 5 C.F.R. § 2634.602(d), by statute this Commission may review allegations, obtain a conciliation agreement, or pursue a civil action only as to "a violation of [FECA] or of chapter 95 or chapter 96 of the Internal Revenue Code." 2 U.S.C. § 437d(a)(6), (a)(8), 2 U.S.C. § 437g(a).

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2. Mr. Nader's Campaign Spending Is Below the \$5000 Candidate Threshold

As originally enacted, FECA contained no spending or contribution threshold for determining whether an individual was a "candidate" subject to the disclosure provisions of the Act. Instead, an individual was considered a candidate once he or she either (1) took action necessary to qualify for nomination or election to federal office; or (2) received contributions or made expenditures. Act of Feb. 7, 1972, P.L. 92-225 § 301. However, in 1979, Congress amended this provision to redefine "candidate" to mean an individual who is seeking federal office and who has (1) "received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000"; or (2) given consent to another person to receive contributions or make expenditures and such expenditures or contributions exceed \$5000. 2 U.S.C. § 431(2).

In amending FECA, Congress recognized that the Act's requirement that candidates report expenditures and contributions was ill-suited to individuals who wished to run for office on a modest budget. (\$5000 in 1979 dollars is equivalent to approximately \$10,650 in 1996 dollars.²) The House Report accompanying the bill stated, "It is the clear intent of the Committee to relieve individuals who do not meet the definition of candidate of any registration and reporting requirements under the Act even if such individuals appear on the ballot." H.R. Rep. No. 96-422, 96th Cong., 1st Sess. 5 (1979). In debate on the bill, Senator Bumpers stated that establishment of the \$5,000 threshold did not significantly compromise the Act's financial disclosure rules. 125 Cong. Rec. 23,874 (1979). Nor was it apparent that Congress intended the amendment to apply only to those on the far fringes of politics; indeed, on the House floor, Representative Vanik noted that for the past few elections he had stopped accepting contributions or making expenditures and expressed relief that he would no longer have to hire a treasurer when "I had no funds for him to account for." 125 Cong. Rec. 23,814 (1979).

From the outset of his 1996 presidential campaign, Mr. Nader has made clear that he intends to stay below the \$5000 "candidate" threshold. He has repeatedly stated in public that he will accept no campaign contributions, and he has returned any and all contributions nevertheless sent. He has repeatedly stated that he does not authorize the various state Green Party organizations or anyone else to accept contributions or make expenditures in connection with his campaign, and where he has been formally contacted by state Green Party officials with respect to his campaign, he has requested a written agreement to that effect. (See, e.g., Letters from officials of the Green Party of California, Green Party of New Mexico, and Maine Green Party to attorney Robert Fellmeth, attached.) He has repeatedly stated that he will finance his presidential campaign from his personal funds and that he will spend less than \$5000.

² Based on the Department of Labor's Consumer Price Index, available on the Internet at <http://stats.bls.gov>:80.

Mr. Nader has indeed refused and intends to continue to refuse campaign contributions. Mr. Nader has remained and intends to continue to remain under the \$5000 spending limit in this election cycle. *See* 11 C.F.R. § 100.3 (b). Mr. Nader has purchased no television or radio time or print advertising space. His campaign has no employees.

In the period covered by the Complaint, Mr. Nader made two trips to California that included campaign-related stops and a third trip to Chicago that, for purposes of this response, we treat as campaign related.

All three trips included non-campaign activities. The Commission's regulations, at 11 C.F.R. § 106.3(b), provide the Commission's rules for allocating travel expenses in such circumstances, and subsequent advisory opinions have explained these provisions. *See, e.g.*, FEC Advisory Opinion No. 1992-34. These rules, as applied to Mr. Nader, substantially overstate the resources actually applied to his campaign. We do not concede that § 106.3(b) is an appropriate standard, consistent with the purposes and provisions of FECA, for evaluating Mr. Nader's expenses.

When Mr. Nader agrees to a public appearance for which he will receive travel expenses, he generally requests that the sponsor provide the least expensive ticket available -- just as he has consistently sought the least expensive fare basis for campaign travel. However, his sponsors sometimes nevertheless purchase a higher-priced ticket. The Commission's allocation formula, at § 106.3(b)(3), forces Mr. Nader's presidential campaign to bear the burden of these higher fares -- fares that result from Mr. Nader carrying on activities that represent both the long-standing source of his livelihood and speech activities protected by the First Amendment.

For example, on Mr. Nader's first California trip, he traveled on a relatively inexpensive ticket -- Washington, D.C. to Los Angeles to Boston for \$446.50. His Los Angeles stop involved both campaign and non-campaign events. He stopped in Boston for non-campaign activities only, and his Boston sponsor sent him back to Washington on a one-way ticket that, while less expensive than the Los Angeles ticket, cost substantially more per mile. Under § 106.3(b), as we understand the Commission's interpretation of it, the price of the Boston-to-Washington ticket, as well as the Boston-to-Washington miles, must be factored in to determine the cost per mile, which in turn is multiplied by the mileage from Washington to Los Angeles and back. The only way for Mr. Nader to have avoided this penalty would have been to actually return from Los Angeles to Washington and then board another flight for Boston. This would have wasted Mr. Nader's time and accomplished nothing in terms of the purposes of FECA.

Mr. Nader's second trip again illustrates how the Commission's formula overstates Mr. Nader's campaign expenses. His first stop, again in Los Angeles, included both campaign and non-campaign activities. The subsequent stops -- in San Francisco and Minnesota -- were for non-campaign activities. The air ticket reflected the requirements of Mr. Nader's sponsors on these non-campaign stops, rather than the needs of his

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presidential campaign activities in Los Angeles. The overall price-per-mile is far more than Mr. Nader would ever have spent or needed to spend on a simple round-trip ticket to Los Angeles.

If Mr. Nader's travel expenses were apportioned in a manner that reflected the actual reasonable costs of traveling to campaign events, total expenditures would be far less than under the Commission's interpretation of the § 106.3(b) formula.

Following are details regarding Mr. Nader's expenditures:

-- The first trip, beginning on July 26, 1996, in Washington, D.C., included a stop in Los Angeles for both campaign and non-campaign activities, a campaign stop in Sacramento, a campaign stop in Berkeley, a non-campaign stop in Los Angeles, and a non-campaign stop in Boston before a return to Washington. As noted, the Washington to Los Angeles to Boston ticket cost \$446.50. The flight from Los Angeles to Sacramento cost \$79.00, and a flight from Oakland back to Los Angeles cost \$82.00. Campaign-related travel to and from airports, around cities, and from Sacramento to Berkeley was provided by friends or volunteers and thus includes no expenditures or contributions. See 11 C.F.R. § 100.8(b)(9).

Mr. Nader's first activity in Los Angeles upon his arrival was to tape two episodes of the television talk program "Politically Incorrect." (His appearance did not address his campaign except for a brief answer to a question, which we consider an "incidental contact." See Part 3, *infra*. Mr. Nader had appeared on previous episodes of the program prior to launching his presidential campaign.) Mr. Nader spent his first night in Los Angeles at a hotel. Since this single night accommodation occurred before any campaign activity, and did not constitute "travel," it is not a campaign expenditure. All other accommodations on the trip through the Boston stop were at the homes of personal friends of Mr. Nader and thus are not campaign expenditures. See 100.8 C.F.R. § (b)(5).

-- The second California trip began in Washington on August 18. In Los Angeles, Mr. Nader attended the Green Party convention and also conducted non-campaign-related activities. He stayed with friends, and ground transportation was provided by friends and volunteers. He then traveled to San Francisco for non-campaign-related activities with a few incidental contacts -- answers to questions by reporters -- concerning the campaign. He then flew to Minnesota for non-campaign-related activities and then returned to Washington. The total cost of the ticket -- most of which, again, can be attributed to the requirements of non-campaign activities -- was \$1655.

-- The third trip was a single day visit to Chicago on August 28, 1996, during the Democratic Party's national convention. Mr. Nader commented on the convention as well as his candidacy in media interviews. The price of the airfare was \$224. Ground transportation was \$81.

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Mr. Nader has also rented a small office in Washington, D.C. for purposes of his giving interviews, making phone calls, and doing other work with respect to the campaign. To date, total rent commitment has been \$525. Telephone expenses have totaled approximately \$300. Mr. Nader has also spent approximately \$100 on office supplies and postage.

3. Other Activities Cited in the Complaint Included Only Incidental Contacts with Campaign Matters

Section 106.3(b)(3) of 11 C.F.R. provides that “[c]ampaign-related activity shall not include any incidental contacts.” Other than the trips discussed in Part 2, *supra*, the trips cited in the Complaint included no campaign expenditures, because any discussions of the presidential campaign on those trips were clearly “incidental contacts” within the meaning of 11 C.F.R. 106.3(b)(3).

The Commission expands on the distinction between reportable “campaign activity” and “incidental contacts” at 11 C.F.R. § 9004.7(b)(2):

If any campaign activity, other than incidental contacts, is conducted at a stop, that stop shall be considered campaign-related. Campaign activity includes soliciting, making, or accepting contributions, and expressly advocating the election or defeat of the candidate. Other factors, including the setting, timing and statements or expressions of the purpose of an event, and the substance of the remarks or speech made, will also be considered in determining whether a stop is campaign-related.

The Commission has elsewhere at least twice addressed the meaning of the “incidental contacts” provision of 11 C.F.R. § 106.3(b)(3). A 1977 Memorandum to Congress accompanying the Commission’s proposed regulations states:

Incidental contacts on an otherwise non-campaign stop do not make the stop campaign-related. For example, if a candidate makes a non-political speech to a civic association luncheon, and on the way out chats with a few attendees about his upcoming campaign, that conversation would not convert the appearance into a campaign-related event. However, if during the course of the speech the candidate asks for support, that would convert an otherwise non-campaign event into one which is campaign-related, and would require that travel costs be allocated, and reported as expenditures.

Communication from the Chairman, FEC, Transmitting the Commission’s Proposed Regulations Governing Federal Elections, H.R. Doc. No. 95-44, 95th Cong., 1st Sess. 50 (1977). See also FEC Advisory Opinion No. 1992-34 (Citing the proposition that “[i]ncidental contacts on an otherwise non-campaign stop do not make the stop campaign-related”).

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In 1992, the Commission issued an advisory opinion with respect to a proposed speaking engagement by independent presidential candidate David Duke, a one-time official of the Ku Klux Klan. FEC Advisory Opinion No. 1992-6. The issue was whether an honorarium and travel expenses to be paid by the sponsor, Vanderbilt University, would be considered a contribution to the Duke campaign. In that opinion, the Commission put forth an interpretation that goes much further in constraining speech than the other interpretations cited above. The Commission concluded that "any reference by Mr. Duke to his campaign or qualifications of another presidential candidate, either during the speech or during any question and answer period (held just before or after the speech) will change the character of the appearance to one that is for the purpose of influencing a federal election."

There are clear differences between this matter and the matter addressed in the Duke advisory opinion. Mr. Duke's visit to Vanderbilt, the Commission noted, was scheduled for a date "just prior to the Tennessee presidential primary," and was thus tightly coupled with, and perhaps motivated by, a balloting event. And whereas Mr. Duke achieved his notoriety primarily because of his status as a political candidate, Mr. Nader has been a popular speaker, particularly on campuses, for decades. His presidential bid has had no measurable impact on his speaking invitations or his acceptance of such invitations. In addition, the formal inquiry in the Duke matter -- whether an honorarium for a speech constituted a "contribution" -- is distinct from the issue here -- whether a nominee's comments turned a trip into a campaign-related stop for purposes of calculating expenditures.

Nevertheless, there are similarities between the situation addressed in the 1992 advisory opinion and the instant matter. We submit, however, that this advisory opinion went further to constrain speech than is warranted under FECA or the regulations -- particularly in light of constitutional concerns. The standards cited above in 11 C.F.R. § 9004.7(b)(2), focusing on, although not limited to, whether, at a given stop, there occurred "soliciting, making, or accepting contributions, and expressly advocating the election or defeat of the candidate" are a far more appropriate measure of whether a stop is a campaign stop.

Under the appropriate standard, brief comments by Mr. Nader that are cited in the Complaint -- at Bedford, New Hampshire, February 12, 1996; Syracuse, New York, March 27, 1996; Ithaca, New York, April 12, 1996; Haverford, Pennsylvania, April 28, 1996; Providence, Rhode Island, April 29, 1996; Seattle, Washington, May 1, 1996; and Cleveland, Ohio, June 7, 1996 -- are plainly incidental contacts and should not convert the cost of these trips into campaign expenditures for purposes of FECA's provision defining a "candidate." On none of these trips did Mr. Nader seek or accept campaign contributions. Critiques of the incumbent Administration and the Congress have long been staples of Mr. Nader's speeches, but as the documentation provided with the Complaint indicates, on none of these trips did Mr. Nader expressly advocate the election or defeat of

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any candidate. Nor did the setting, timing or statements or expressions of the purpose of an event relate to the presidential election, other than the fact that they occurred in an election year -- and Mr. Nader participates in similar events all year round, every year. None of Mr. Nader's speeches mentioned Mr. Nader's presidential campaign. Instead they concerned topics such as corporate power and access to the justice system.

In Cleveland, Mr. Nader attended a convention of the Labor Party. As to the Internet message cited in the Complaint regarding alleged statements made by Mr. Nader in Cleveland, Mr. Nader acknowledges responding to a few isolated queries from individuals about his campaign outside the meeting hall -- discussions that squarely fall into the "incidental contacts" category -- but he denies that he approved any campaign activities on his behalf.

Mr. Nader's appearance on the "Donahue" program was also not unusual or prompted by his campaign effort. He has appeared on that program at least once per year for about 25 years, and the timing of those appearances is largely determined by the program. When the "Donahue" producers asked Mr. Nader to provide an address to display for viewers who wanted more information, he gave the address of the *Multinational Monitor*, a publication, dealing with corporate activities, that is produced by an organization he helped start in the early 1980's, rather than the address of the Green Party or any other campaign-related entity.

Except for a handful of answers to audience or media questions -- incidental contacts in this context -- the substance of Mr. Nader's remarks during these seven visits did not concern the campaign.

Out of an abundance of caution, Mr. Nader and some sponsoring institutions have sought to limit such incidental contacts at various events. Mr. Nader has on some occasions specifically requested in advance that interviewers not ask him about the presidential campaign. On other occasions, the sponsoring institution, concerned about its own possible obligations under FECA, has asked Mr. Nader not to respond to questions on the campaign, and Mr. Nader has accepted such restrictions.

But where such questions have been asked, Mr. Nader has sometimes not refused to answer. Instead, Mr. Nader has explained basic facts about his campaign, for example, his status as the nominee of Green Party groups, the state ballots for which he has qualified, and his refusal to accept any campaign contributions. When asked why he was running, Mr. Nader has sometimes given a very brief critique of the two major parties. But on these non-campaign related stops he has not expressly advocated that listeners vote for him or vote against anyone else in the election, nor has he solicited contributions, nor has he participated in any organized event the purpose of which was to influence the election.

Professional politicians, in the course of their travels and activities as public officials, face media questions about their upcoming races for office and their electoral opponents. It is most doubtful that all federal elected officials, simply because they have answered any such question, report the cost of all such activities as campaign expenses. Mr. Nader, like those politicians, should be permitted to do his work -- in his case, as a commentator -- without running the risk that any incidental discussion of the election will turn a trip into a reportable campaign stop and turn any honoraria or travel reimbursement into a campaign contribution.

4. Constitutional Considerations Support the View That the Actions At Issue Should Be Deemed Incidental Contacts

Constitutional principles should inform the Commission's interpretation of the "incidental contacts" provision and FECA generally as applied to Mr. Nader's presidential campaign. In *Buckley v. Valeo*, the Supreme Court upheld the constitutionality of FECA's requirement that candidates report campaign finances. The Court squarely recognized that the requirement burdened First Amendment rights, but it found that the proffered government interests were sufficient to justify such burden. What is important here is that the interests cited in *Buckley* have virtually no relevance to a campaign, like Mr. Nader's, that accepts no contributions and no federal funds.

As the Court in *Buckley* noted, "compelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment." *Id.*, at 64, see also *NAACP v. Alabama*, 357 U.S. 449 (1958); *Gibson v. Florida Legislative Committee*, 372 U.S. 539 (1963). A narrow interpretation of the term "incidental contacts" would impose a particularly acute burden on an individual like Mr. Nader, who has for decades made his living speaking out on public issues. He would be forced to choose between either (1) giving up his First Amendment speech rights by accepting a virtual gag order with respect to all public contacts, or (2) accepting an infringement on his First Amendment privacy of association and belief rights by filing campaign and personal disclosure forms revealing not only campaign expenditures but also personal assets, income, and organizational affiliations.³

Forcing such a choice between constitutional rights is particularly inappropriate here, where the government interests cited in *Buckley* for disclosure of campaign finance information are almost entirely irrelevant. The Court's opinion in *Buckley* states that the governmental interests

³ Such a choice would pose more than hypothetical hardships for Mr. Nader. The Court in *Buckley* left open the possibility that a particular candidate or party might be able to demonstrate an actual record of harassment that would render application of FECA's disclosure requirements unconstitutional. 424 U.S. at 69-71, 74. Since the early years of his efforts as a consumer advocate -- when General Motors hired private detectives to try to discredit him -- Mr. Nader has faced a number of incidents of harassment by corporations opposed to his activities.

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fall into three categories. First, disclosure provides the electorate with information "as to where political campaign money comes from and how it is spent by the candidate" in order to aid the voters in evaluating those who seek federal office. It allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches. The sources of a candidate's financial support also alert the voter to the interests to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in office.

Second, disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be given in return. . . Congress could reasonably conclude that full disclosure during an election campaign tends "to prevent the corrupt use of money to affect elections."

Third, and not least significant, recordkeeping, reporting, and disclosure requirements are an essential means of gathering the data necessary to detect violations of [FECA's] contribution limitations.

424 U.S. at 66-68 (footnotes omitted)

These interests are almost entirely concerned with the public's right to know who is funding whom. In the case of Mr. Nader's campaign, he is already answered that question: He is funding himself. The Complaint does not allege otherwise. Mr. Nader has stressed that he will accept no campaign contributions, so there is no threat of the corrupting influence of contributors.

The *Buckley* opinion's reference to the public interest in learning "how [campaign money] is spent by the candidate" is applicable here, but it is not explicated, nor is its importance, at least in this context, apparent. "[S]ignificant encroachments on First Amendment rights of the sort that compelled disclosure imposes cannot be justified by a mere showing of some legitimate governmental interest." *Id.*, 424 U.S. at 64. Instead, the state interests must survive "exact[ing] scrutiny." *Id.* Here, where Mr. Nader has already stated publicly how he will spend the few thousand dollars he has personally committed to the campaign, *see* Complaint at 1-2, n. 3, the government interest cannot survive such scrutiny.

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It is worth noting, as an additional factor, that the Court in *Buckley* found that the governmental interest in disclosure, even as to contributions, "is diminished" with respect to "a minor party with little chance of winning an election." 424 U.S. at 70.⁴

There is thus no strong government interest to justify the infringement on Mr. Nader's First Amendment rights that would be posed by the disclosure requirements. Provisions of law should be construed, where consistent with their purpose, to avoid unconstitutional interpretations. *See, e.g., id.*, 424 U.S. at 77-78. Particularly in light of this constitutional consideration, this Commission should conclude that brief, largely explanatory comments by Mr. Nader regarding his candidacy in response to a few stray questions are "incidental contacts" that are insufficient to create "campaign stops" out of events undertaken in the regular course of Mr. Nader's long-standing work.

5. There Are No Green Party Expenditures Relevant to Mr. Nader's Status With Respect to FECA's \$5000 "Candidate" Threshold

The Complaint also contends that "[t]he Green Party" has made expenditures that should be included toward the \$5000 "candidate" threshold.

Mr. Nader, as noted, has repeatedly stated that he does not authorize the various state Green Party organizations or anyone else to accept contributions or make expenditures in connection with his campaign, and where he has been formally contacted by state Green Party officials with respect to his campaign, he has requested a written agreement to that effect. Section 100.3(a)(3) of 11 C.F.R. provides that expenditures and contributions count toward the "candidate" threshold if "[a]fter written notification by the Commission that any other person has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000 on the individual's behalf, the individual fails to disavow such activity by letter to the Commission within 30 days of receipt of the notification." Mr. Nader has received no such notification, nor is he otherwise aware of any such activity.

Mr. Nader did appear at the Green Party Convention, and one purpose of the convention was to allow Mr. Nader to accept the nomination of various state Green Party groups. But as the Complaint acknowledges, 11 C.F.R. § 110.7(a)(6) provides that

⁴ The government interest in requiring a non-incumbent to disclose *personal* finances, as required under the Ethics in Government Act, has not, to our knowledge, been substantially tested. The legislative history contains the following rationale:

Public financial disclosure will deter some persons who should not be entering public service from doing so. Individuals whose personal finances would not bear up to public scrutiny, whether due to questionable sources of income or a lack of morality in business practices, will very likely be discouraged from entering public office altogether, knowing in advance that their sources of income and financial holdings will be available for public review.

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expenditures made by a political party on behalf of that party's presidential candidate shall not count against the expenditure limits imposed on candidates who accept federal funding. This construction of the concept of campaign "expenditures" should be similarly applied to evaluations as to whether a campaign has reached the \$5000 "candidate" threshold. *Cf. Sullivan v. Stroop*, 496 U.S. 478, 484 (1990) (identical words in different parts of the same act are intended to have the same meaning). If the major parties can use this provision to go beyond mandated spending limits, principles of fairness and fair notice, as well as statutory construction, must permit independent and small party candidates to invoke it for purposes of the "candidate" threshold.

6. Conclusion

For the foregoing reasons, the Commission should take no action on the Complaint.

Sincerely,



David Halperin

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Green Party of California
State Coordinating Committee
c/o P. O. Box 3727
Oakland, CA 94609
November 21, 1995

Robert Fellmeth
548 Adella Lane
Coronado, CA 92118

Dear Mr. Fellmeth:

In response to your letter consenting to allow the Green Party of California to place Ralph Nader's name on its presidential primary ballot upon certain conditions, the members of its governing body assure you:

- 1) The Green Party of California will not accept campaign contributions or make campaign expenditures, as defined in FEC regulations, in connection with a campaign to nominate or elect Ralph Nader president.
- 2) No member of the State Coordinating Committee, or other state official of the Green Party of California will participate in a political committee in connection with a campaign to nominate or elect Ralph Nader president without your prior approval.
- 3) No member of the State Coordinating Committee, or other official of the Green Party of California will associate with any political committee that accepts campaign contributions or makes campaign expenditures, as defined in FEC regulations, in connection with a campaign to nominate or elect Ralph Nader president unless you first provide the Green Party with an Opinion Letter that such activities will not cause the FEC to find that the committee is associated with the Green Party of California, or with Ralph Nader, in such a way as to cause the FEC to attribute such campaign activity to Ralph Nader on account of this candidacy in the Green Party primary, or any other activity in the State of California.
- 4) The Green Party of California understands that Ralph Nader has not agreed to continue as a candidate beyond the primary or as a candidate in other states.
- 5) The Green Party of California, the members of its State Coordinating Committee, and its other state officials, will not use the name of Ralph Nader for any fundraising activities without your approval, and an Opinion Letter from you stating that such activities will not cause the FEC to attribute those activities to Ralph Nader on account of his candidacy in the Green Party primary, or any other of his activities in the State of California.

Sincerely,



Greg Jan,
on behalf of the
State Coordinating Committee of the
Green Party of California

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Green Party of New Mexico
6733 San Luis Obispo Avenue NE
Albuquerque, New Mexico 87109
505 822-8067

February 9, 1996

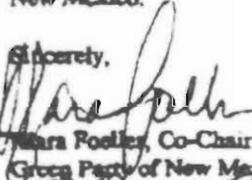
Robert Fellmeth
548 Adella Lane
Coronado, CA 92118

Dear Mr. Fellmeth,

We are happy to comply with your request for written conditions under which Ralph Nader agrees to placement on the New Mexico Presidential Primary ballot in 1996. The following terms are similar to the terms agreed upon for the California Presidential Primary. The Elections Committee of the Green Party of New Mexico assures you.

- 1) The Green Party of New Mexico will not accept campaign contributions or make campaign expenditures, as defined in FEC regulations, in connection with a campaign to nominate or elect Ralph Nader president.
- 2) No member of the State Elections Committee, or other state party entity or official of the Green Party of New Mexico will participate in a political committee in connection with a campaign to nominate or elect Ralph Nader president without your prior approval.
- 3) No member of the State Elections Committee, or other state party entity or official of the Green Party of New Mexico will associate with any political committee that accepts campaign contributions or makes campaign expenditures, as defined in FEC regulations, in connection with a campaign to nominate or elect Ralph Nader president unless you first provide the Green Party with an Opinion Letter that such activities will not cause the FEC to find that the committee, entity, or official, associated with the Green Party of New Mexico, or with Ralph Nader, in such a way as to cause the FEC to attribute such campaign activity to Ralph Nader on account of this candidacy in the Green Party primary, or any other activity in the State of New Mexico.
- 4) The Green Party of New Mexico understands that Ralph Nader has not agreed to continue as a candidate beyond the primary or as a candidate in other states.
- 5) The Green Party of New Mexico, the members of its Elections Committee, or other entity or officials, will not use the name of Ralph Nader for any fundraising activities without your approval, and an Opinion Letter from you stating that such activities will not cause the FEC to attribute those activities to Ralph Nader on account of his candidacy in the Green Party primary, or any other of his activities in the State of New Mexico.

Sincerely,


Mara Pooler, Co-Chair
Green Party of New Mexico


Steve Cabiedes, Vice-Chair for Elections
Green Party of New Mexico


Mike Castro, Co-Chair
Green Party of New Mexico

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Maine Green Party

283 Water St. Suite 16, PO Drawer K, Augusta Maine 04332 ph. 623-1919



Tom Fusco, co-chair
Judith Fowles, co-chair
Jonathan Carter, state coordinator
Nancy Allen, media coordinator
Greg Gerritt, office coordinator

February 12, 1996

Robert Fellmeth
5998 Alcala Park
San Diego CA 92110

Dear Mr. Fellmeth,

Thank you for your letter of February 6 consenting, upon certain conditions to allow the Maine Green Party to nominate Ralph Nader as their candidate for president of the United States at their State Convention on May 17-19, 1996, and thus place him on the ballot.

By this letter we undertake to assure you that these conditions, hereinafter stated, are acceptable to the Maine Green Party.

1. The Maine Green Party will not accept campaign contributions or make campaign expenditures, as defined in FEC regulations, in connection with a campaign to nominate or elect Ralph Nader president.
2. No member of the State Green Council, or other state official of the Maine Green Party, will participate in a political committee in connection with a campaign to nominate or elect Ralph Nader president without your prior approval.
3. No member of the State Green Council, or other official of the Maine Green Party will associate with any political committee that accepts campaign contributions or makes campaign expenditures, as defined in FEC regulations, in connection with a campaign to nominate or elect Ralph Nader president unless you first provide the Green Party with an Opinion Letter that such activities will not cause the FEC to find that the committee is associated with the Maine Green Party, or with Ralph Nader, in such a way as to cause the FEC to attribute such campaign activity to Ralph Nader on account of his candidacy as a presidential candidate, or any other activity in the State of Maine.
4. The Green Party of Maine understands that Ralph Nader has not agreed to continue as a candidate beyond the state convention or as a candidate in other states.
5. The Maine Green Party, the members of the State Green Council, and its other state officials, will not use the name of Ralph Nader for any fundraising activities without your approval, and an Opinion Letter from you stating that such activities will not cause the FEC to attribute those activities to Ralph Nader on account of his candidacy for president, or any other of his activities in the State of Maine.

Sincerely,

For the Maine Green Party

John Rensenbrink
John Rensenbrink, member

Judith Fowles *Tom Fusco*
Judith Fowles and Tom Fusco, Co-Chairs

The Ten Key Values of the Maine Greens

Ecological Wisdom · Grassroots Democracy · Personal and Social Responsibility
Nonviolence · Decentralization · Community Based Economics · Postpatriarchal Values
Respect for Diversity · Global Responsibility · Future Focus



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OFFICE OF GENERAL
COUNSEL

Nov 4 10 08 AM '96

DAVID HALPERIN
Attorney At Law
2027 Massachusetts Avenue NW
Washington, DC 20036
(202) 328-2232 / (202) 265-5384 (fax)

November 1, 1996

Office of the General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

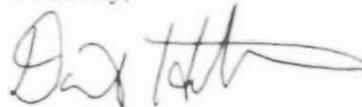
Re MUR 4454

Dear Office of the General Counsel:

Based on telephone conversions I had recently with Ms. Alva Smith of your office and Mr. Vinnie Convery of your Freedom of Information Act division, I understand that it is the policy of the Commission to make available to the public the Complaint and the Response at the time it reports a finding of no reason to believe or no probable cause. I also understand that some respondents request that certain information in their responses be withheld, and that the Commission accedes to such requests where the information would be exempt from disclosure under FOIA.

Although I continue to believe that the applicable regulations, 11 C.F.R. §§111.20, 111.21, do not provide for the release of a Complaint or Response, I have consulted with Mr. Nader, and he has no objection to making public these documents in full in a manner consistent with the Commission's standard practices.

Sincerely,



David Halperin

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RECEIVED
FEDERAL ELECTION
COMMISSION
REPORTS ANALYSIS
DIVISION

Greens / Green Party USA Nov 18 AM '96
PO Box 100, Blodgett Mills NY 13738 - 607 756-4211

October 31, 1996

Ms. Colleen T. Sealander, Attorney
Central Enforcement Docket
Federal Election Commission
Washington, DC 20463

RE: MUR 4454

Dear Ms. Sealander:

We are writing in response to your letter dated October 8, 1996, which we received on or about October 15, 1996.

We note that several of the issues raised in this proceeding are the same issues that the Green / Green Party USA (G/GPUSA) has been requesting clarification from the Federal Election Commission (FEC) for much of the last six months. Since the very first beginnings of the efforts to draft Mr. Nader as a Presidential candidate, G/GPUSA has sought to file with the FEC as a political party and to organize and report our expenditures as a political party. It has been the FEC which has resisted our filings.

We expressly request that the FEC first respond to our advisory opinion request in an expedited manner before proceeding with this investigation, particularly as to G/GPUSA's status as a national political party, since our request predates the submission by Voter Revolt.

We further note that a copy of the complaint in this proceeding was only sent to us on October 8, nearly a month after it was filed, despite the fact that Mr. Mark Dunlea, an attorney working on behalf of G/GPUSA, had previously contacted the FEC's counsels office (Mr. Marianelli) to request a copy of the complaint and determining our involvement with it following various news reports on the matter. We request that the FEC provide a documented explanation as to they delay in contacting the G/GPUSA in this matter.

We would also note that Mr. Nader was drafted into the Green Party by a Draft Nader Committee (DNC) that was expressly set up outside of the Green Party structure. Indeed, much of the leadership of the DNC disagree with a number of the democratic principles of the G/GPUSA, especially on the issue of how to exercise democratic control over electoral activities.

G/GPUSA is probably the first political party in American history that has been forced to organize its first Presidential campaign with a candidate who refuses to coordinate with the party, refuses to file as a candidate or make financial disclosures, is not a member of the party, and who has not endorsed the platform of the party. When we have contacted the FEC to seek guidance as to how the G/GPUSA and affiliated State Green Parties should organize its campaign

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activities with respect to the Presidential campaign, we have been repeatedly told that the campaign presents novel and complicated factual situations and that we need to seek guidance through a formal advisory opinion request. Our AO request has not yet been answered, partially due to the fact that an individual associated with the DNC filed a complaint against it.

We would also note that G/GPUSA has not coordinated its efforts with Mr. Nader. When the initial Draft Nader movement began, G/GPUSA invited Mr. Nader to attend the G/GPUSA gathering in St. Louis this spring to discuss his possible candidacy; he declined to attend. G/GPUSA had no direct contact with Mr. Nader prior to the California national convention. As Mr. Nader has publicly stated, he has not spoken with any official of G/GPUSA since the nominating convention. There is no formal or informal agreement between G/GPUSA and Mr. Nader as to how the Presidential campaign is to be conducted.

We note that Mr. Dunlea has attempted to communicate with Mr. Nader that it was his recommendation as attorney to G/GPUSA that Mr. Nader that he register with the FEC and provide financial disclosure. Mr. Dunlea however is unaware of whether or not Mr. Nader received any such communication, giving the lack of coordination with the candidate.

It should be noted that decentralization is one of the ten key values of G/GPUSA. It is a fundamental principle of the Green principle that no one Green organization can control another Green organization - a national group does not control a state green group, and a state green group does not control a local or regional green group. G/GPUSA is only responsible for its own activities.

G/GPUSA also wishes to incorporate the historical background on the G/GPUSA that has been filed with the FEC as part of its advisory opinion request as a response to this complaint, particularly as to its status as a political party and its ability to make independent expenditures.

I. Travel Expenditures

This did not appear to be an issue with respect to G/GPUSA. We assume that Mr. Nader has responded to this issue.

II. Green Party Expenditures

The complaint raises two major points: that news articles report that the Greens spent tens of thousands of dollars for a national nominating convention for Mr. Nader; and that money must have been spent by the Greens to obtain ballot access for Mr. Nader.

Nominating Convention. As the complaint by Voter Revolt correctly notes, many of the activities of the national convention in California were not devoted to the nomination of Mr. Nader.

It is important to note that two events occurred in California: a Congress of G/GPUSA, and a convention for the larger Green movement.

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Each year, G/GPUSA holds an annual Congress to make national decisions with respect to the activities on G/GPUSA. This is a delegated Congress, with votes allocated to individual Green organizations based on their membership within G/GPUSA. Such votes are binding upon G/GPUSA.

In conjunction with the Congress, a convention is organized, open to all members of the larger Green movement, to exchange information and coordinate activities on a wide range of Green activities. There was no delegated voting at such convention.

Such Congress and convention was organized far in advance and independent of any decision to run a candidate for President of the U.S.

The California convention was not legally or in practice a nominating convention. Neither G/GPUSA nor any other Green organization organized a national Presidential primary. Mr. Nader had already been placed on the ballot in many states prior to the convention. No mechanism or agreement had been developed to enable Mr. Nader's name to be removed from individual state ballots if such convention were to select another candidate. As noted above, the campaign was initially organized as a Draft Nader movement on a state by state basis. The "vote" at the convention was a media event; it carried no legal weight. There was not even any delegated voting.

This is particularly true since the FEC has not yet recognized G/GPUSA as a national political party and only four states presently provide party status to the Greens. The Greens in most states are considered independents and are not able to take advantage of the electoral rules written for and by the major parties. For instance, when Mr. Nader belatedly decided he wanted a single national Vice-Presidential candidate (Winnona LaDuke), it was not legally possible to substitute her name for the existing Vice-Presidential candidate in many states.

G/GPUSA and its members have a first amendment right to hold national gatherings for the purposing of organizing its activities. The expenditures of G/GPUSA or any Green groups for such an event should not be turned into campaign contributions because its Presidential nominee, who refuses to coordinate with such party, attends and agrees to participate in media events. At most, the cost of staging the press conference "announcing Mr. Nader's candidacy" should be considered a campaign contribution. That cost would be to send out the press advisories and make phone calls. G/GPUSA itself may no expenditures in that regard.

It should be noted that Mr. Nader did receive the endorsement of G/GPUSA during its Congress (after his "nomination" had been announced and the media had depart). This enabled G/GPUSA to mobilize and expend resources on Mr. Nader's behalf, though with only a few days remaining before the election, we are still seeking guidance from the FEC as to how G/GPUSA can properly do so. The endorsement of Mr. Nader however did not effect Mr. Nader's status as a candidate in any state.

While the G/GPUSA was aware of many of the shortcomings of Mr. Nader's candidacy as stated in the opening paragraphs, by the time he received the endorsement he had already been effectively drafted as the Party candidate, leaving G/GPUSA with few options.

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The G/GPUSA itself spent a few hundred dollars for mailings, phone calls, etc. on the Congress and Convention. The first we saw of the \$25,000 estimate of the cost by Mike Feinstein, the individual who primarily organized the convention (but not the G/GPUSA Congress) was in the complaint. We had assumed that the FEC had already requested such information from Mr. Feinstein. However, upon recently contacting Mr. Feinstein to obtain an accounting of his expenditures, he informed Mr. Dunlea that he not seen a copy of the complaint. Mr. Feinstein is also in the process of running for City Council in Los Angeles, as well as caring for a family member who was recently injured.

In view of the delay in contacting Mr. Feinstein and his personal situation, and the fact that we feel the G/GPUSA should be able to make expenditures for its national congress and convention independent of Mr. Nader, especially when such convention did not in fact nominate him, we are submitting our response without a detailed response by Mr. Feinstein. It would not to unreasonable to estimate that \$25,000 would be spent in hosting a national convention and Congress, though as noted above almost all expenditures would be unrelated to the Presidential effort. If a more detailed accounting is needed, G/GPUSA would seek to provide the information.

Green / Green Party USA disputes the assertions that it can not make independent expenditures.

G/GPUSA notes that almost all expenditures on behalf of the effort to elect Ralph Nader for Presidential have been made by independent Draft Nader Committees or by individual state Green Parties who are responsible for reporting such expenditures to the Federal Election Commission if they have expended more than the initial reporting levels. It is G/GPUSA's understanding that such committees and Green Parties are in compliance with such reporting requirements.

We also note that once again this involve issues that G/GPUSA has sought clarification from the FEC on, including its status as a national political party. If the Green Party is not a political party, than presumably there is no question as to its ability to make independent expenditures under the federal election law.

If the G/GPUSA is a national political party, it is able to make exempt expenditures on behalf of Mr. Nader for buttons, bumperstickers, yards sign, literature, etc.) and for get out the vote efforts (Sec. 431(8)(B)v,x, and xii and 431(9)(B)iv,viii, and ix). Most of G/GPUSA's expenditures have fallen into this category, though G/GPUSA has generally avoided making expenditures to the FEC's inability to rule on our legal status. We feel that the delay by the FEC have grossly violated our first amendment rights.

G/GPUSA would also note that when Mr. Dunlea asked the counsel for the Federal Election Commission as to how G/GPUSA could exercise its first amendment rights to organize on behalf of its Presidential candidate in light of the FEC's inability to make a ruling as to the G/GPUSA's legal status as a political party, Mr. Dunlea was referred to the recent U.S. Supreme Court ruling in Colorado (Colorado Republican Campaign Committee vs. FEC, 116 S. Ct. 2309, 1996) that upheld the right of political parties to make independent expenditures in federal

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elections. FEC Counsel did expressly note that the Court had not ruled with respect to a Presidential election.

In view of the lack of coordination with Mr. Nader, the various factual circumstances outlined above, and the inability of the FEC to make a ruling as the legal status of G/GPUSA, G/GPUSA asserts that we are able to make independent expenditures and that any such expenditures does not count towards Mr. Nader's \$5,000 limit.

Since G/GPUSA is likely to run a candidate for President in 2000, we would like clarification from the FEC as to the G/GPUSA's ability, presuming it is a political party, to make expenditures for party activities such as ballot access that do not count as contributions towards its Presidential nominee.

If you determine that more detailed information is required from G/GPUSA in response to any of the issues raised in the complaint or our response, we will do our best to reply in a reasonable amount of time.

Sincerely,

Bruce Hinkforth, Treasurer
Green / Green Party USA

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 1996

Mr. Bruce Hinkforth, Treasurer
Green Party USA
P.O. Box 100
Blodgett Mills, NY 13738

RE: MUR 4454

Dear Mr. Hinkforth:

This is in response to your letter dated October 31, 1996 in which you requested that we explain the reasons for which the Green Party USA and you, as treasurer, were notified nearly a month after the complaint in MUR 4454 was filed. You also requested that we incorporate into your response certain background information that you have provided previously to the Federal Election Commission ("Commission") in connection with your Advisory Opinion Request.

Under 2 U.S.C. § 437g(a)(12), the Commission is required to keep enforcement matters confidential until they are closed. As a result of this confidentiality provision, the Commission takes great care to ensure that complaints are forwarded only to the appropriate parties. As you may have already noted, the complainant in MUR 4454 did not identify your committee by its official name, but instead referred to it as the "Green Party." The Commission has a number of registered committees with the term "Green Party" in their names. As a result, it took the Central Enforcement Docket some time to identify your committee as the appropriate respondent in this matter. The time you were given to respond to the complaint was not affected by the delay in notification.

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With regard to your background materials, please be advised that we have obtained those and have included them in the MUR 4454 file.

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

Sincerely,



Colleen T. Sealander, Attorney
Central Enforcement Docket

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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ENFORCEMENT PRIORITY

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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.

This is the first Enforcement Priority Report that reflects the impact of the 1996 election cycle cases on the Commission's enforcement workload. We have identified cases that are stale which are recommended for dismissal at this time. This is the highest number of cases identified as stale in a single report, and the highest number of stale cases recommended for closure at one time, since the inception of EPS in 1993.

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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 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, resulting in a numerical rating for each case.

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters.³ Attachment I 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

³ These cases are: RAD 97L-10 (*Citizens for Randy Borow*); RAD 97L-16 (*Republican State Central Committee of South Dakota*); Pre-MUR 347 (*Producers Lloyds Insurance Company*); Pre-MUR 348 (*Peoples National Bank of Commerce*); Pre-MUR 349 (*Trump Plaza*); Pre-MUR 350 (*Citibank, N.A.*); Pre-MUR 355 (*Feingold Senate Committee*); MUR 4494 (*Georgianna Lincoln*);

MUR 4586 (*Friends of Zach Wamp*); MUR 4590 (*Oklahoma Education Association*); MUR 4600 (*San Diego Police Officers Assoc.*); MUR 4612 (*Teresa Doggett for Congress*); MUR 4615 (*Catholic Democrats for Christian Values*); MUR 4616 (*American Legislative Exchange Council*); MUR 4620 (*Eastern Connecticut Chamber of Commerce*); MUR 4622 (*Telles for Mayor*); MUR 4628 (*Gutknecht for Congress*); MUR 4629 (*Janice Schakowsky*); MUR 4636 (*IBEW Local 505*); MUR 4637 (*Dettman for Congress*); MUR 4639 (*Larson for Congress*); MUR 4641 (*Becker for Congress*); MUR 4644 (*Detroit City Council*); MUR 4651 (*Mike Ryan*); MUR 4653 (*Pritzker for Congress*); MUR 4656 (*H. Carroll for Congress*); and MUR 4657 (*Buchanan for President*).

means to identify those cases which, though earning a higher rating when received, 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.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We are recommending the closure of cases based on staleness.⁶

* These cases are: MUR 4283 (*Chenoweth for Congress*); MUR 4341 (*Juan Soliz for Congress*); MUR 4402 (*U.S. Representative Helen Chenoweth*); MUR 4435 (*Lincoln for Congress*); MUR 4439 (*UIAW*); MUR 4442 (*Lipinski for Congress*); MUR 4444 (*Roberts for Congress*); MUR 4445 (*Randy Tate for Congress*); MUR 4446 (*Clinton/Gore '96 Primary*); MUR 4447 (*Random House, Inc.*); MUR 4449 (*Clinton Administration*); MUR 4453 (*Mike Ward for Congress*); MUR 4454 (*Ralph Nader*); MUR 4459 (*Clinton/Gore '96*); MUR 4474 (*Saltri for Senate*); MUR 4477 (*BBDO-New York*); MUR 4481 (*Diamond Bar Caucus*); MUR 4485 (*Perot '92 Petition Committee*); MUR 4486 (*Bunda for Congress*); MUR 4495 (*Pennsylvania PACE for Federal Elections*); MUR 4496 (*Norwood for Congress*); MUR 4497 (*Pease for Congress*); MUR 4510 (*Stabenow for Congress*); MUR 4511 (*Bob Coffin for Congress*); MUR 4514 (*Friends for Franks*); MUR 4515 (*Clinton Investigative Commission*); MUR 4521 (*VMAL 630 AM*); MUR 4525 (*Senator Larry Pressler*); MUR 4527 (*Brennan for Senate*); MUR 4536 (*Signature Properties, Inc.*); MUR 4540 (*Tim Johnson for SD*); MUR 4542 (*Dan Frisa for Congress*); MUR 4552 (*Charles W. Norwood*); MUR 4554 (*John Byron for Congress*); MUR 4556 (*Jim Wiggins for Congress*); MUR 4561 (*Jay Hoffman for Congress*); MUR 4564 (*National Republican Congressional Committee*); MUR 4567 (*DNC Services Corp.*); MUR 4569 (*McGovern Committee*); RAD 96L-11 (*New York Republican County Committee*); Pre-MUR 343 (*NRSC*); and Pre-MUR 312 (*Joseph Demio*). The *Demio* case involves fundraising related to former Congresswoman Mary Rose Oaker's 1992 congressional campaign. It was held as a courtesy to the Department of Justice pending resolution of a parallel criminal matter in the District Court for the District of Columbia. Mr. Demio recently entered into a plea agreement with the Department of Justice (on which we were not consulted) in which he agreed, among other things, to waive the statute of limitations regarding civil violations of the FECA. Considering the age of the case and activity, the fact that DOJ has not formally referred this matter to us, and the Commission's continuing resource constraints, dismissal is the appropriate disposition of this matter.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective November 17, 1997. Closing 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 November 17, 1997, and approve the appropriate letters in the following matters:

RAD 96L-11

Pre-MUR 312

Pre-MUR 349

Pre-MUR 343

Pre-MUR 350

RAD 97L-10

Pre-MUR 347

Pre-MUR 355

RAD 97L-16

Pre-MUR 348

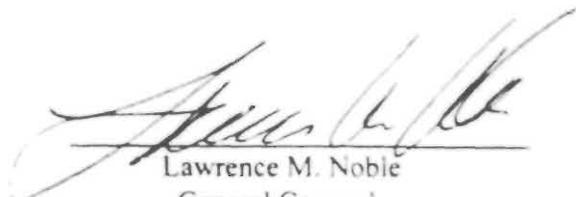
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B. Take no action, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

- | | | |
|----------|----------|----------|
| MUR 4283 | MUR 4495 | |
| MUR 4341 | MUR 4496 | MUR 4569 |
| MUR 4402 | MUR 4497 | MUR 4586 |
| MUR 4435 | MUR 4510 | MUR 4590 |
| MUR 4439 | MUR 4511 | MUR 4600 |
| MUR 4442 | MUR 4514 | MUR 4612 |
| MUR 4444 | MUR 4515 | MUR 4615 |
| MUR 4445 | | MUR 4616 |
| MUR 4446 | MUR 4521 | MUR 4620 |
| MUR 4447 | MUR 4525 | MUR 4622 |
| MUR 4449 | MUR 4527 | MUR 4628 |
| MUR 4453 | MUR 4536 | MUR 4629 |
| MUR 4454 | MUR 4540 | MUR 4636 |
| MUR 4459 | MUR 4542 | MUR 4637 |
| MUR 4474 | MUR 4552 | MUR 4639 |
| MUR 4477 | MUR 4554 | MUR 4641 |
| MUR 4481 | MUR 4556 | MUR 4644 |
| MUR 4485 | MUR 4561 | MUR 4651 |
| MUR 4486 | | MUR 4653 |
| | MUR 4564 | MUR 4656 |
| MUR 4494 | MUR 4567 | MUR 4657 |

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Date 7/97


Lawrence M. Noble
General Counsel

Federal Election Commission
Certification: Agenda Document
No. X97-77
December 2, 1997

Page 2

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|-----|----------|-----|----------|
| 11. | MUR 4449 | 36. | MUR 4556 |
| 12. | MUR 4453 | 37. | MUR 4561 |
| 13. | MUR 4454 | 38. | MUR 4564 |
| 14. | MUR 4459 | 39. | MUR 4567 |
| 15. | MUR 4474 | 40. | MUR 4569 |
| 16. | MUR 4477 | 41. | MUR 4586 |
| 17. | MUR 4481 | 42. | MUR 4590 |
| 18. | MUR 4485 | 43. | MUR 4600 |
| 19. | MUR 4486 | 44. | MUR 4612 |
| 20. | MUR 4494 | 45. | MUR 4615 |
| 21. | MUR 4495 | 46. | MUR 4616 |
| 22. | MUR 4496 | 47. | MUR 4620 |
| 23. | MUR 4497 | 48. | MUR 4622 |
| 24. | MUR 4510 | 49. | MUR 4628 |
| 25. | MUR 4511 | 50. | MUR 4629 |
| 26. | MUR 4514 | 51. | MUR 4636 |
| 27. | MUR 4515 | 52. | MUR 4637 |
| 28. | MUR 4521 | 53. | MUR 4639 |
| 29. | MUR 4525 | 54. | MUR 4641 |
| 30. | MUR 4527 | 55. | MUR 4644 |
| 31. | MUR 4536 | 56. | MUR 4651 |
| 32. | MUR 4540 | 57. | MUR 4653 |
| 33. | MUR 4542 | 58. | MUR 4656 |
| 34. | MUR 4552 | 59. | MUR 4657 |
| 35. | MUR 4554 | | |

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

Attest:

12-4-97
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Johnson
653 Connecticut Avenue
San Francisco, CA 94107

RE: MUR 4454

Dear Mr. Johnson:

On September 9, 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 December 15, 1997. 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)(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "F. Andrew Turley".

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

28043854333



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

James Orlando Ogle, III, Treasurer
The Green Party
P.O. Box DJ
Pacific Grove, CA 93950

RE: MUR 4454

Dear Mr. Ogle:

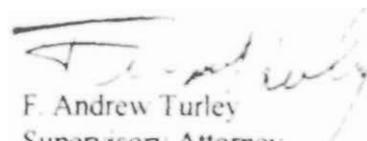
On September 16, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against The Green Party and you, 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 December 15, 1997.

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) 219-3400.

Sincerely,


F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

David Halperin, Esquire
2027 Massachusetts Avenue, N.W.
Washington, D.C. 20036

RE: MUR 4454
Ralph Nader

Dear Mr. Halperin:

On September 16, 1996, the Federal Election Commission notified your client, Ralph Nader, 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 your client. 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 December 15, 1997.

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) 219-3400.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

28043854335



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Bruce Hinkforth, Treasurer
Green Party USA
P.O. Box 100
Blodgett Hills, NY 13738

RE: MUR 4454

Dear Mr. Hinkforth:

On October 8, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no action against Green Party USA and you, 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 December 15, 1997.

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) 219-3400.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Tarley".

F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4454
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20541

Date: 4/6/98

Microfilm

Press

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED MUR 4454

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Michael S. Johnson
653 Connecticut Ave. #1
San Francisco, CA 94107
(415) 643-3067

MAR 15 3 04 PM '98

March 6, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CLOSED

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, DC 20463

Re MUR 4454

Dear Mr. Turley

On February 27, 1998, I received notification from you that the Federal Election Commission decided on December 15, 1997, to close its file in the above-referenced matter. While your letter is dated December 15, 1997, I did not receive it until more than two months later because it was inadvertently sent to my old office address, 3303 Pico Blvd., Los Angeles, CA 90404. As I notified the Commission on October 3, 1996, my current address is 653 Connecticut St., San Francisco, CA 94107. (See attached letter.)

While your letter notifying me of the Commission's action contains my current address in the address block, the letter was mailed to my old address. On occasion, the current occupants of my former office in Los Angeles send me a packet of mail received in my name at that office. It was on February 27, 1998, that I received a packet containing your letter. It is my understanding that I have 60 days from the date of notification of the Commission's dismissal of this action to file a petition seeking judicial review (*Common Cause v. FEC*, 630 Supp 508 (1985)). Accordingly, I have until 60 days from February 27, 1998 to file such a petition. If my understanding is incorrect, please notify me immediately.

I would also like clarification of exactly what action the Commission has taken. Has the Commission simply decided to exercise its right to take no action with respect to my complaint, or has it officially dismissed it?

Additionally, I would like to request a copy of the public record in this matter. If not included in the public record, please also let me know what the Commission's vote was regarding the action taken by the Commission.

98043604394

F. Andrew Turley
Page 2 of 2

I look forward to your response. If you would like to contact me by phone, I can be reached at 415-643-3067.

Thank you for your assistance

Sincerely,



Michael Johnson

98043064395

Michael S. Johnson
653 Connecticut Ave. #1
San Francisco, CA 94107
(415) 643-3067

October 3, 1996

Office of General Counsel
Federal Elections Commission
999 E Street, N W
Washington, DC 20463

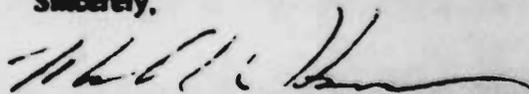
Re MUR 4454

To whom it may concern

On September 9, 1996 you received a complaint from me alleging violation of campaign disclosure laws by Ralph Nader, referenced above. Since filing the complaint I have moved. When the Commission takes final action on the complaint please notify me at my new address 653 Connecticut Ave, San Francisco, CA 94107.

Thank you

Sincerely,



Michael Johnson

98043864396