



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4462

DATE FILMED 6-9-97 CAMERA NO. 4

CAMERAMAN JMU

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National Republican Congressional Committee

Bill Paxton, M.C.  
Chairman

Maria Cino  
Executive Director

ORIGINAL

September 11, 1996

BEFORE THE FEDERAL ELECTION COMMISSION

Ellen O. Tauscher )  
)  
)

MUR # 4462

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
SEP 13 2 04 PM '96

COMPLAINT

The National Republican Congressional Committee ("N.R.C.C."), by and through its Executive Director, Maria Cino, brings this complaint pursuant to 2 U.S.C. § 437g(a)(1) (1994). The N.R.C.C. is located at 320 First Street, S.E., Washington, D.C. 20003.

I. SUMMARY

Federal law restricts individuals to \$25,000 per year in contributions intended to influence federal elections, irrespective of their personal wealth. *See* 2 U.S.C. § 441a(a)(3) (1992). Ellen O. Tauscher contributed \$33,300 to federal candidates, federal PACs and political party committees in 1992, in direct violation of this law.

II. FACTS & DISCUSSION

Federal law restricts the amount of money that individuals may legally contribute to influence federal elections to \$25,000 per year. Limitations such as this one were passed by Congress for the purpose of preventing actual or apparent corruption within the political process by extremely wealthy individuals. According to FEC records, Ellen O. Tauscher -- who is presently running for Congress herself -- contributed \$33,300 to federal candidates, parties, and PACs to influence the 1992 elections. *See Chart EOT-1.*

Specifically, federal law declares:

No individual shall make contributions aggregating more than \$25,000 in any calendar year. For purposes of this paragraph, any contribution made to any candidate in a year other than the year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.

2 U.S.C. 441a(a)(3)(1996).

320 First Street, S.E.  
Washington, D.C. 20003  
(202) 479-7020

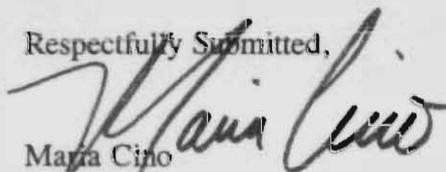
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Ellen O. Tauscher's excessive 1992 contributions violated the letter and spirit of this law. Based upon the accounts into which each of the political party-recipients deposited Ms. Tauscher's largesse, it is clear that none of Ms. Tauscher's 1992 contributions counted as "soft" money.

**III. PRAYER FOR RELIEF**

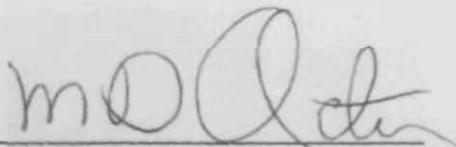
The FEC should investigate the excessive campaign contributions made by Ms. Tauscher to influence the 1992 elections, and should examine whether her current campaign committee also ignores important federal statutes. The Commission should take all appropriate actions to ensure that Ms. Tauscher familiarizes herself with federal election laws and lives by them.

Respectfully Submitted,

  
Maria Cino  
NRCC Executive Director

District of Columbia

Signed and sworn to before me this 11 th day of SEPT, 1996.



NOTARY PUBLIC

My commission expires: \_\_\_\_\_

M. D. Acton  
Notary Public, District of Columbia  
My Commission Expires July 14, 1996

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**CHART EOT-1**

According to FEC records (printed copies of which are attached to this complaint) Ellen Tauscher made the following contributions of "hard" dollars to influence the 1992 federal elections:

<u>DATE</u>	<u>RECIPIENT</u>	<u>AMOUNT</u>
5/24/91	Feinstein for Senate Committee	\$500
7/31/91	Feinstein for Senate Committee	\$500
7/31/91	Feinstein for Senate Committee	\$500
9/27/91	Feinstein for Senate Committee	\$500
1/17/92	DNC Services Corp.	\$200
3/2/92	EMILY'S List	\$1,000
3/16/92	Ferraro for US Senate	\$1,000
3/27/92	Clinton for President Committee	\$900
3/27/92	Clinton for President Committee	\$100
3/31/92	Clinton for President Committee	\$100
4/21/92	Anna Eshoo for Congress	\$250
4/22/92	Lynn Yeakel for Senate	\$250
4/28/92	Leticia Quezada for Congress	\$250
6/4/92	DSCC	\$5,000
6/19/92	Taborak for Congress	\$250
6/22/92	Faces of Change / US Senate	\$5,000
6/22/92	Mikulski for Senate	\$970
7/1/92	Lynn Yeakel for Senate	\$970
7/20/92	DSCC	\$1,500
7/23/92	DNC Services Corp.	\$10,000
7/27/92	Josie Heath for U.S. Senate, Inc.	\$970
8/3/92	Josie Heath for U.S. Senate, Inc.	\$1,000
8/14/92	Carol Mosely Braun for US Senate	\$970
8/18/92	Barbara Boxer for US Senate	\$970
9/21/92	DSCC	\$5,000
10/16/92	Anna Eshoo for Congress	\$500
10/26/92	EMILY's List	\$850
12/29/92	EMILY's List	\$1,100
<b>TOTAL CONTRIBUTIONS for 1992</b>		<b>\$33,300</b>

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

September 17, 1996

Maria Cino, Executive Director  
National Republican Congressional Committee  
320 First Street, SE  
Washington, DC 20003

RE: MUR 4462

Dear Ms. Cino:

This letter acknowledges receipt on September 13, 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 4462. 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,

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Enclosure  
Procedures

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

September 17, 1996

Ellen O. Tauscher  
5611 Highland Road  
Pleasanton, CA 94588

RE: MUR 4462

Dear Ms. Tauscher:

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 4462. Please refer to this number in all future correspondence.

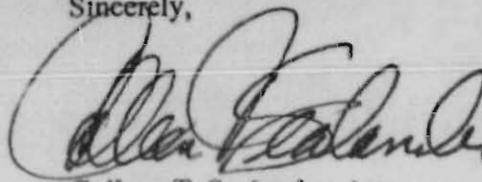
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under 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

97043820369

Law Offices of

OLSON

HAGEL

FONG

LEIDIGH

WATERS &

FISHBURN

L.L.P.



October 9, 1996

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Federal Election Commission  
Office of General Counsel  
Central Enforcement Docket  
Washington, D. C. 20463

Attention: Alva Smith

Re: MUR 4462, Ellen Tauscher

Dear Ms. Smith:

Please be advised that this office will be representing Ellen Tauscher in connection with the above-referenced Matter Under Review. I have enclosed a completed Designation of Counsel Statement for your records. Please direct further communications on this MUR to my attention.

We are in receipt of your letter dated September 17, 1996. We are reviewing the allegations in the complaint and will be responding within the next several days. Thank you for your attention in this matter.

Very truly yours,

OLSON, HAGEL, FONG, LEIDIGH,  
WATERS & FISHBURN, L.L.P.

LANCE H. OLSON

LHO:lk

cc: Ellen Tauscher

96016-2/FEC.LTR

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LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH  
GEORGE WATERS  
DIANE M. FISHBURN  
ELIZABETH L. GADE  
MARY-BETH MOYLAN

Of Counsel  
N. EUGENE HILL

Plaza Towers  
555 Capitol Mall, Suite 1425  
Sacramento, CA 95814

Telephone [916] 442-2952  
Facsimile [916] 442-1280

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4462

NAME OF COUNSEL: Lance Olson

FIRM: ~~Olson, Hegel, Feng, Leidigh, Waters & Fishburn~~ Olson, Hegel, Feng, Leidigh, Waters & Fishburn

ADDRESS: Plaza Towers

555 Capitol Mall, Suite 1425  
Sacramento, CA 95814

TELEPHONE: (916) 442-2952

FAX: (916) 442-1280

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.

9/30/96  
Date

X E. Tauscher  
Signature

RESPONDENT'S NAME: Ellen O. Tauscher

ADDRESS: 5611 Highland Rd.  
Pleasanton, CA 94588

TELEPHONE: HOME (510) 248-9212

BUSINESS (510) 248-8005

97043820371

BEFORE THE FEDERAL ELECTION COMMISSION

MAY 6 2 45 PM '97

In the Matter of

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ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

**SENSITIVE**

I. INTRODUCTION.

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

II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing 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 28 cases which do

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not warrant further action relative to other pending matters.<sup>1</sup> Attachment 1 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.

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<sup>1</sup> These cases are: MUR 4419 (*Weinzapfel for Congress*); MUR 4423 (*Davis for Congress*); MUR 4424 (*Nevadans for "Spike" Wilson*); MUR 4429 (*Delahunt for Congress*); MUR 4430 (*Jean Leising for Congress*); MUR 4431 (*Engel for Congress*); MUR 4433 (*Delahunt for Congress*); MUR 4437 (*DiNicola for Congress Committee*); MUR 4440 (*Sue Kelly for Congress*); MUR 4450 (*National Treasury Employees*); MUR 4452 (*Mid-Suffolk N.O.W.*); MUR 4455 (*City of Milwaukee*); MUR 4456 (*Jackson Mint Ltd.*); MUR 4457 (*U.S. Department of Health and Human Services*); MUR 4458 (*KMA-AM Radio*); MUR 4461 (*Americans For Freedom Of Choice PAC*); MUR 4462 (*Ellen O. Tauscher*); MUR 4464 (*Norwood for Congress*); MUR 4465 (*Lincoln for Congress*); MUR 4469 (*Moseley-Braun for Senate*); MUR 4475 (*Manpower Temporary Services, Inc.*); MUR 4479 (*Owens for Congress Committee*); MUR 4482 (*Mike McCormack for Congress*); MUR 4487 (*Citizens for A Strong America*); MUR 4488 (*Ortiz for Congress*); MUR 4489 (*Gill for Congress*); MUR Pre-MUR 338 (*Richard Chrysler Inc.*); and Pre-MUR 339 (*Mammel & Associates, Inc.*).

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective May 19, 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.

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III. RECOMMENDATIONS.

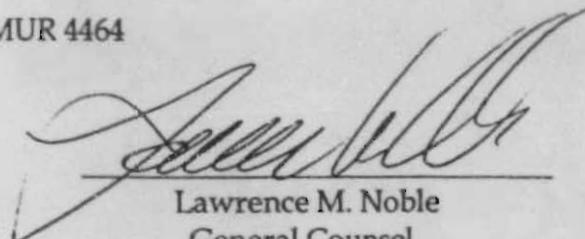
A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

1. Pre-MUR 338
2. Pre-MUR 339

B. Take no action, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- |             |              |              |
|-------------|--------------|--------------|
| 1. MUR 4419 | 10. MUR 4450 | 19. MUR 4465 |
| 2. MUR 4423 | 11. MUR 4452 | 20. MUR 4469 |
| 3. MUR 4424 | 12. MUR 4455 | 21. MUR 4475 |
| 4. MUR 4429 | 13. MUR 4456 | 22. MUR 4479 |
| 5. MUR 4430 | 14. MUR 4457 | 23. MUR 4482 |
| 6. MUR 4431 | 15. MUR 4458 | 24. MUR 4487 |
| 7. MUR 4433 | 16. MUR 4461 | 25. MUR 4488 |
| 8. MUR 4437 | 17. MUR 4462 | 26. MUR 4489 |
| 9. MUR 4440 | 18. MUR 4464 |              |

5/6/97  
Date

  
\_\_\_\_\_  
Lawrence M. Noble  
General Counsel

97043820375

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Enforcement Priority. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that the Commission decided by a vote of 5-0 on May 12, 1997, to take the following actions with respect to the General Counsel's May 6, 1997 report on enforcement priority:

A. Decline to open a MUR, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- 1. Pre-MUR 338
- 2. Pre-MUR 339

B. Take no action, close the file effective May 19, 1997, and approve the appropriate letters in the following matters:

- |             |              |              |
|-------------|--------------|--------------|
| 1. MUR 4419 | 10. MUR 4450 | 19. MUR 4465 |
| 2. MUR 4423 | 11. MUR 4452 | 20. MUR 4469 |
| 3. MUR 4424 | 12. MUR 4455 | 21. MUR 4475 |
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| 5. MUR 4430 | 14. MUR 4457 | 23. MUR 4482 |
| 6. MUR 4431 | 15. MUR 4458 | 24. MUR 4487 |
| 7. MUR 4433 | 16. MUR 4461 | 25. MUR 4488 |
| 8. MUR 4437 | 17. MUR 4462 | 26. MUR 4489 |
| 9. MUR 4440 | 18. MUR 4464 |              |

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

Attest:

5-13-97  
Date

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

Received in the Secretariat:	Tues.,	May 06, 1997	2:45 p.m.
Circulated to the Commission:	Wed.,	May 07, 1997	11:00 a.m.
Deadline for vote:	Mon.,	May 12, 1997	4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ted Manuss, Executive Director  
National Republican Congressional Committee  
320 First Street, SE  
Washington, DC 20003

RE: MUR 4462

Dear Mr. Manuss:

On September 13, 1996, the Federal Election Commission received the complaint filed by Maria Cino alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 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. § 437g(a)(8).

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

97043820377

MUR 4462

ELLEN O. TAUSCHER

Maria Cino, Executive Director of the National Republican Congressional Committee, alleges that Ellen O. Tauscher contributed \$33,300 to federal candidates, federal PACs and political party committees in 1992. Ms. Cino alleges that this is in violation of the \$25,000 per year limitation, citing 2 U.S.C. § 437g(a)(1).

Ms. Tauscher's attorney, Lance H. Olson, submitted a signed designation of counsel form and a statement that a response on her behalf would be forthcoming in several days. However, no response was received.

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 19, 1997

Lance Olson, Esq.  
Olson, Hagel, Fong, Leidigh, Waters & Fishburn, L.L.P.  
Plaza Towers  
555 Capitol Mall, Suite 1425  
Sacramento, CA 95814

RE: MUR 4462  
Ellen O. Tauscher

Dear Mr. Olson:

On September 17, 1996, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your client. See attached narrative. Accordingly, the Commission closed its file in this matter on May 19, 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, 1 (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

Attachment  
Narrative

97043820379

MUR 4462  
ELLEN O. TAUSCHER

Maria Cino, Executive Director of the National Republican Congressional Committee, alleges that Ellen O. Tauscher contributed \$33,300 to federal candidates, federal PACs and political party committees in 1992. Ms. Cino alleges that this is in violation of the \$25,000 per year limitation, citing 2 U.S.C. § 437g(a)(1).

Ms. Tauscher's attorney, Lance H. Olson, submitted a signed designation of counsel form and a statement that a response on her behalf would be forthcoming in several days. However, no response was received.

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4462

DATE FILMED 6-9-87 CAMERA NO. 4

CAMERAMAN JMU

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