FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 4485

DATE FILMED 1-12-98 CAMERA NO. 2

CAMERAMAN S.E.G

9804285270

FEDERAL ELECTION COMMISSION

Herb Rosenberg
176 Weeks Road
North Babylon, NY 11703
Complainant,

vs.

H. Ross Perot
12377 Merrit Dr.,
Dallas, Texas 75251
and
7616 LBJ Freeway
Suite 727
Dallas, Texas 75251

and

PEROT '96, INC.
7616 LBJ Freeway
Suite 727
Dallas, Texas 75251

and

PEROT REFORM COMMITTEE
7616 LBJ Freeway
Suite 727
Dallas, Texas 75251

and

Perot '92 and Perot Petition
Committee and affiliated
Committees.

Respondents.

COMPLAINT

MUR 4485

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 30 12 47 PM '96

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INTRODUCTION

1. Herb Rosenberg is an independent citizen, not on the payroll of any political party or political committee. He is acting as an altruistic, public spirited citizen seeking to protect the public interest, without any personal gain but on behalf of all Americans. In 1992, he was a volunteer coordinator in the Ross Perot Presidential Campaign.

2. Herb Rosenberg files this complaint against H. Ross Perot and Perot '92, Perot Petition Committee and affiliated Committees (hereafter referred to as Perot '92) for making what are apparently false filings with the Federal Election Commission (FEC) in 1992.

3. Herb Rosenberg files this complaint against H. Ross Perot and the organization Perot '96, Inc. and the Perot Reform Committee (hereafter referred to as Perot '96) for receiving and accepting what are apparently unlawful campaign contributions and for making what are apparently false statements to the public.

COMPLAINT

4. In 1992 H. Ross Perot and Perot '92 filed documents with the Federal Election Commission (FEC) stating that campaign contributions were made and returned to certain individuals. I was listed as one of those individuals.

5. I never made a monetary campaign contribution to H. Ross Perot or Perot '92, nor have I ever received a returned campaign donation.

A. As a volunteer regional coordinator for Mr. Perot's Presidential campaign, I (and other regional coordinators) was required to turn in all donations collected, to Mr. Perot's representative in New York State. These donations that I sent in were merely transfers on my part and not donations from me. This was very clear to Mr. Perot's representative since most were checks and money orders from other people. If these donations were reported as returned to me, they were not. These donations were then placed in an account to pay the expenses of the campaign for each region.

This in itself is an inaccurate report to the FEC, but it presents a different and more insidious violation.

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B. If these monies were placed in an account to be used to pay campaign expenses, and they were reported as having been returned, they had the benefit of using the money without reporting it.

C. I spoke with a number of persons who were reported by Mr. Perot and Perot '92 as having made donations and having the money returned. These persons say they neither made donations nor received any money back. I noticed on the filings made to the FEC, that a large number of 1992 NY State regional coordinators in Mr. Perot's Presidential campaign were listed as having made contributions to the campaign and having the money returned.

D. The 1992 reports to the FEC by Mr. Perot and Perot '92 do not properly identify contributors as required by FEC regulations and are incomplete.

E. Please contact those people in NY State that Mr. Perot and Perot '92 claim to have returned money to in 1992, and investigate whether such took place and whether there was a fraud perpetrated on the FEC. This also may have occurred in other states. In any event, there is a *prima facie* case that massive fraud may have taken place in NY State.

6. Mr. Perot, and his Perot '96 are recipients, knowingly and willingly of what I believe are illegal and excessive campaign donations by the cable channels "C-Span and C-Span2".

A. Mr. Perot and Perot '96 have run a number of campaign ads (what Mr. Perot refers to as "Informercials") on television promoting Mr. Perot's Presidential Candidacy and the Vice Presidential Candidacy of his running mate Pat Choate.

B. These ads run approximately 29 minutes each. According to Russell Verney, Mr. Perot's campaign employee and as stated in court documents "A representative of Perot'96", these ads cost approximately $400,000 each time they are aired.

C. At least 2 of these ads have been run at least 2 times, in their entirety on the cable channels C-Span and C-Span2. I have personally observed this. This amounts to campaign contributions of approximately $1,600,000 by this organization to Mr. Perot, Mr. Choate and their PCC's. This campaign contribution is obviously far in excess of what is allowed by law.

D. Mr. Perot, Mr. Choate and Perot '96 by not directing C-Span/C-Span2 to stop airing these ads, have accepted these apparently illegal campaign contributions.

E. It should be emphasized that these were not 15 second, 30 second or 1 minute ads. These were ads running their full length of approximately 29 minutes.

F. C-Span C-Span2 airs speeches made in public and press conferences held in public by other candidates as well as Mr. Perot and Mr. Choate. Since these are done in public with interaction with the public and or the news media, these are news stories and are

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permissible. Mr. Perot has been the recipient of a large amount of air time on C-Span/C-Span2 including but not limited to speeches made in High Schools, Colleges, Press Clubs, Chambers of Commerce, rallies etc.

G. Mr. Perot's ads (Informercials) are not news stories, they are ***POLITICAL ADVERTISEMENTS*** subject to campaign contribution laws.

7. Mr. Perot accepted over $29 million in public monies to run his 1996 Presidential Campaign. Mr. Perot has knowingly made numerous false statements on television to influence public opinion about his 1996 presidential candidacy and why he should be in the 1996 Presidential debates.

A. Mr. Perot has repeatedly said he was on all 50 state ballots when in actuality up until 2:18 p.m. on Friday September 20, 1996 he was not on the NY State ballot. He was making this statement, which I personally heard, for weeks before being on the NY State ballot.

B. Mr. Perot has run television ads (Informercials) which I have observed, stating that 76 percent of the public wants him to be in the presidential debates. He made this statement on live television and ran his ads even after the CNN/TIME/USA TODAY/GALLUP POLL of September 17, 1996 showed that only 52% of persons interviewed wanted him to be in the presidential debates. (See exhibit A). These are only a few of the falsehoods he is putting out over the airwaves.

C. By using the money he received from the *Presidential Election Campaign Fund* to misinform the public, Mr. Perot and Perot '96 are violating the letter, spirit and intent of FEC regulations, and are at least unethical.

CONCLUSION

The Federal Election Commission has been presented with the afore stated facts, enough information to make a *prima facie* case that Mr. Perot and Perot '92 and Perot '96 have and are knowingly and with intent, have and are continuing to engage in activities in violation of FEC Regulations. That wherever and whenever possible, Mr. Perot and his paid henchmen, take unfair advantage of the courts, of the law, of regulations, of the good will of Americans and of Democracy itself. That Mr. Perot wherever and whenever finds it to his advantage, he without hesitation, exploits that part of our system that requires trust, and exploits the goodwill of his fellow citizens

I am aware that other complaints have been filed with the FEC against Mr. Perot and his PCC's , and that some have not been investigated or have not as yet been acted upon by the FEC. What the FEC must come to understand is that these violations do not occur in a vacuum and are not isolated incidents. These acts stem from one source, H. Ross Perot. These acts in the

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aggregate are not a minor infraction, and they must be treated as a cumulative violation, and not as separate unrelated acts. The public interest demands that it be protected from these violations. The U.S. Congress, recognizing that certain criminal acts are part of an organized crime scheme passed a regulation to deal with just such events. The FEC must realize that certain violations of FEC Regulations are also part of a scheme and should be treated as such. Mr. Perot does not fear the law. If caught violating the law, he merely pays a fine of what to a man of his vast wealth, is chump change, a pittance. But he also counts on not getting caught, or not being penalized because his actions are viewed as separate or minor incidents. They are never viewed as an overall scheme and so the totality of what is occurring is never recognized.

I request that the Federal Election Commission take action to protect the overwhelming public interest, to protect and insure the election process and to defend the voter from fraud and deception.

Respectfully submitted,

Herb Rosenberg

Herb Rosenberg

Dated: September 27, 1996

X Herb Rosenberg

Herb Rosenberg

STATE OF N.Y., COUNTY OF SUFFOLK

BEFORE ME, the undersigned authority, on this 27th day of September, 1996, personally appeared Herb Rosenberg to me well known to be the person described in and who Signed and Swore to before me the Foregoing, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein expressed.

WITNESS my hand and official seal the date aforesaid.

NOTARY PUBLIC
My Commission Expires:

MARY E. NASTA
Notary Public, State of New York
No. 5060239
Qualified in Suffolk County
Term Expires May 20, 98

Mary E Nasta

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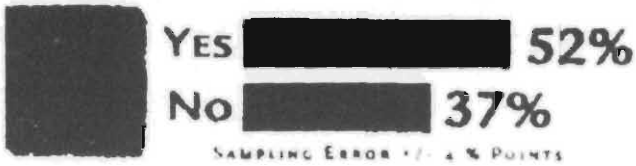
EXHIBIT A.

All Politics CNN TIME | USA TODAY Gallup Poll

CNN USA TODAY [illegible]

Should Perot be allowed to participate in debates?



Interviews with 624 adult Americans conducted September 17, 1996

As you may know, the Commission on Presidential Debates announced today that Ross Perot should not participate in the presidential debates scheduled for this fall. **Do you personally think the commission should have allowed Ross Perot to participate in the debates or not?**

Yes	52%
No	37%

Sampling error +/-4 percentage points

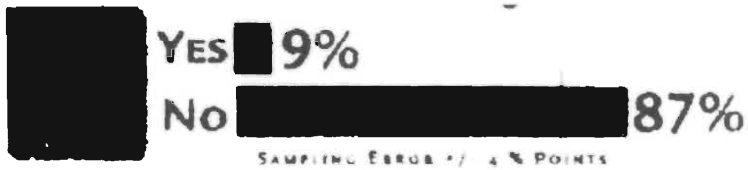
Do you think the commission should have allowed candidates for **other third parties** -- such as the Libertarian Party, the Green Party, the U.S. Taxpayers' Party and the Natural Law Party -- to participate in the debates or not?

Yes	45%
No	44%

Sampling error +/-4 percentage points

CNN USA TODAY [illegible]

Perot: realistic chance of winning?



Do you think Ross **Perot has a realistic chance of winning** the election or not?

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* Stock Quotes
* Graphs
* IPO Data
* and more ...

www.ohiobiz.com
Ohio
The Key to the White House

CORRECTIONS HERE

98043852746

FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 7, 1996

Herb Rosenberg
176 Weeks Road
North Babylon, NY 11703

RE: MUR 4485

Dear Mr. Rosenberg:

This letter acknowledges receipt on September 30, 1996, of the complaint you filed 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 4485. 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

October 7, 1996

J. Michael Poss, Treasurer
Perot '96 Inc.
7616 LBJ Freeway
Suite 727
Dallas, TX 75251

RE: MUR 4485

Dear Mr. Poss:

The Federal Election Commission received a complaint which indicates that Perot '96 Inc. ("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 4485. Please refer to this number in all future correspondence.

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

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

9604385278

If you have any questions, please contact Erik Morrison 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

FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 7, 1996

Mike Poss, Treasurer
Perot Reform Committee
7616 LBJ Freeway
Suite 727
Dallas, TX 75251

RE: MUR 4485

Dear Mr. Poss:

The Federal Election Commission received a complaint which indicates that the Perot Reform Committee ("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 4485. Please refer to this number in all future correspondence.

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

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If you have any questions, please contact Erik Morrison 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

October 7, 1996

Mike Poss, Treasurer
Perot '92
12377 Merit Drive
Suite 1700
Dallas, TX 75251

RE: MUR 4485

Dear Mr. Poss:

The Federal Election Commission received a complaint which indicates that Perot '92 ("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 4485. Please refer to this number in all future correspondence.

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

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If you have any questions, please contact Erik Morrison 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

October 7, 1996

James Kirk Cooper, Treasurer
Perot Petition Committee
26 Navarre
Irvine, CA 92715

RE: MUR 4485

Dear Mr. Cooper:

The Federal Election Commission received a complaint which indicates that the Perot Petition Committee("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 4485. Please refer to this number in all future correspondence.

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

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If you have any questions, please contact Erik Morrison 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

October 7, 1996

President
C-SPAN/C-SPAN 2
400 N. Capitol Street, NW
Suite 650
Washington, DC 20001

RE: MUR 4485

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that C-SPAN/C-SPAN 2 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 4485. 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 C-SPAN/C-SPAN 2 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 Erik Morrison 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

09047852757

FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 7, 1996

H. Ross Perot
1700 Lakeside Square
Dallas, TX 75251

RE: MUR 4485

Dear Mr. Perot:

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 4485. 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.

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If you have any questions, please contact Erik Morrison 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

HUGHES & LUCE, LLP

1717 Main Street
Suite 2800
Dallas, Texas 75201
214 939 5500
214 939 6100 fax

Attorneys and Counsel

October 11, 996

Other Offic

Houston

214/939-5579

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 15 3 27 PM '96

VIA FAX

Colleen T. Sealander, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attn: Erik Morrison

Re: MUR 4485

Dear Ms. Sealander:

Attached are designations of counsel executed by various respondents in connection with the above referenced matter. This letter requests an extension of time of thirty (30) days to respond to your inquiry dated October 7, 1996, which was received October 9, 1996 by the referenced respondents. Because counsel was only recently appointed to this matter additional time is required to review the matter and surrounding facts. Based on the date of receipt, the original response date would be October 24, 1996. If the requested extension is granted, the response will be due November 23, 1996.

Thank you for your consideration. If you have any questions, you may reach me at the above referenced number.

Sincerely,

R. Clayton Mulford

RCM:rm
Enclosure

10440.0001.0203065.01

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4485

NAME OF COUNSEL: R. Clayton Mulford

FIRM: Hughes & Luce, L.L.P.

ADDRESS: 1717 Main Street, Suite 2800

Dallas, Texas 75201

TELEPHONE: (214) 939-5416

FAX: (214) 939-5849

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.

10/11/96

Date

Signature

RESPONDENT'S NAME: Ross Perot

Perot '96, Inc.

ADDRESS: 1700 Lakeside Square

12377 Merit Drive

Dallas, Texas 75251

TELEPHONE: HOME( )

BUSINESS(214) 788-3000

90043852761

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4485

NAME OF COUNSEL: R. Clayton Mulford

FIRM: Hughes & Luce, L.L.P.

ADDRESS: 1717 Main Street, Suite 2800
Dallas, Texas 75201

TELEPHONE: (214) 939-5416

FAX: (214) 939-5849

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.

10/11/96
Date

Signature

RESPONDENT'S NAME: Mike Poss, former Treasurer

ADDRESS: Perot '92, Inc.
1700 Lakeside Square
12377 Merit Drive

TELEPHONE: HOME( )

BUSINESS(214) 788-3030

9904385276 2

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4485

NAME OF COUNSEL: R. Clayton Mulford

FIRM: Hughes & Luce, L.L.P.

ADDRESS: 1717 Main Street, Suite 2800

Dallas, Texas 75201

TELEPHONE: (214) 939-5416

FAX: (214) 939-5849

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.

10/11/96
Date

Signature

RESPONDENT'S NAME: Mike Poss, Treasurer

ADDRESS: Perot '96, Inc.

7616 LBJ Freeway, Suite 727

Dallas, Texas 75251

TELEPHONE: HOME( )

BUSINESS(972) 450-8800

9904385527 03

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4485

NAME OF COUNSEL: R. Clayton Mulford

FIRM: Hughes & Luce, L.L.P.

ADDRESS: 1717 Main Street, Suite 2800

Dallas, Texas 75201

TELEPHONE: (214) 939-5416

FAX: (214) 939-5849

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.

10/11/96
Date

Signature

RESPONDENT'S NAME: Mike Poss, Treasurer

ADDRESS: Perot Reform Committee, Inc.

7616 LBJ Freeway, Suite 727

Dallas, Texas 75251

TELEPHONE: HOME( )

BUSINESS(972) 450-8800

98044385527564

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1996

R. Clayton Mulford, Esq.
Hughes & Luce
1717 Main Street
Suite 2800
Dallas, TX 75201

RE: MUR 4485
Perot '96, Inc., Ross Perot, Perot '92, Inc.,
Mike Poss, Perot Reform Committee, Inc.,

Dear Mr. Mulford:

This is in response to your facsimile dated October 11, 1996 which we received on that same day requesting an extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 23, 1996.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Erik Morrison

Erik Morrison, Paralegal
Central Enforcement Docket

9804385275 5

NATIONAL CABLE SATELLITE CORPORATION

Provider of C-SPAN and C-SPAN 2

Suite 650 400 North Capitol St., N.W. Washington, D.C. 20015 Tel: 202/626-7959 Fax: 202/783-0315

Bruce D. Collins, Esq.
Corporate Vice President and General Counsel

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 18 3 02 PM '96

October 15, 1996

Colleen T. Sealander, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: ***Rosenberg v. H. Ross Perot, et al*; MUR 4485**

Dear Ms. Sealander:

In your letter to "C-SPAN/C-SPAN 2" which I received on October 9, 1996 you noted that the Federal Election Commission had received a complaint which indicated that our organization may have violated the Federal Election Campaign Act.

We fully intend to take the opportunity to explain that no such violation of the law has occurred. However, we request that we be given an additional two weeks (until November 7, 1996) to file that response.

In the meantime, please note that the proper reference to our organization is National Cable Satellite Corporation ("NCSC"), and not C-SPAN or C-SPAN 2. The latter two references are to programming services owned and operated by NCSC, a non-profit educational District of Columbia corporation.

Cordially,

NATIONAL CABLE SATELLITE CORPORATION

By: Bruce D. Collins

Bruce D. Collins, Esq.
Corp. Vice President & General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1996

Bruce D. Collins, Esq.
National Cable Satellite Corporation
Suite 650
400 North Capitol St., N.W.
Washington, D.C. 20015

RE: MUR 4485
National Cable Satellite Corporation

Dear Mr. Collins:

This is in response to your letter dated October 15, 1996 which we received on October 18, 1996 requesting an extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on November 7, 1996.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Erik Morrison

Erik Morrison, Paralegal
Central Enforcement Docket

9804185276 7

NATIONAL CABLE SATELLITE CORPORATION

Provider of C-SPAN and C-SPAN 2

Suite 650 400 North Capitol St., N.W. Washington, D.C. 20015 Tel: 202/626-7959 Fax: 202/783-0315

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

Nov 7 3 55 PM '96

Nov 7 4 17 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

November 7, 1996

Honorable Lee Ann Elliott
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: M.U.R. 4485, Herb Rosenberg v. H. Ross Perot, et al.

Dear Madam Chairman:

I am the Corporate Vice President and General Counsel of the National Cable Satellite Corporation ("NCSC"), a Respondent in the above referenced matter. This letter and the attached exhibits will serve as our formal response to the Federal Election Commission (the "Commission") as requested by the Commission in its letter of October 7, 1996.

Complaint: This matter was initiated by a complaint forwarded to the Commission by an individual who identifies himself as a former volunteer coordinator in New York for the 1992 "Ross Perot Presidential Campaign." The complaint appears to allege a number of violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the principal campaign committees supporting the Presidential candidacy of H. Ross Perot in 1992 and in 1996. The complaint appears to allege, at Paragraphs 4 and 5, that committees associated with the candidacy of Mr. Perot in 1992 filed inaccurate contribution reports with the Commission. The complaint appears to allege, at Paragraph 7, that the 1996 Presidential committee of Mr. Perot ("Perot '96") improperly expended funds which it received from the Presidential Election Campaign Fund of the United States Treasury. NCSC is without knowledge as to the truth or falsity of these allegations and is unable to offer the Commission any information as to these allegations.

In addition, the complaint appears to allege, at Paragraph 6, that NCSC violated the Act by making "illegal corporate contributions" to the Perot '96 committee when NCSC aired some of the Perot committee's political spots on news programs broadcast on two of the programming services owned and operated by NCSC, referred to hereafter as "C-SPAN" and "C-SPAN 2." NCSC has not violated the Act and this response, which is limited to the allegations in Paragraph 6 of the complainant's letter, will demonstrate to the Commission that no further action should be taken against NCSC and that MUR 4485 should be closed as to NCSC.

Facts: NCSC is a non-profit educational corporation registered and doing business in the District of Columbia. NCSC owns and operates a number of programming services which

televise non-partisan public affairs, news, and information programming to the public via cable systems and direct-to-home satellite. Two of the non-commercial video programming services operated by NCSC are known as C-SPAN and C-SPAN 2. Both of these services originate at NCSC facilities in Washington, D.C. and are distributed by satellite to member cable systems and satellite entities who provide these services to their subscribers throughout the country.

NCSC was created in 1979 as a cooperative effort by cable television system operators to provide a non-commercial communications service to the public by which non-partisan public affairs programming, involving the policy deliberations and actions of the federal government, could be distributed throughout the country. Since that time, NCSC programming services have grown from the original video service known as C-SPAN to its companion network, C-SPAN 2, as well as audio broadcast services. Among other activities, C-SPAN and C-SPAN 2 provide live and taped coverage of congressional floor and committee debates; press conferences given by members of congress and interest groups; speaking engagements by notable public figures at venues such as college campuses and the National Press Club; viewer call-in programs which discuss public policy issues with guests from the media, interest groups and the Congress; and public affairs programming featuring congressional and presidential candidates at campaign appearances and in their own political advertising. Our unique "long-form" style of coverage allows us to provide our audience with an in-depth understanding of the development of public policy and the interaction of politics with policy (see Exhibit 1, Affidavit of Steven Scully).

Our in-depth coverage of gubernatorial, congressional and presidential campaigns is provided on C-SPAN and C-SPAN 2 through our "Road to the White House" and "Road to the Capital" series. Early in its history, NCSC sought to become a source of comprehensive video coverage of federal political campaigns. Since then, we have consistently provided in-depth coverage of the quadrennial contest for the White House by covering the primary elections and nominating conventions of the several political parties, as well the general election campaigns of the nominees selected at such party conventions. Our coverage of these candidates in each phase of the campaign is intended to allow our audience an in-depth perspective on politics not offered by the traditional broadcast and cable news organizations.

As the Commission well knows, every four years literally hundreds of citizens announce that they are candidates for election as president and dozens actually make the effort to comply with the Act by filing formal statements of candidacy and organization with the Commission. While very few of these "candidates" have any realistic hope of winning election as president, by filing with the Commission they have taken at least the initial step required by federal law. Thereafter, NCSC must make an informed editorial judgment as to which of those many presidential candidates we will cover. We employ a set of objective criteria in the exercise of that editorial judgment (see Exhibit 1, Affidavit of Steven Scully, at Paragraph 7). Having reached an editorial judgment as to which presidential campaigns we will cover, our staff then determines the extent of our coverage within a series of stated parameters (*id.*, at Paragraph 8).

In the course of our coverage of presidential candidates, we continue a practice established a number of years ago, of airing the political spots and campaign videos created by the party committees and the candidates for their use at the nominating conventions and on commercial television. In airing these campaign spots, we take a consistent approach and clearly identify for our viewers that these videos or spots are "campaign commercials" produced by a particular candidate or party committee (*id.*, at Paragraph 9). Attached is a video tape illustrating the manner in which we graphically identified the source and nature of the Perot committee videos which are the subject of this MUR (see Exhibit 2). We have no reason to believe and have received no comments from our viewers, that there is any confusion as to either the political nature or source of these spots. The sole purpose in airing these campaign spots is to provide our viewers with an insight as to how candidates are presenting themselves to the voters and which policy issues are being addressed in the course of a campaign.

As a general rule, presidential campaign spots are produced in thirty second and sixty second formats. In addition, the Republican and Democratic National Committees produce a longer format biographical video of their nominee for use at their respective conventions. In our coverage of the national party conventions we have aired these biographical videos (see Exhibit 1 at Paragraph 13). A second type of longer format video is produced by some presidential candidates as a means by which they can address the public in lieu of or in addition to personal campaign appearances. This longer format video approach was adopted by candidate Ross Perot in 1992 and is again being used by Mr. Perot in 1996.

In 1992, the Perot campaign produced about twelve long-format videos. We aired either two or three of these Perot videos during that campaign season. In 1996, we have aired two of the Perot campaign's long-format spots. The first of these was aired on September 1, 1996 and it was repeated twice. This video was essentially the announcement by Mr. Perot of his candidacy. The second Perot-supplied long-format video was aired on September 10, 1996 and was repeated twice. This video was the announcement by Mr. Perot of the identity of his vice presidential running-mate. In both cases, viewers were clearly informed during its presentation, as to the source and nature of the campaign video (*id.*, at Paragraph 15).

Campaign videos and spots shown on C-SPAN and C-SPAN 2 are obtained by us as the result of a formal request initiated by one of our producers to a particular campaign. The long-format Perot videos obtained by our staff, which are the subject of this MUR, were acquired under the same conditions and with the same understandings as all other campaign spots are obtained from the campaign committees which produced them (see Exhibit 3, Affidavit of Allison Aubrey). Campaigns, including the Perot campaign, do not approach us to ask that we air their political spots. Rather we approach them and ask for a spot, with the understanding that we will clearly identify it as such and that we will air it when and under what circumstances we alone determine are appropriate. Once a campaign sends us a spot or video, that campaign loses all control over our broadcast use of that spot or video (see Exhibit 1 at Paragraph 16). As the Commission knows, candidate committees place their political spots on commercial broadcast stations and pay a fee which will vary as to the time of day at

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which the spot airs, etc. No candidate committee pays any fee to NCSC for the airing of its political spots and only NCSC determines when and in what context such a candidate commercial will be aired.

It appears that our unique approach to coverage of the quadrennial presidential elections, particularly the use of longer format campaign videos supplied by the candidates, has gained the attention of the television broadcast and cable networks. As the *Washington Post* reported on October 31, 1996, at page A-17, the networks have increasingly turned to extended length videos, prepared by the presidential candidates, to illustrate how the candidates are approaching the closing days of the campaign and which issues are being stressed in the days leading up to the general election. According to this *Post* article, the networks asked the candidates to supply extended length videos, generally 2½ minutes in duration, for use on network news programs. The *Post* reports that,

> "CBS carried four nights of 2½ minute statements on the 'CBS Evening News.' NBC aired five evenings of 90 second statements on 'Dateline.' Fox broadcast 10 nights of one-minute segments during various programs. PBS, CNN, C-SPAN, some Paramount stations and National Public radio offered 12 straight nights of 2½ minute statements."

As the public's demand for fewer ten second candidate "sound bites" begins to resonate with broadcasters, the use of extended length candidate statements and videos will become a more integral part of network news coverage during the presidential election season. NCSC's long-form formats on C-SPAN and C-SPAN 2 led the way by many years in this development and is at least partially responsible for it.

Law: The Act defines with specificity the terms "contribution" and "expenditure" and excepts from the definition of an "expenditure" any "news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate..." (2 U.S.C. 431(9)(B)(i)).

The *Regulations* promulgated by the Commission to implement this exception provide that "any cost incurred in covering or carrying" a news story, commentary, or editorial by any broadcasting station, magazine of other periodical publication is excluded from the definitions of both a "contribution" and an "expenditure" (11 C.F.R. 100.7b(2), 100.8b(2)).

It is clear from the legislative history underlying the so-called "news story" exception to the Act's definition of an "expenditure" that the drafters of this particular provision intended that the Act's limitations on "contributions" and restriction on "expenditures" by individuals, corporations, labor organizations and political committees not interfere with the First Amendment rights of broadcasters to air political news and commentary. House Report 93-1239 (93rd Congress, second session [1974]), which accompanied H.R. 16090, the bill which became Public Law 93-443, the Federal Election Campaign Act Amendments of 1974,

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sets forth, at page 4, the majority view of the Members of the Committee on House Administration that:

> "...it is not the intent of the Congress in the present legislation to limit or burden in any way the first amendment freedoms of the press and of association. Thus, clause (A) assures the unfettered right of the newspapers, TV networks, and other media to cover and comment on political campaigns."

The legislative history of this exception further supports the clear meaning of the provision, i.e., that Congress was concerned that absent the language which became section 431(9)(B)(i), broadcasters who aired news and commentary on federal candidates would be accused, by one side or the other during a campaign and in a formal complaint to the Commission, of making a prohibited corporate "contribution" to or an "expenditure" on behalf of the candidate who appeared in or was referenced in the news story or commentary.

Legal Analysis: The meaning of the "news story" exception to the definition of an "expenditure" and the ability of the Commission to investigate an allegation of a violation of the Act by a press entity were addressed in *Readers Digest Association, Inc., v. Federal Election Commission*, 509 F. Supp 1210 S.D.N.Y. (1981). In *Readers Digest*, the Court held that the Commission must engage in a two step process when addressing a complaint involving the distribution of a news item or commentary by a broadcaster. According to the Court in *Readers Digest*, the Commission must determine whether (a) the press entity is owned by a political party or candidate and (b) the press entity was acting as a press entity at the time that it distributed the broadcast material which is the subject of the complaint.

As to the facts presented herein, neither NCSC nor its video programming services, C-SPAN and C-SPAN 2, are owned by a political party or a candidate. At all times relevant to our televised use of the Perot committee's long-format videos, C-SPAN and C-SPAN 2 were acting as press entities in the distribution of such material.

The distribution by NCSC of the videos provided by the Perot campaign for our use as a news item in the public interest was also completely consistent with the advise provided by the Commission regarding "exempt news stories" in Advisory Opinions 1986-41, 1987-8, 1982-44, and 1978-76. In these opinions, the Commission approved (1) a commercial television station's airing of an hour long program featuring candidates for federal office answering questions prepared by the station news staff (AO 1996-41); (2) a commercial television station's airing, without charge, of a film produced by a Member of Congress demonstrating the facilities he had made available to assist his constituents (AO 1978-76); (3) the corporate sponsorship of a televised series of federal candidate interviews (AO 1987-8); and (4) a commercial television station's donation of free air-time to the national party committees to discuss public policy issues from each party's perspective (AO 1982-44).

Although NCSC's development of the programming services C-SPAN and C-SPAN 2 antedates the adoption of the Act in 1974, it is clear that the long-format political news

coverage created by those services falls squarely within the so-called "news story" exception carved out by Congress to allow the national broadcast networks and their local affiliates to cover congressional and presidential campaigns, using audio and video images of candidates, without running afoul of the Act's restrictions on corporate "contributions" and "expenditures" in a federal election.

Conclusion: For the reasons set forth above, I ask that the Commission find that there is no "reason to believe" that NCSC violated the Act with respect to its airing,as a news story, of the Perot videos and that the Commission dismiss this complaint and close this MUR as it relates to NCSC, C-SPAN and C-SPAN 2.

Should the Commission desire any additional information regarding this matter, please do not hesitate to contact my office directly.

Cordially,

NATIONAL CABLE SATELLITE CORPORATION

Bruce D. Collins

Bruce D. Collins, Esq.
Corp. Vice President & General Counsel

Enclosures:
Exhibit 1, Affidavit of Steven Scully
Exhibit 2, Video Tape
Exhibit 3, Affidavit of Allison Aubrey

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EXHIBIT 1

Before the
FEDERAL ELECTION COMMISSION

Herb Rosenberg

Complainant,

-against-

H. Ross Perot, *et al*

Respondents.

MUR 4485

AFFIDAVIT OF STEVEN SCULLY

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STEVEN SCULLY, being duly sworn, deposes and says:

1. I hold the position of Political Editor at C-SPAN and have been in that position for the last six years. In that capacity I am primarily responsible for C-SPAN's televised coverage of national, state and local political events, issues and personalities. Those responsibilities include (i) the identification of such events, issues and personalities appropriate for C-SPAN's unique long-form style of coverage, (ii) the management of the logistics of producing such coverage in the Washington, D.C. area and around the country, and (iii) the initial editorial judgment as to the content and scheduling of all C-SPAN political programs.

2. In my capacity as Political Editor I am also the senior producer of C-SPAN's "Road to the White House" and "Road to the Capital" series of programs, and of the network's political convention coverage. The "Road to the White House" series is the general description of all programs produced by the network having to do with the quadrennial presidential campaign. The "Road to the Capital" series is the general description of all programs produced by the network having to do with the many races for governor, the U.S. Senate and the U.S House of

Representatives.

3. I submit this affidavit to provide information to the Commission regarding both the uniqueness of C-SPAN's mission as compared with other news and information outlets, and the method by which C-SPAN executed that mission in the context of the facts giving rose to this matter under review.

4. C-SPAN was created in 1979 to provide televised coverage of the public's business in a form that did not exist then, and does not exist elsewhere today. C-SPAN is the only nationally-available television programming service presenting full-length coverage of public events without commercial interruptions, editorial comment, or analysis of any kind. The stated purpose of C-SPAN's mission is to allow its audience to view events on a live or taped basis as if the audience were present at those events, thereby allowing them to make judgments about those events without the filter of a reporter or of any other form of editorial comment. To that end, C-SPAN routinely provides so-called "gavel to gavel" coverage of all events in its program schedule, including the coverage of the floor proceedings of the U.S. House of Representatives (on C-SPAN) and of the U.S. Senate (on C-SPAN 2). Consequently, C-SPAN does not employ reporters who are expected to deliver traditional news reports of events, which reports would necessarily be brief and contain summaries of events of often several hours duration. Nor does C-SPAN engage in any form of so-called "spot news" coverage such as of breaking stories requiring a C-SPAN reporter on a particular beat to report developing stories.

5. C-SPAN's programming does contain, however, the political commentary and analysis offered up by news professionals of other news organizations (e.g., newspapers, news magazines and other television networks) and of its own audience. C-SPAN routinely produces on a daily

basis several hours of studio-based live programming featuring interviews with journalists, public officials and other newsmakers who also take comments and questions via phone calls from our audience. These viewer calls also contain the political views and commentary of our audience. Throughout these studio-based programs and throughout the rest of the program day, however, C-SPAN itself maintains a strictly passive voice and does not inject a separate editorial view or comment.

6. In its political coverage, C-SPAN attempts to provide its audience a comprehensive view of political events at all levels of government, with an emphasis on events of nationwide interest. To that end, C-SPAN exercises wide editorial discretion as to which issues, events, candidates, and political campaigns should receive airtime and to what extent. Thus, our two "Road to..." series include coverage of primary and general election campaign events of the presidential races, key Senate and House races and gubernatorial races. As Political Editor, I (n collaboration with my colleagues) determine precisely how and to what extent any single race will be treated on the network.

7. Given the always numerous announced candidates for president every cycle, C-SPAN selects among them for coverage. In choosing the candidates to whom we provide coverage we consider at least the following factors, no single one of which is determinative: (i) the extent of the candidate's access to state ballots, (ii) whether the candidate has qualified for federal matching funds, (iii) the level of the candidate's campaign activity, (iv) whether the candidate has established a campaign organization, and (v) any other editorial factor (e.g., standing in polls, news coverage, etc.) suggestive of a serious attempt or ability to win election to the presidency.

8. C-SPAN's coverage of presidential candidates routinely includes at least the following categories of program elements: (i) formal candidate speeches, (ii) press conferences, (iii) party nominating conventions (including minority or "third" party conventions), (iv) candidate debates or candidate forums, (v) retail political activities (e.g. walking door-to-door, coffee klatches, etc.), (vi) party rallies, (vii) historical footage of past presidential campaigns featuring current candidates in past political roles, (viii) 30-second and 1-minute political campaign spots intended by the campaigns for "media buys" on a local, regional or national basis, and (ix) longer-form campaign videos (e.g., half hour infomercial-like programs) produced by campaigns for similar distribution.

9. Since I have been the Political Editor, C-SPAN has regularly aired the 30-second and 1-minute spots of presidential, congressional and gubernatorial candidates, and I understand that the network had done so prior to my tenure. The treatment of such airings is and has been consistent: they are aired in their entirety, they are paired with spots of opposing candidates or parties, and they are not commented upon except to announce the origin of the spots. The spots are always presented on what is called a "squeezed frame." This technique reduces the size of the video image of the spot so that space at the bottom of a viewer's television screen is available for us to insert a textual message identifying the spot as a "campaign commercial" (or similar terminology) produced by either a candidate or a political party. In addition, prior to each spot or series of spots, an announcer alerts the viewer that the upcoming segment consists of video produced by candidates or political parties, as the case may be.

10. In this 1996 campaign cycle C-SPAN, as it has in the past, has regularly and prominently featured such campaign spots in both its "Road to..." series. For example, every

Sunday during the current campaign season we air from 20 to 30 separate such spots of House, Senate and gubernatorial candidates on our "Road to the Capital" series. It is our editorial judgement that this segment is an effective means of informing the public about how candidates across the country have chosen to present themselves and the issues important to them. Also, every Sunday on our "Road to the White House" series we feature several of the spots of the presidential candidates in the same manner and for the same editorial reason.

11. In addition to such stand-alone airings of the political spots, we also incorporate them into our in-studio discussion programs (e.g. "Washington Journal" every morning at 7 am Eastern time) in the same manner as do other such programs on the traditional broadcast networks and some cable networks. In those cases we will air the entirety of a spot, or perhaps a portion of it, depending on the circumstances and the purpose of the program, and invite guests or views to offer reaction and comment to either the spot itself or to the issue it addresses. In my opinion, such use of the spots constitutes an important means of informing the public of the quality and content of current political discourse, and indeed it is the editorial reason we use the spots in such a manner.

12. During my tenure as Political Editor C-SPAN has *never* received a complaint of any kind from a candidate, a political party or from any other person about the fact of or the manner of our presentation of the campaign spots. To the contrary, it is my experience that C-SPAN has received positive reaction in general from such presentations.

13. Regarding the longer form campaign videos of up to about half an hour in duration, C-SPAN has used them less frequently, but only because they are a recent development in presidential campaigns and not as widely used. In my experience there are two types of such

twice. Mr. Perot did not hold any other event to which we could send our cameras in order to provide coverage of his entry into the presidential race. The second video was the means by which Mr. Perot announced to the country that the Reform Party's candidate for vice president would be Pat Choate. It was first aired on C-SPAN on September 10, 1992, and was repeated twice. Again, there was no other Reform Party event at which this important political development took place. In both cases we presented the videos to our audience as we have all other such campaign videos: we announced the source and nature of the programs prior to and throughout the duration of their appearance on the network with an on-screen graphic identifying it as a political program produced by the Perot '96 Committee.

16. As Political Editor it is primarily my responsibility to determine when and how often each element of C-SPAN's political programming will appear on the network. The scheduling of the Perot videos was pretty much pre-determined by the long-established schedule for our regularly scheduled program series "Road to the White House" from 8:00 pm to 10:00 pm Eastern time. The Perot videos were a natural fit for that 2-hour block of programming dedicated to the presidential campaign, and they were scheduled in that block. The scheduling and frequency of the repeat airings of the Perot videos were also pretty much pre-determined by the existing programming schedule. In terms of scheduling, the Perot videos were treated in the same manner as all other political programming were and are treated.

17. Both in 1992 and in 1996 C-SPAN acquired the Ross Perot videos only after making the editorial judgement that they would be necessary to provide adequate coverage of the Perot campaign. In every instance in which we used a Perot video we contacted the campaign in order to obtain it. The Perot campaign organization never offered the videos to C-SPAN, nor did it

longer form videos. The first type tend to be candidate biographies (e.g., "The Man From Hope") and usually produced for use as part of the agenda of a national nominating convention. C-SPAN has aired such videos only in the context of its coverage of the convention itself. C-SPAN has never aired such a campaign biography video on a stand-alone basis. The second type is intended by the candidate (or party) to serve as a primary means of delivering a message to the public, and is meant to be used on a stand-alone basis, usually through the paid media. The most familiar use of such videos has been by Ross Perot in both his 1992 and 1996 campaigns for president.

14. During the 1992 campaign cycle, I recall that C-SPAN aired 2 or 3 of the approximately 12 such long form videos Ross Perot produced that year. In each case, we determined that we would not be able to convey fully or accurately the nature and scope of the Perot candidacy to our audience within the bounds of C-SPAN's unique format unless we used those videos. The Perot candidacy was unique in many ways, and it established new methods of reaching the American people. Our response was in kind. We applied our editorial judgement to the new style of his campaign which was conducted largely through very few public appearances (as compared with the major party candidates) and through his "infomercial" style campaign videos. We selected from among his several such videos those which we thought would serve our purpose of providing a journalistically balanced view of his candidacy. I do not believe that any other presidential candidate we covered that year produced a similar video.

15. So far during the current 1996 presidential campaign cycle we have aired 2 of Ross Perot's campaign videos. The first such video was, in effect, his announcement that he was a candidate for president. It was first aired on C-SPAN on September 1, 1996, and was repeated

ever request that we air them.

18. In my opinion as an experienced journalist, as a political observer, and particularly as C-SPAN's Political Editor, the Perot campaign could not be adequately covered within the bounds of C-SPAN's unique format without the full presentation of the Perot campaign videos. Having done so, I believe our audience received the fair and balanced coverage of the presidential campaign to date they have come to expect from us. Had we not done so, I believe C-SPAN would probably be criticized for having failed its audience and for having departed from its long standing commitment to balanced coverage of the nation's public affairs.

Steven Scully

Sworn to before me this
6th day of November, 1996

Charmaine J. Mattis
Notary Public

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CHARMAINE J. MATTIS
Notary Public, District of Columbia
Commission Expires May 31, 2001

EXHIBIT #3

Before the
FEDERAL ELECTION COMMISSION

Herb Rosenberg

Complainant,

-against-

H. Ross Perot, *et al*

Respondents.

MUR 4485

AFFIDAVIT OF ALLISON AUBREY

ALLISON AUBREY, being duly sworn, deposes and says:

1. I hold the position of Political Producer at C-SPAN and have been in that position since February 1996. My immediate supervisor is Steven Scully, the Political Editor.

2. One of my responsibilities as Political Producer is to contact various political organizations to obtain information that will be helpful to C-SPAN in making editorial decisions with respect to its coverage of the presidential campaign. I have also been responsible for acquiring various videotaped programs from various sources, including political campaigns, so that we could make an editorial judgement as to whether such programs would be appropriate for C-SPAN's political coverage.

3. I was directed to contact the Ross Perot campaign in Dallas, Texas to obtain a cassette of the 25-minute videotaped program in which Mr. Perot announced his candidacy for president of the United States. This was the program Mr. Perot had arranged to be

broadcast nationally on a paid basis on September 1, 1996. Late in the afternoon on Thursday, August 29th I talked by phone to Ms. Sharon Holman, the chief media liaison for the Reform Party, and told her that C-SPAN would use the program as part of our coverage of the presidential campaign. She agreed to send me the videotape, and I received it via overnight delivery. In requesting the videotape I told her it would be used as part of C-SPAN's regularly-scheduled "Road to the White House" series, and that it would appear on the upcoming program on Sunday evening, September 1st.

Allison Aubrey

Allison Aubrey

Sworn to before me this
6th day of November, 1996

Charmaine J. Mattis

Notary Public

CHARMAINE J. MATTIS
Notary Public, District of Columbia
Commission Expires May 31, 2001

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 25 10 44 AM '96

November 22, 1996

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

VIA FACSIMILE and
FEDERAL EXPRESS

Attn: Colleen T. Sealander

Re: MUR 4485

Dear Ms. Sealander:

This response is filed on behalf of Ross Perot; the Perot Reform Committee, Inc. and Perot '96, Inc. (such committees, together, "Perot '96"); as well as with respect to allegations raised by Mr. Herb Rosenberg in MUR 4485 regarding the activities of the Perot Petition Committee, the principal campaign committee of Ross Perot in the 1992 election ("Perot '92"), which Committee changed its name to Perot '92 in October 1992 and is no longer in existence and no longer retains relevant reporting records or materials. (Affidavit of J. Michael Poss included as Attachment 1.)

Mr. Rosenberg was a campaign volunteer on behalf of Ross Perot in the New York area during the 1992 election. (Affidavit of Michael B. Morris included as Attachment 2.) Since 1994 Mr. Rosenberg has continued to devote a substantial amount of time to the activities of Mr. Perot, albeit in a different context. For several years he has been involved in numerous lawsuits, actions and filings against Mr. Perot and Mr. Perot's 1996 campaign. Commission resources should not be utilized to promote Mr. Rosenberg's personal fixation.

In this instance, Mr. Rosenberg's charges involve unsubstantiated accusations of "apparently false filings" with the Federal Election Commission ("FEC") by Perot '92. He posits a scheme involving receipt and refund of unspecified contributions. In substantiation of this claim he states that Perot '92 FEC reports reflect contributions from him which he did not make and refunds of contributions to him he did not receive. He also alleges impermissible contributions to Perot '96 because Perot '96 commercials were among the candidate campaign commercials broadcast by C-SPAN and C-SPAN2 (together, "C-SPAN"). These accusations are addressed in turn.

Perot '92 did not engage in any type of activity of the sort Mr. Rosenberg suggests or alleges, and denies his accusations as utterly false and without merit. (Affidavit of Morris; Affidavit of Poss.)

Perot '92 ceased operations in December 1995 and records at issue are no longer maintained because the three year retention period has expired. (Affidavit of Poss.) Perot '92 FEC reports on Forms 3P involving Mr. Rosenberg and other New York residents have been reviewed, however, and confirmation has been obtained from Chemical Bank, as the authorized depository and bank account at issue, about checks written to and cashed by Mr. Rosenberg.

Mr. Rosenberg's allegations of contributions neither made nor refunded reflect a misunderstanding of FEC reporting requirements. Specifically, these requirements deal with campaign related expenses for office supplies incurred, paid and submitted for reimbursement by a volunteer acting on his own but who has contact with campaign representatives. Perot '92 received informal confirmation from FEC staff as to the correct way to report such volunteer expense reimbursements, which require three reporting components: a receipt of an in-kind contribution (reflecting the "advance" of the payment for the supplies); a balancing in-kind expenditure for the materials purchased; and a subsequent disbursement constituting a refund of contribution when the campaign issues a check to repay the volunteer.

Mr. Rosenberg was issued a total of five checks by Perot '92 as such "refunds of contributions." As a volunteer coordinator in a Long Island, New York campaign office, Mr. Rosenberg submitted to Perot '92 five expense receipts for reimbursement for office supplies. (Affidavit of Morris.) Mr. Rosenberg asserts he had no contributory intent. None was assumed. Because the purchases by him were technically "advances" (in the sense a volunteer involved in the campaign had paid expenses for office supplies used in the campaign) they constituted "contributions, " and were reported as in-kind contributions with matching in-kind expenditure entries for the office supplies purchased. Separate disbursements were noted when Perot '92 issued its check to Mr. Rosenberg in payment of the expense. These disbursements were characterized as "refunds of contributions" for the office supplies.

In addition to the five expense reimbursement checks issued to Mr. Rosenberg as contribution "refunds," in three additional instances Perot '92 issued checks on the authorized campaign account to Mr. Rosenberg to fund a petty cash account at the volunteer headquarters he administered. These were properly reported as disbursements to Mr. Rosenberg for the petty

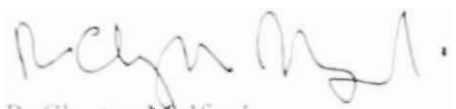
cash account. Proper receipts were required for the petty cash account and Mr. Rosenberg was required to submit these to Perot '92 before the account was replenished. (Affidavit of Morris.)

As was reported by Perot '92 to the FEC in its reports, Mr. Rosenberg was issued a total of eight checks by Perot '92. Representatives of Chemical Bank have confirmed that checks concerning each of the eight disbursements to Mr. Rosenberg reflected on Perot '92 FEC reports (checks numbered 1007, 1033, 1068, 1077, 1124, 1129,1223, and 1251) were drawn on the authorized account of the campaign, are in the amounts and payable to Mr. Rosenberg as reflected on Perot '92 reports, and were cashed. (Affidavit of Morris.) Mr. Rosenberg apparently (and understandably) viewed these payments as expense reimbursements and not as refunds of advances that amounted to "contribution refunds.

Perot '96 did not coordinate in any way with the activities or broadcast decisions of C-SPAN. Based on knowledge and belief, C-SPAN airs information regarding political races, including news conferences, speeches, and advertisements of candidates for political offices. While Perot '96 did, upon request, provide C-SPAN copies of its campaign spots, Perot '96 exerted no influence and indeed was unaware of the decision making process at C-SPAN which resulted in its decision to broadcast the programming that Mr. Rosenberg found not to his liking. (Affidavit of Poss.)

Accordingly, we request that no further action be taken against the above referenced respondents in this matter and MUR 4485 with respect to them be closed.

Sincerely,



R. Clayton Mulford

RCM:rm

Attachments:
Affidavit of J. Michael Poss
Affidavit of Michael Bromley Morris, Jr

Attachment 1

AFFIDAVIT OF

J. MICHAEL POSS

1. My name is J. Michael Poss. I am a resident of Dallas County, Texas.

2. I am the Treasurer of Perot '96, Inc. and the Perot Reform Committee, Inc., the respective principal campaign committees of Ross Perot for the general and primary election in 1996. During 1992 and until December 1995 when Perot '92, formerly the Perot Petition Committee, went out of existence, I served as treasurer of that committee.

3. Records of Perot '92 are maintained as required by and in accordance with FEC rules and regulations until such requirements cease. Perot '92's reporting obligations terminated in December 1995 and the committee ceased operations at or before that time.

4. I have reviewed the complaint filed by Mr. Herb Rosenberg with the Federal Election Commission styled MUR 4485. Perot '92 records with respect to the alleged activities he alludes to are no longer in existence.

5. As Treasurer of Perot '92 I was responsible for oversight of the authorized accounts of that committee and the compliance program with respect to those accounts.

6. The accusations made by Mr. Rosenberg regarding the accounting and refunding of contributions by the Committee are malicious, false and utterly without merit. To the best of my knowledge and belief Perot '92 reported and deposited all contributions, including in-kind contributions, and made disbursements and contribution refunds as required by law, duly reported such activities on the reports filed with the FEC pursuant to a compliance and reporting system established to meet the requirements of the Federal Election Campaign Act and rules and regulations promulgated hereunder, and all such reports were accurate and complete.

7. Perot '96, Inc. has not coordinated in any way with the activities or broadcast decisions of C-SPAN or C-SPAN2. Perot '96, Inc. exerted no influence and was indeed unaware of the decision making processes at C-SPAN regarding its broadcasting decisions.

J. Michael Poss

J. Michael Poss

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SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public, by J. Michael Poss, on November 22, 1996.

BOBBIE VAN PELT
MY COMMISSION EXPIRES
October 5, 2000

Bobbie Van Pelt
Notary Public In and For the State of Texas

BOBBIE VAN PELT
Printed Name of Notary

My Commission Expires:

10/5/00

Attachment 2

AFFIDAVIT OF

MICHAEL BROMLEY MORRIS, JR.

1. My name is Michael Bromley Morris, Jr. I am a resident of Dallas County, Texas.

2. I am a certified public accountant and from 1987 to 1992 was employed by Price Waterhouse. During 1992 I served as a New York State field and compliance representative for the Perot Petition Committee, which later changed its name to Perot '92 and was the principal campaign committee of Ross Perot in the 1992 election (the "Committee").

3. In connection with my activities for the Committee in New York, I became acquainted with Mr. Herb Rosenberg. Mr. Rosenberg was a volunteer coordinator in Long Island.

4. As part of my job as a campaign compliance representative in New York, I oversaw deposit, collection and reporting of contributions, including in-kind contributions, and compliance with the petty cash account. Substantially all individuals involved at all levels were volunteers. Unskilled in the nuances of FEC reporting and financing regulations, these individuals sometimes provided supplies, postage stamps, campaign buttons, etc. These were monitored and reported by me as part of a compliance program. To the best of my knowledge Mr. Rosenberg never made, nor intended to make, a "contribution" to the Committee. Instead, he submitted expense forms with receipts and sought reimbursement for goods he had purchased and believed necessary or useful in running a volunteer office.

5. Based on knowledge and belief, on three occasions checks were issued from the Committee's authorized bank account to Mr. Rosenberg for a petty cash account for which he maintained proper documentation which was received by me before the account was replenished.

6. Based on knowledge and belief, on five occasions the Committee issued checks to Mr. Rosenberg as reimbursement from the Committee in connection with the documented expenditures he sometimes made on behalf of the Committee other than via use of petty cash. In each instance the expenditures were for office supplies. For FEC reporting purposes these were noted on Committee reports as "refunds of contributions" for office supplies related to in-kind contributions (and in-kind expenditures) because Mr. Rosenberg had technically "advanced" the supplies to the Committee. To the best of my knowledge and belief, Mr. Rosenberg did not believe that he received a "refund" of a "contribution" in the normal sense of those words.

7. I have reviewed records of the authorized bank account of the Committee at Chemical Bank in New York and reconciled those eight check payments to Mr. Rosenberg with the payments noted as the five refunds and three petty cash account payments to Mr. Rosenberg on the Committee's FEC reports. Representatives of Chemical Bank informed me on Wednesday, November 13, 1996, that checks issued on the committee's authorized bank account

payable to Mr. Rosenberg, checks numbered 1007, 1033, 1068, 1077, 1124, 1129, 1223 and 1251, had been cashed in each of the eight instances within a few days after they were issued by the Committee.

8. I have reviewed Mr. Rosenberg's complaint. To the best of my knowledge and belief, Mr. Rosenberg's allegations are utterly false and totally lacking in merit, and all contributions including all in-kind contributions, refunds and reimbursements, were properly deposited, recorded, reported and carried out in full compliance with the requirements of the FEC regulations.

Michael Bromley Morris, Jr.

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public, by Michael Bromley Morris, Jr. on November 22, 1996.

RENEE MARIE JORDAN
NOTARY PUBLIC
State of Texas
Comm Exp 04-18-2000

Notary Public In and For the State of Texas

Renee Marie Jordan
Printed Name of Notary

My Commission Expires:
Apr. 18, 2000

9804395270

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	ENFORCEMENT PRIORITY
	)	

SENSITIVE

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 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.

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

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[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*).

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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]

[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 (*UAW*); 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 (*Salvi 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 (*WMAL 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 Oakar'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.

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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

7/97
Date

Lawrence M. Noble
General Counsel

98043852795

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	Agenda Document No. X97-77
Enforcement Priority	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on December 2, 1997, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X97-77:

1. Decided by a vote of 5-0 to

   A. Decline to open a MUR, close the file effective December 15, 1997, and approve the appropriate letters in the following matters:

1.	RAD 96L-11	7.	Pre-MUR 347
		8.	Pre-MUR 348
3.	RAD 97L-10	9.	Pre-MUR 349
4.	RAD 97L-16	10.	Pre-MUR 350
5.	Pre-MUR 312	11.	Pre-MUR 355
6.	Pre-MUR 343		

   B. Take no action, close the file effective December 15, 1997, and approve the appropriate letters in the following matters:

1.	MUR 4283	6.	MUR 4442
2.	MUR 4341	7.	MUR 4444
3.	MUR 4402	8.	MUR 4445
4.	MUR 4435	9.	MUR 4446
5.	MUR 4439	10.	MUR 4447

(continued)

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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.

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Attest:

12-4-97
Date

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Herb Rosenberg
176 Weeks Road
North Babylon, NY 11703

RE: MUR 4485

Dear Mr. Rosenberg:

On September 30, 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,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

98043852728

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

R. Clayton Mulford, Esq.
Hughes & Luce, L.L.P.
1717 Main Street, Suite 2800
Dallas, TX 75201

RE: MUR 4485
H. Ross Perot; Perot '96 Inc.; Mike Poss, treasurer; Perot Reform Committee; Mike Poss, treasurer; Perot '92; and Mike Poss, former treasurer

Dear Mr. Mulford:

On October 7, 1996, the Federal Election Commission notified your clients 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 clients. 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.

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 Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Bruce D. Collins, Esq.
National Cable Satellite Corporation
Suite 650
400 North Capitol St., NW
Washington, DC 20015

RE: MUR 4485
National Cable Satellite Corporation

Dear Mr. Collins:

On October 7, 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 National Cable Satellite Corporation. 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.

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 Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 219-3690.

Sincerely,

F. Andrew Tuley
Supervisory Attorney
Central Enforcement Docket

9804785280

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4485

DATE FILMED 1-12-98 CAMERA NO. 2

CAMERAMAN S.E.G

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