FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4527

DATE FILMED 12-24-97 CAMERA NO. 2

CAMERAMAN JMD

27043851620

The Maine Republican Party

Friday, October 18, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

OCT 21 1 59 PM '96

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:	)	
JOE BRENNAN FOR SENATE COMMITTEE	)	
AND	)	MUR 4527
THE DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE,	)	
Defendants	)	

COMPLAINT

In hiring a private investigator to snoop into the life of Joe Brennan's Republican opponent, the national political party committee handling his campaign has made an unreported and illegal excessive contribution to Brennan's campaign. This violation of the Federal Election Campaign Act ("Act"), 2 U.S.C. § 431 et seq., by the Brennan for Senate Committee and the Democratic Senatorial Campaign Committee ("DSCC") must be investigated promptly by the Federal Election Commission ("FEC"). While the FEC is not empowered to stop this sort of campaign tactic, the FEC can ensure that such expenditures are publicly disclosed so that the voters can at least see the steps the DSCC and the Brennan campaign are willing to use.

Facts: As reported by the October 12-13, 1996 Bangor Daily News, the DSCC, which is funding Brennan's campaign for the United States Senate, retained a "dirt-for-hire consultant with a checkered past" to look into Susan Collins' past. The newspaper reports that the private investigator, Robert W. Norris of NK Associates and Commonwealth Consultants, was hired in mid-September and made at least one trip to dig into Collins' past. The DSCC has admitted to hiring the investigator. As quoted in the article, the DSCC admitted hiring Norris to work exclusively on the Maine Senate race and said Norris will complete his investigation "in a couple of days". The hiring came immediately after public comments by DSCC chairman Sen. Bob Kerry criticizing Brennan for running a lackluster campaign and not being hard enough on Collins, according to the newspaper.

A review of FEC reports filed by both the DSCC and by Brennan fail to show any reporting of this activity conducted on behalf of the Brennan campaign.

27043851621

100 Water Street ◆ Hallowell, Maine 04347
207-622-6247 ◆ 207-623-5322 fax ◆ merepparty@aol.com ◆ http://www.midcoast.com/~mainegop

Law: The Act permits a national party committee to contribute up to $17,500 directly to a candidate for the United States Senate. 2 U.S.C. § 441 a(h). In addition, a party may spend up to 2 cents multiplied by the voting age population of a state, as adjusted for inflation, on behalf of its U.S. Senate nominee. 2 U.S.C. § 441 a(d). For the 1996 election, this amount is $125,000 in Maine.

The Act requires the reporting of these activities. 2 U.S.C. § 434. The principle behind the campaign finance laws is that all activities that benefit a campaign be disclosed so that voters may judge those expenditures.

Discussion: A review of the relevant reports filed by the Brennan campaign and by the DSCC shows that neither committee has reported the money spent on the private investigator. This violates the Act, and suggests a deliberate attempt to cover up any payments for this sordid activity. It further suggests that neither Brennan or the DSCC could afford to have this become public, not only because the public exposure is a clear negative, but also because the DSCC has already spent the legal maximum in coordinated expenditures on Brennan's behalf. That means the payment of the services of the private investigator by the DSCC constituted an excessive and illegal contribution to the Brennan campaign.

Conclusion: The failure to report this excessive and illegal contribution benefiting the Brennan for Senate Committee mandates immediate action by the FEC. The FEC should find the Brennan for Senate Committee guilty of violating the Act and require him to pay back the value of the private investigator's services. Furthermore, the FEC must bar the DSCC from making unreported and excessive contributions and sanction them for this activity.

Respectfully submitted,
Maine Republican Party by:

Rick Tyler
Executive Director

Subscribed and sworn to before me this 18th day of October 1996.

Deanna M. Hallett
Notary Public

My Commission Expires DEANNA M. HALLETT NOTARY PUBLIC, MAINE MY COMMISSION EXP. NOV. 12, 2002

100 Water Street ◆ Hallowell, Maine 04347
207-622-6247 ◆ 207-623-5322 fax ◆ merepparty@aol.com ◆ http://www.midcoast.com/~mainegop

2704385162 2

FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 28, 1996

Rick Tyler, Executive Director
Maine Republican Party
100 Water Street
Hallowell, ME 04347

RE: MUR 4527

Dear Mr. Tyler:

This letter acknowledges receipt on October 21, 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 4527. 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

2704385162 3

FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 28, 1996

William B. Troubh, Treasurer
Brennan for US Senate
PO Box 1565
Scarborough, ME 04074

RE: MUR 4527

Dear Mr. Troubh:

The Federal Election Commission received a complaint which indicates that Brennan for US Senate ("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 4527. 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.

2704385162 4

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

cc: Joseph E. Brennan

2704385162 5

FEDERAL ELECTION COMMISSION
Washington, DC 20463

October 28, 1996

Paul Johnson, Treasurer
Democratic Senatorial Campaign Committee
430 South Capitol Street, SE
Washington, DC 20003

RE: MUR 4527

Dear Mr. Johnson:

The Federal Election Commission received a complaint which indicates that the Democratic Senatorial Campaign Committee ("DSCC") 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 4527. 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 DSCC 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.

27043851626

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

2704385162 7

Troubh, Heisler & Piampiano, P.A.
ATTORNEYS AT LAW
465 CONGRESS STREET
P.O. BOX 9711
PORTLAND, MAINE 04104-5011
TELEPHONE (207) 780-6789
TELECOPIER (207) 774-2339

WILLIAM B. TROUBH
EDWIN A. HEISLER
ROBERT J. PIAMPIANO
KEVIN M. GILLIS
MICHAEL P. BOYD
THOMAS E. GETCHELL
MICHAEL RICHARDS
WILLIAM R. McKINLEY
DANIEL F. GILLIGAN
PAUL S. BULGER
JOHN G. RICHARDSON
DANIEL R. PELKEY
ANN BRANDT-MEYER

IN REPLY REFER TO:

NOV 12 10 30 AM '96
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

November 7, 1996

VIA TELECOPIER 202 219-3923

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

Re: MUR 4527

Dear Ms. Sealander:

Enclosed herewith is a copy of the Statement of Designation of Counsel which has been executed by me as treasurer of the Joe Brennan for Senate Campaign. The original of this document has been forwarded to Perkins Coie in Washington, D.C.

Please use the address and telephone/telecopier numbers listed above if you need to contact me in the future. Thank you for your attention to this matter.

Very truly yours,

William B. Troubh

WBT:arc
Enclosure
78427

27043851628

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4527

NAME OF COUNSEL: ~~PER~~ ROBERT F. BAUER - MARC ELIAS

FIRM: PERKINS COIE

ADDRESS: 607 14TH ST. NW

WASHINGTON, D.C. 20005

TELEPHONE: (202) 628-6600

FAX: (202) 434-1690

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.

JOE BRENNAN FOR SENATE COMM

11/7/96 BY William B. Trough, Treas

Date Signature

JOE BRENNAN FOR SENATE COMM

RESPONDENT'S NAME: William B. TROUGH, TREAS

ADDRESS: 465 CONGRESS ST

PORTLAND, MAINE - 04101

TELEPHONE: HOME

BUSINESS (780) 6789

27043851629

PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. · WASHINGTON, D.C. 20005-2011
TELEPHONE: 202 628-6600 · FACSIMILE: 202 434-1690

JUDITH L. CORLEY
(202) 434-1622

November 13, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
NOV 13 11 31 AM '96

Erik Morrison
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4527 - Democratic Senatorial Campaign Committee

Dear Mr. Morrison:

We have just received a designation of counsel in the above-referenced Matter Under Review. A copy of that designation is attached.

This is to request an extension of time of 20 days to respond to the complaint. This additional time is necessary to gather the relevant information to prepare a response. Many of the staff of the Committee have taken time off immediately following the election. In order to prepare a response it will be necessary to interview these staff and review the relevant documentation.

With the 20 day extension, the response would be due on December 9, 1996. If you have any questions or need additional information, please contact the undersigned.

Very truly yours,

Judith L. Corley
Counsel to Democratic Senatorial
Campaign Committee

[04005-0001/DA963180.011]

27043851630

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 13 11 32 AM '96

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4527

NAME OF COUNSEL: Robert F. Bauer/Judith L. Corley

FIRM: Perkins Coie

ADDRESS: Suite 800
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

TELEPHONE: (202) 628-6600

FAX: (202) 434-1690

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.

11/12/96
Date

Signature
Paul A. Johnson, Treasurer
Democratic Senatorial Campaign Committee

RESPONDENT'S NAME: Democratic Senatorial Campaign Committee

ADDRESS: 430 S. Capitol Street, SE, 1st Floor
Washington, D.C. 20003

TELEPHONE: HOME( )

BUSINESS(202) 224-2447

70438516311

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1996

Judith L. Corley, Esq.
Perkins Coie
607 Fourteenth Street, N.W.
Washington, D.C. 20005-1690

RE: MUR 4527

Dear Ms. Corley:

This is in response to your letter dated November 13, 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 December 9, 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

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PERKINS COIE

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
607 FOURTEENTH STREET, N.W. · WASHINGTON, D.C. 20005-2011
TELEPHONE: 202 628-6600 · FACSIMILE: 202 434-1690

JUDITH L. CORLEY
(202) 434-1622

December 9, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DEC 9 5 08 PM '96

Erik Morrison
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4527 - Democratic Senatorial Campaign Committee

Dear Mr. Morrison:

This is in response to the complaint filed against the Democratic Senatorial Campaign Committee ("DSCC") by the Maine Republican Party ("the Maine Party"). The complaint is baseless and should be dismissed.

The Maine Party based its complaint on an erroneous newspaper article published during the campaign. As a result, they incorrectly allege that the DSCC hired a "private investigator" to review materials on the Democratic candidate's (Brennan) opponent, Susan Collins, and that the DSCC failed to report this fact as a contribution to (or expenditure on behalf of) the Brennan campaign on its FEC reports. In both cases, the Maine Party is wrong on the facts and on the law.

First, DSCC did not hire a "private investigator." It hired a political research firm, Commonwealth Consulting, to review various materials available on the public record, such as personal financial disclosure reports, campaign finance reports and similar materials. Bob Norris, the individual named in the complaint, is not licensed in any state as a private investigator, nor does he, or did he in this case, conduct activities normally associated with a private investigator.

As reported in more reasonable press accounts (see Exhibit A), the type of research that the DSCC contracted for is quite common in political campaigns It should be noted, for example, that the National Republican Senatorial Campaign Committee conducted similar research on the Democratic candidate for the Maine Senate race. And the Collins campaign conducted similar research against her

[04005-0001/DA963440.048]

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primary opponent. (See Exhibit B.) Such research is not only common, it is perfectly lawful.

Second, the DSCC fully reported its payments (one in September and one in November) to Commonwealth Consulting. These payments were properly reported as operating expenses of the Committee. DSCC was not required to disclose the payments as contributions to (or expenditures on behalf of) the Brennan campaign, because the research conducted by Commonwealth Consulting was not done on behalf of or provided to the Brennan campaign. In the enclosed letter from the Brennan campaign (see Exhibit C), the Brennan campaign states that it was unaware that the DSCC had contracted for these services and that it would not accept any report or materials prepared as a result. The DSCC did not provide any information to the Brennan campaign. The research was done instead for the internal benefit of the DSCC, to assist it in assessing issues in the campaign, including potential vulnerabilities of Mr. Brennan's opponent, Susan Collins.

The Maine Party jumped to erroneous conclusions based on a poorly written and factually incorrect news article. The discussion above shows clearly that the DSCC complied fully with the requirements of the campaign laws. This complaint should be dismissed.

Very truly yours,

Judith L. Corley
Counsel to DSCC

attachments

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EXHIBIT A

Portland Press Herald Maine Sunday Telegram

Tuesday, October 15, 1996

No proof offered that rivals sought 'dirt' on Collins

By Steve Campbell
Staff Writer

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Republicans have no evidence that Democrats did anything improper in hiring a researcher to examine the record of the Republican Senate candidate, Susan Collins, her top aide conceded on Monday.

Over the weekend, Collins complained that the Democratic Party hired a researcher to "dig up dirt" on her in the waning days of the close campaign against her Democratic rival, Joseph Brennan.

On Monday, Collins' campaign manager, Bob Tyrer, acknowledged that he had no evidence that the researcher did anything unusual or unsavory in examining Collins' record.

Furthermore, Tyrer said, he had no evidence that Brennan had authorized the hiring of the researcher or that he benefited from the researcher's work. Brennan said he did not authorize or approve of the hiring of the researcher.

"There is no evidence because the people don't know the full scope of (the investigators') activities," said Tyrer.

The Bangor Daily News reported on Saturday that the national Democratic Senatorial Campaign Committee last month hired a Washington researcher named Robert W. Norris to look into Collins' background.

Such hirings are not unusual. Some campaigns hire professional researching companies to examine their opponents' records, while others rely on their paid campaign staff and volunteers to do the work.

But Collins, hoping to benefit from the news report, accused the Democrats of hiring a "private investigator to secretly probe into my background." She called it "despicable" and a kind of "surveillance."

In an interview Monday, Norris said he was hired by the Democratic organization three weeks ago. He said he traveled to Boston and Maine to review campaign records and personal financial disclosure statements filed as public documents by Collins, and to research newspaper articles about her.

He said his investigation included only a review of public documents, including one that Collins was required to submit as a former employee of the state of Massachusetts. He said he did not examine her tax records or credit reports.

Collins has raised questions about why he traveled to Boston to request a copy of her Massachusetts report, when he could have requested a copy by phone. Norris, a native of Massachusetts, said he was visiting

EXHIBIT A

family in Boston at the time, so he decided to request the document in person.

Collins and Tyrer said they have no knowledge of anything else Norris did as part of his research.

Norris denied suggestions by Collins that he is "a private investigator." He said he doesn't have a license be a private investigator, and doesn't do the kind of work that private investigators usually do, such as following people.

"The only one hurt in this is me," said Norris, referring to remarks that Collins has made about Norris' work. "Everything I've done is honorable and valuable to . . . a democracy where voters should know about their candidates."

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EXHIBIT A

EXHIBIT B

2704385163 8

ME - Brennan

Sunday, October 20, 1996

Big political fuss made over a routine practice
A look at the accusations

By STEVE CAMPBELL
Staff Writer
©Copyright 1996 Guy Gannett Communications

Last spring, Susan Collins dispatched a campaign worker to Cape Elizabeth Town Hall to comb through the voting records of her Republican primary rival, Robert A.G. Monks Jr.

The Collins campaign wanted to find evidence that Monks had failed to vote in previous elections to show that he hadn't spent much time in Maine.

They got what they wanted. Then they turned that information over to a reporter, who published it.

It was an example of what politicians call "opposition research" - checking out the background of an opponent in an attempt to gain an advantage. It is a routine part of political campaigning.

But it has suddenly become a controversial practice.

Last weekend, Collins' campaign charged that her Democratic rival for the U.S. Senate, Joseph Brennan, had carried opposition research too far. Collins accused Brennan and the Democratic Party of hiring a private investigator to "dig up dirt" on her. She called it "despicable" and a kind of "surveillance."

She told the Bangor Daily News that "it has a real chilling effect . . if you're going to be shadowed by a private investigator."

Yet it appears that the researcher - who is not a private investigator - was doing nothing more than basic opposition research. There has been no evidence to the contrary.

The researcher, Robert Norris of Washington, said he was hired by the Democratic Senatorial Campaign Committee to examine only public documents, including finance reports and newspaper articles. The Collins campaign hasn't proven otherwise.

"It is utterly illogical to expect the victim of an investigation to show what has been done," says Bob Tyrer, Collins' campaign manager.

Tyrer argues that the burden of proof is on Brennan and the Democrats to prove that the researcher did nothing unethical. But most political analysts, both Democrats and Republicans, disagree. After all, they say, how can Brennan or the Democrats prove a negative?

EXHIBIT B

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"If all they have done is take a look at public records, then that's a pretty standard practice in any campaign," said Ted O'Meara, the former head of the Maine Republican Party and a Collins supporter.

O'Meara said the Collins campaign "may have legitimate concerns" about the researcher and his background, but added: "If you're going to raise concerns, you've got to get them to stick."

Dan Billings, a Republican activist from Bowdoinham who is also supporting Collins, agrees.

"I think (the Collins campaign) is trying to make hay out of this" by making Brennan come across as the bad guy, said Billings, who managed Rick Bennett's unsuccessful campaign for Congress in 1994.

The Collins campaign realizes that tying a political candidate to a private investigator can be damaging.

In the Republican primary Collins won four months ago, Monks lost considerable support after it was discovered that he had hired someone to investigate allegations that his Republican rival, John Hathaway, had a sexual relationship with a minor.

But in this case, Billings said, "there is nothing I've seen that has been out of the ordinary. So far, all that seems to have come out is that he was compiling information on her public record."

'It's just being smart'

Compiling research on a political opponent is as common as airing a television commercial.

"All political organizations do research on opposing candidates, and there's nothing wrong with that. It's just being smart," said Willis Lyford, who served as former Gov. John McKernan's spokesman.

Some candidates assign campaign workers to do the research. Others hire a professional.

For instance in 1990, when Thomas Andrews ran for Congress against David Emery, Andrews hired a Washington-based opposition research firm.

"They charge an awful lot of money, and most of it was worthless," recalled Dennis Bailey, who worked at the time for Andrews and now serves as Gov. Angus King's press secretary.

Two years later, Bailey did a lot of research himself against Andrews' Republican rival, Linda Bean. Bailey spent ours in the Portland Public Library, combing through a now-defunct conservative magazine that Bean owned.

Some information from Bean's columns was used against her in a television ad aired by Andrews. "It was a devastating ad," Bailey said.

Bailey and other political insiders agree that opposition research also benefits the public. It helps educate voters about relevant issues in a candidate's background.

In addition to newspaper stories, opposition research generally includes a review of voting records, attendance records, campaign finance documents and documents that candidates are required to file about their personal finances.

Extensive research

Typically, the two major political parties also do extensive opposition research, whether candidates want it or not.

"People don't ask them (the parties) to do it. They just do it," said Sharon Miller, a Republican who managed winning campaigns for McKernan and Sen. Olympia Snowe.

Earlier this year, the National Republican Senatorial Committee provided the Collins campaign with an extensive report on Brennan.

It's under 100 pages long and contains information on votes, campaign finances and financial disclosures, according to Tyrer, Collins' campaign manager.

It's clear that the Collins campaign has been doing its homework. Recently, her aides distributed an 8-year-old newspaper article to suggest Brennan was anti-Israel, which he said is misleading.

Collins aides have also counted the votes Brennan missed in Congress in 1990 during his run for governor.

Recently, after Brennan paid a Scarborough businessman only half of what the man said he was owed from the 1994 campaign, the businessman received a telephone call from Kevin Keogh, the chairman of the Maine Republican Party.

Keogh asked the businessman if Brennan's campaign had paid the overdue bill. Soon after, the information found its way into newspapers.

Financial records studied

According to records in Washington, both the Democratic and Republican parties have examined the personal financial records of Collins and Brennan.

The Brennan campaign has also done its share of opposition research. Although Collins doesn't have a voting record, because she has never held elective office, Brennan campaign aides have examined newspaper clippings and campaign spending reports.

They have also reviewed state documents filed when Collins served as McKernan's

12/05/96 13:41 NO.335 P007

commissioner of professional and financial regulation.

The Brennan campaign has tried to benefit from this research by suggesting that Collins increased her budget while serving as commissioner.

Their research has also prompted Brennan loyalists to encourage newspaper reporters to write about Collins' position on assault weapons.

The Brennan camp suggests that Collins wants to repeal the ban on assault weapons because an adviser to her campaign manufactures assault weapons and is a significant contributor.

They think it's odd

In short, every campaign does opposition research, to one degree on another. Even so, Collins' advisers say they continue to be suspicious of Norris, the Democratic consultant, because they don't trust him and they think it's odd that the Democrats would hire someone so late in the campaign.

"Why would you hire a well-known outside investigatory firm?" asked Tyrer, given that the Democrats have an in-house research department.

But experts say that is not unusual, given the amount of work campaigns face as Election Day approaches.

"Does it happen (that researchers are hired at the last minute)? Yeah, all the time. It happens a lot," said Phil Noble, a Democratic consultant based in Charleston, S.C.

And it's not unusual, said Noble, that political parties would act on behalf of a candidate, even without the candidate's approval. Brennan says Norris was hired without his consent.

Ron Faucheux, editor and publisher of Campaigns & Elections magazine in Washington, said the overwhelming majority of opposition research is legitimate.

"To my knowledge," Faucheux said, "the two major parties do not fund anything but public research."

"I've never known a candidate not to look into the background of a candidate, and that's what this guy did," added Bailey, King's press secretary. "And if that's all he did, that's fine. It's fair game."

CHECKING THE CLAIMS

A look at the claims made by Susan Collins, the Republican candidate for the U.S. Senate, and her campaign manager, Robert Tyrer, in published reports last week:

Claim by Tyrer: "By hiring a private investigator to try to dig up dirt on Susan

EXHIBIT B

12/05/96 13:41 NO.335 P008

Collins, Joe Brennan proved himself unworthy to serve in a Senate seat held by Margaret Chase Smith and Bill Cohen."

Fact check: The man hired to review Collins' record is a researcher, not a private investigator. At this point, there is no evidence that he was trying to "dig up dirt" on Collins. Furthermore, there is no evidence that Brennan hired the researcher. The researcher was hired by the Democratic Senatorial Campaign Committee.

Statement by Collins: "It's absolutely ludicrous and preposterous to compare hiring a private investigator to snoop on my background with our doing research on Joe Brennan's voting record."

Fact check: Again, he's not a private investigator. And at this point, there is no evidence that the researcher did anything except examine Collins' public records, a routine practice that the Collins campaign has also engaged in.

Statement by Collins: "Such tactics are deplorable and have no place in Maine politics."

Fact check: At this point, there is no evidence that the researcher did anything out of the ordinary.

Statement by Collins: "There is a huge difference between researching an opponent's position on the issues or voting record vs. sending a private investigator to probe the personal finances of an opponent."

Fact check: The researcher acknowledges reviewing financial documents that candidates are required to file by law and that are publicly available. There is no evidence that he reviewed anything but public documents.

Claim by Collins: "I think it has a real chilling effect on people's willingness to serve if you're going to be shadowed by a private investigator."

Fact check: There is no evidence that Collins was or is being "shadowed."

2704385164 3

UNITED STATES SENATE
OFFICE OF PUBLIC RECORDS
Public Financial Disclosure System

REQUEST TO REVIEW DOCUMENTS

ame of Filer Viewed: BRENNAN JOSEPH E

Date Document(s) Were Viewed: 8/28/96

Viewer Last Name: WEILAND First Name: RICHARD

Organization: NRCC

Occupation: RESEARCH

Address: 310 FIRST STREET

City: WASHINGTON State:DC Zip:20003

Phone: 4797060

2704385164 4

EXHIBIT B

UNITED STATES SENATE
OFFICE OF PUBLIC RECORDS
Public Financial Disclosure System

REQUEST TO REVIEW DOCUMENTS

Name of Filer Viewed: BRENNAN JOSEPH E

Date Document(s) Were Viewed: 7/24/96

Viewer Last Name: BLAYLOCK First Name: ANDREW

Organization: NRSC

Occupation: RESEARCHER

Address: 425 2ND ST NE

City: WASHINGTON State:DC Zip:20002

Phone: 202 675-6000

7704385164 5

EXHIBIT B

UNITED STATES SENATE
OFFICE OF PUBLIC RECORDS
Public Financial Disclosure System

REQUEST TO REVIEW DOCUMENTS

me of Filer Viewed: BRENNAN JOSEPH E

Date Document(s) Were Viewed: 6/17/96

Viewer Last Name: WEHNER First Name: HILARY

Organization: SELF

Occupation: CAMPAIGN STAFF

Address: P O BOX 10783

City: BEDFORD State:NH Zip:03110

Phone:

2704385164 6

EXHIBIT B

12/05/96 15:42 NO.337 P009

UNITED STATES SENATE
OFFICE OF PUBLIC RECORDS
Public Financial Disclosure System

REQUEST TO REVIEW DOCUMENTS

ame of Filer Viewed: BRENNAN JOSEPH E

Date Document(s) Were Viewed: 8/14/96

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EXHIBIT B

EXHIBIT C

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Brennan

U.S. SENATE

October 11, 1996

VIA FACSIMILE

Mr. Paul Johnson
Executive Director
Democratic Senatorial Campaign Committee

Dear Mr. Johnson:

I am writing to you in your capacity as Executive Director of the Democratic Senatorial Campaign Committee.

In the last couple of days, it has come to our attention that the DSCC recently engaged the services of a professional opposition research firm for the purpose of examining the public record of our principal opponent. Frankly, Governor Brennan is outraged and deeply disappointed that the DSCC chose to do this.

As the DSCC knows, since the Maine primary, the Brennan for Senate Committee has repeatedly told the DSCC that we had no interest, nor did we ever intend to hire, an opposition research firm. This is entirely consistent with Governor Brennan's distinguished career in public service. He has never engaged such services and never will.

Each time the subject of hiring a research firm came up, we were told by DSCC staff that we were making a big mistake and that opposition research is necessary in modern politics. Our explanation that we were opposed philosophically, and that it was not consistent with Joe Brennan's values, was always rejected. Contrary to our wishes, the DSCC hired an opposition research firm anyway. I must emphasize that the Brennan for Senate Committee never authorized this decision and has never paid for such services.

Please be further advised that the Brennan for Senate campaign will not accept any report or materials generated by the research firm which you independently hired.

Sincerely yours,

Neal W. Allen
Campaign Manager

EXHIBIT C

100 Middle Street, Portland, Maine 04101, (207) 761-1667

Authorized and paid for by Brennan for U.S. Senate, William B. Trevitt, Treasurer, 100 Middle Street, Portland, Maine 04101

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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 (*LIAW*); 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

11/7/97
Date

Lawrence M. Noble
General Counsel

Attachment
Tier 3 Case Summaries

27043851654

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.

Attest:

12-4-97
Date

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

27043851656

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Rick Tyler, Executive Director
Maine Republican Party
100 Water Street
Hollowell, ME 04347

RE: MUR 4527

Dear Mr. Tyler:

On October 21, 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

27043851657

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Robert F. Bauer, Esq.
Marc Elias, Esq.
Perkins Coie
607 Fourteenth Street, NW
Washington, DC 20005

RE: MUR 4527
Brennan for US Senate, and William B. Troubh, Treasurer

Dear Messrs. Bauer and Elias:

On October 28, 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

Robert F. Bauer, Esq.
Judith L. Corley, Esq.
Perkins Coie
Suite 800
607 Fourteenth Street, NW
Washington, DC 20005-2011

RE: MUR 4527
Democratic Senatorial Campaign Committee,
and Paul A. Johnson, Treasurer

Dear Mr. Bauer and Ms. Corley:

On October 28, 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

27043851659

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4527

DATE FILMED 10-24-97 CAMERA NO. 2

CAMERAMAN JMN

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