



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 4539

DATE FILMED 3/11/98 CAMERA NO. 2

CAMERAMAN EES

93043862472



November 21, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Nov 22 12 24 PM '96

Ms. Colleen T. Sealander, Attorney
Federal Election Commission
Central Enforcement Docket
Washington, D.C. 20436

MUR 4589

COUNTER-COMPLAINT TO MUR 4489

Dear Ms. Sealander:

Please accept this letter as a counter-complaint against the Tennessee Democratic Party and the Congressman Bart Gordon Committee for violating FEC rules and regulations regarding confidentiality of "Matters Under Review."

We contend that Will Cheek's complaint (MUR 4489) filed October 23, 1996 against the Gill for Congress Committee was clearly filed to aid Mr. Gill's opponent Bart Gordon in his reelection, and we believe the Federal Election Commission was misused in the process. In addition to misrepresenting the FEC by alleging in hundreds of thousands of dollars of paid political advertisements on television, radio and direct mail that the FEC was "investigating" Mr. Gill, the Tennessee Democratic Party, specifically Will T. Cheek, and the Congressman Bart Gordon Committee, specifically Bart Gordon, **violated FEC law 2 U.S.C. sec. 437g(a)(4)(B) and sec. 437 g(a)(12)(A)** by disclosing without the Gill for Congress Committee's permission the MUR number and details of this FEC complaint.

The Gill for Congress Committee never submitted in writing to the FEC that we wished this matter to be made public. The Gill for Congress Committee notified the Congressman Bart Gordon Committee on October 24, 1996 that they had violated FEC rules and regulations and we requested that they immediately withdraw all paid advertising that referred to the matter (exhibit: a). That request was ignored.

Accordingly, we respectfully request relief be that the Commission rule on whether the Tennessee Democratic Party, specifically Will T. Cheek, and the Congressman Bart Gordon Committee, specifically Bart Gordon, violated FEC laws governing the confidentiality of "Matters Under Review" (please see exhibits: b,c,d).

We appreciate your assistance and attention to this matter.

Respectfully,

Subscribed and sworn to before
by Anthony L. Grande this
the 21st day of November, 1996

Anthony L. Grande
Anthony L. Grande, Manager
Gill for Congress Committee

Lisa E. Hughes
Notary Public

my Comm. Exp. 7/24/99

9804326171

ADDENDUM

As required, here are the full names and addresses of all respondents to our counter-complaint:

Will T. Cheek, Chairman
The Tennessee Democratic Party
1808 West End Avenue
Suite #515
Nashville, TN 37203-3315

Congressman Bart Gordon
Congressman Bart Gordon Committee
P.O. Box 2008
Murfreesboro, TN 37133

9 3 0 4 3 8 6 2 4 7 4

MEMORANDUM TO: BART GORDON
FROM: JEFF BIVINS,
Legal Counsel, Gill for Congress Committee
DATE: 10.24.96
RE: CHEEK FEC COMPLAINT

This correspondence is notification that, through paid advertising, you are currently in violation of Federal Election Commission statutes 2 U.S.C. sec. 437 g(a)(4)(B) sec. 437 g(a)(12)(A) which state that complaints against Committees "...will remain confidential unless the respondent notifies the FEC in writing that the matter should remain public."

MUR 4489 is only an accusation by a political partisan and you have misrepresented it as an investigation. If your Committee continues to violate Federal Election law we will seek remedy with the appropriate federal agencies immediately. Due to the seriousness of your violation you will receive no further warning prior to action being taken.

cc: Will Cheek,
Tennessee Democratic Party

98043363173

**GORDON TELEVISION AD:
10/31 through 11/4**

VO:

Steve Gill has twisted the truth with negative tricks and deception. The Tennessean says Gill's tax attack on Bart is false.

Gill even falsified newspaper headlines and made up a quote.

But Gill can't twist the truth. Taxpayers sued Gill eight times in Knoxville and twice more in Anderson County for not paying his property taxes.

And Gill is under investigation for using campaign money to get his repossessed car back.

Steve Gill: tricks, deception, desperate.

GRAPHIC:

Swirling tornado throughout ad.

Gill pictured in left corner and Tennessean headline in bottom right corner.

Tennessean headline in bottom right replaced with scene from Gill ad — *Super: "FALSE"* stamped across Gill ad.

Super: "10 times for back taxes" — bottom left shows generic court documents.

Car in right bottom corner. *Super: MUR 4489.*

Steve Gill's head blows in twister. *Super: Tricks, deception, desperate.*

Disclaimer: "Paid for by the Congressman Bart Gordon Committee"

93043069173

EXHIBIT: C

**GORDON RADIO AD:
10/23 through 11/4**

Nashville Lawyer Steve Gill is trying to trick us again. Gill claims he is not under investigation for having his personal car repossessed and then using campaign money to get his wheels back.

But the Federal Election Commission says there is an investigation. The official case number is MUR4489 and Gill claims he's never been sued for failing to pay his taxes but that's politician talk. Gill's business S & L Enterprises was sued 8 times for not paying it's property taxes, and what Gill doesn't tell you is the S in S & L stands for Steve.

And Gill's attacks on Bart Gordon are false, the truth is Bart Gordon has voted to cut taxes 66 times and he voted against Congressional pay increases 12 times. Don't be tricked by the slick lawyer talk of Steve Gill. The truth Steve Gill is a desperate politician and desperate politicians do desperate things.

98043363177

EXHIBIT 10



Reproduction of June 19, 1996

**IS UNDER INVESTIGATION FOR USING
CAMPAIGN MONEY TO GET HIS
PERSONAL CAR BACK AFTER IT WAS**

Federal Election Commission: Case Number MUR4489)

Produced by the Tennessee Republican Party. Authorized by the Campaigns and Elections Committee.

**STEVE GILL TOOK
YOUR TAX DOLLARS
FOR HIMSELF
BUT WON'T PAY
HIS OWN TAXES!**

1000 West End Ave., Suite 515
Nashville, TN 37203

**STEVE GILL TOOK
\$217,000 OF YOUR TAX
DOLLARS FOR HIMSELF.**

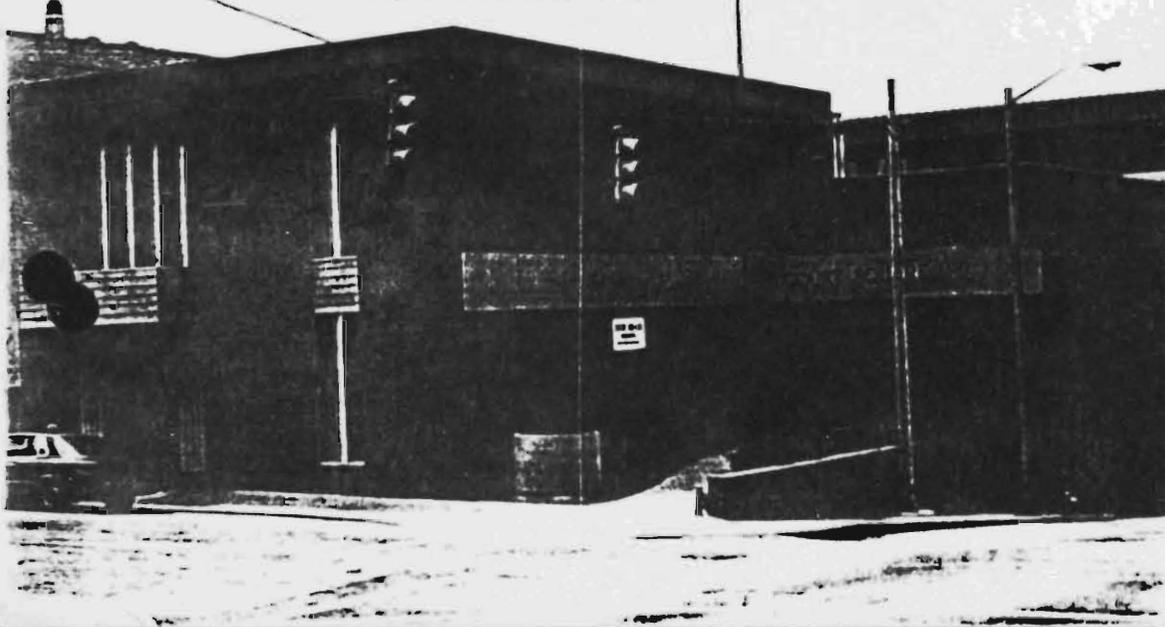


**BUT WON'T PAY
HIS OWN TAXES!**

NON-PROFIT
ORGANIZATION
U.S. Postage
PAID
Permit No. 387
Nashville TN

9 8 0 4 3 8 6 2 4 7 3

**STEVE GILL RENTS THIS SELDOM USED COURT
BUILDING TO THE GOVERNMENT, PAID FOR
WITH \$217,000 OF YOUR TAX MONEY.**



**STEVE GILL TOOK
YOUR TAX DOLLARS
BUT REFUSED TO PAY
HIS OWN TAXES**



**TAXPAYERS HAD TO SUE STEVE GILL
8 TIMES FOR FAILING TO PAY TAXES.**

**SAY
TO
STEVE GILL**

9 8 0 4 3 8 6 2 4 7 9



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 3, 1996

Anthony L. Grande, Manager
Gill for Congress Committee
1730 General George Patton Drive, Suite 212
Brentwood, TN 37027

RE: MUR 4589

Dear Mr. Grande:

This letter acknowledges receipt on November 22, 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 4589. 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,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

93043862400



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 3, 1996

Will T. Cheek, Chairman
The Tennessee Democratic Party
1808 West End Avenue, Suite 515
Nashville, TN 37203-3315

RE: MUR 4589

Dear Mr. Cheek:

The Federal Election Commission received a complaint which indicates that the Tennessee Democratic Party ("Committee") and 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 4589. Please refer to this number in all future correspondence.

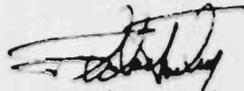
The complaint was not sent to you earlier due to an administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

98043962191

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,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

December 2, 1996

Richard F. Laroche, Jr., Treasurer
Congressman Bart Gordon Committee
PO Box 2008
Murfreesboro, TN 37133

RE: MUR 4589

Dear Mr. Laroche:

The Federal Election Commission received a complaint which indicates that Congress Bart Gordon 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 4589. Please refer to this number in all future correspondence.

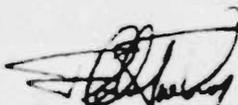
The complaint was not sent to you earlier due to an administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

93043362493

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,



F. Andrew Turley
Supervisory/Attorney
Central Enforcement Docket

Enclosures

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

9 8 0 4 3 8 6 2 1 8 4



FEDERAL ELECTION COMMISSION

Washington, DC 20463

December 3, 1996

The Honorable Bart Gordon
940 East Northfield Boulevard
Murfreesboro, TN 37130

RE: MUR 4589

Dear Mr. Gordon:

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 4589. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to an administrative oversight. Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

93043362435

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,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

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TENNESSEE DEMOCRATIC PARTY

December 20, 1996

Via Fax transmission
202-219-3923

F. Andrew Turley
Supervisory Attorney
Central Enforcement Document
Federal Election Commission
Washington, D.C. 20463

JAN 9 9 59 AM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF A GENERAL
COUNSEL

Re: Federal Election Commission
MUR4589

Dear Mr. Turley:

On December 3, 1996, you forwarded to Mr. Will T. Cheek, Chairman of the Tennessee Democratic Party, a Complaint which had been filed by the Gill for Congress Committee on November 21, 1996, and which was numbered by the Federal Election Commission as MUR4589. In your December 3, 1996 correspondence to Chairman Cheek, you noted that the Complaint had not been sent to the Tennessee Democratic Party earlier due to an administrative oversight. The December 3, 1996 correspondence from you to Chairman Cheek was received on December 5 or 6, 1996. The correspondence and attached Complaint was provided to me approximately one (1) week later.

Pursuant to the December 3, 1996 correspondence, a response, addressed to the General Counsel's office, must be submitted within fifteen (15) days of receipt of the letter. Included in the December 3, 1996 correspondence was a "Description of Preliminary Procedures for Processing Complaints filed with the Federal Election Commission" ("Description of Preliminary Procedures"). The Description of Preliminary Procedures provides the opportunity to request an extension of time in which to respond to the Complaint.

This correspondence will serve as a request for an extension of time to respond to the Complaint in the above-referenced matter. As referenced above, the Complaint in this matter was received in the office of the Tennessee Democratic Party on December 5 or 6, 1996. Because of the holiday season, and due to the fact that the Complaint is, in fact, a counter-complaint to MUR4489, many facts must be clarified with regard to MUR4489, as well as with regard to the Complaint filed in MUR4589. We believe these reasons represent good cause as

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094375-000 12/20/96



F. Andrew Turley
December 20, 1996
Page 2

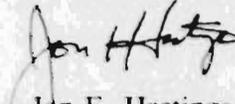
to why an extension should be granted, as provided in the Description of Preliminary procedures.

Due to the fact that most offices will be, for all intents and purposes, closed through the end of the year, we would request an extension until January 15, 1997 in which to file a response to this Complaint. If you should have any questions, please do not hesitate to contact me at (615)252-2306.

Very truly yours,

TENNESSEE DEMOCRATIC PARTY

By:


Jon E. Hastings
Legal Counsel

JEH:th

cc: Will Cheek

98043362133



TENNESSEE DEMOCRATIC PARTY

January 15, 1997

**VIA FACSIMILE - 202-219-3923
AND FEDERAL EXPRESS**

The Federal Election Commission
Office of the General Counsel
999 E Street N.W., Room 657
Washington, D.C. 20463

Re: MUR 4589

JAN 16 10 01 AM '97
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Madam or Sir:

A complaint was filed by the Gill for Congress Committee against "the Tennessee Democratic Party, specifically Will T. Cheek, and the Congressman Bart Gordon Committee, specifically Bart Gordon" on November 21, 1996. This response to that complaint is being made pursuant to that correspondence dated December 3, 1996 from Mr. F. Andrew Turley to Will T. Cheek, Chairman of the Tennessee Democratic Party, and pursuant to the regulations contained in 11 CFR §111.6.

Initially, it should be noted that the complaint does not comply with the regulations contained in 11 CFR §111.4(d)(1) in that it does not "clearly identify as a respondent each person or entity who is alleged to have committed a violation." The complaint states that "the Tennessee Democratic Party, specifically Will T. Cheek" when, in fact, the Tennessee Democratic Party and Mr. Cheek are separate "persons" in terms of the Federal Election Campaign Act of 1971, as amended. It is unclear, therefore, whether the complaint is being levied against the Tennessee Democratic Party with Mr. Cheek being named in his role as Chairman of the Party, or whether the complaint is against the Tennessee Democratic Party and against Mr. Cheek separately as an individual. For reasons that the complaint filed by the Gill for Congress Committee does not comply with the requirements of 11 CFR §111.4, the complaint should be dismissed.

Alternatively, for purposes of the opportunity provided in the regulation contained in 11 CFR §111.6 to demonstrate that no action should be taken on this complaint, the assumption will be made that the complaint by the Gill for Congress Committee is being made against the Tennessee Democratic Party with Mr. Cheek being named in his role as Chairman of the Tennessee Democratic Party.

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11 CFR §111.6 provides a respondent, in this case the Tennessee Democratic Party, "an opportunity to demonstrate that no action should be taken on the basis of a complaint . . ." The complaint was filed on November 21, 1996. On December 20, 1996, the Commission granted an extension until January 15, 1997 for the Tennessee Democratic Party to respond. This response, therefore, is being filed on behalf of the Tennessee Democratic Party. This response sets forth reasons why the Commission should take no action in this matter.

Mr. Steve Gill was a "candidate" pursuant to the Federal Election Campaign Act of 1971, as amended. The Gill for Congress Committee is a "political committee" as defined by the Federal Election Campaign Act of 1971, as amended. As such, both Mr. Gill and the Gill for Congress Committee are subject to the provisions contained in the Federal Election Campaign Act of 1971, as amended, together with the rules and regulations promulgated pursuant thereto.

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Included in these rules and regulations, among others, are requirements concerning the registration, organization, and recordkeeping by political committees (11 CFR, Part 102); reports by political committees (11 CFR, Part 104); document filing (11 CFR, Part 105); allocations of candidate and committee activities (11 CFR, Part 106); contribution and expenditure limitations and prohibitions (11 CFR, Part 110); and corporate and labor organization activity (11 CFR, Part 114). As a "person who believes that a violation of any statute or regulation over which the Commission has jurisdiction has occurred or is about to occur", the Tennessee Democratic Party is empowered to file a complaint in writing with regard to such violations. 11 CFR §111.4(a). Any contention that the complaint initiating MUR 4489 filed October 23, 1996 against the Gill for Congress Committee "was clearly filed to aid Mr. Gill's opponent, Bart Gordon, in his reelection," is without merit, but more importantly, is a contention which has no bearing on the ability of "any person" to file a complaint when a violation of a statute or regulation has occurred. Pursuant to 11 CFR §111.4, the Tennessee Democratic Party, Mr. Will T. Cheek, or "any person" is clearly empowered to file a complaint to report a violation of those laws and regulations over which the Federal Election Commission has jurisdiction.

In its complaint, the Gill for Congress Committee alleges that the Tennessee Democratic Party "violated FEC law 2 U.S.C. sec. 437g(a)(4)(B) . . . by disclosing without the Gill for Congress Committee's permission the MUR number and details of this FEC complaint." 2 U.S.C. sec. 437g(a)(4)(B) provides as follows:

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under

subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of Title 26, the Commission shall make public such determination.

The only prohibition set forth in 2 U.S.C. §437g(a)(4)(B) is against actions being made public "by the Commission . . ." This statutory provision is not applicable to any person or entity other than the Commission and, therefore, cannot serve as a basis for any complaint by the Gill for Congress Committee against the Tennessee Democratic Party.

Additionally, the Gill for Congress Committee alleges that the Tennessee Democratic Party "violated FEC law . . . sec. 437g(a)(12)(A) by disclosing without the Gill for Congress Committee's permission the MUR number and details of this FEC complaint." 2 U.S.C. §437g(a)(12)(A) provides:

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

The Tennessee Democratic Party has in no way violated 2 U.S.C. §437g(a)(12)(A). The prohibition against making a notification or investigation public is not applicable when the person with respect to whom such an investigation is made has consented to such disclosure. This clearly is the case with the Gill for Congress Committee.

Immediately subsequent to the filing of the complaint initiating MUR 4489, the Gill for Congress Committee issued a press release noting that the subject of the complaint (repossession of a Ford Explorer and payment of sums due with campaign funds) was the result of paperwork trouble and was a mistake. Further, in a "Good News!" campaign announcement

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by the Gill for Congress Committee, the Gill for Congress Committee publicized the Commission's actions in MUR 4489 (copy attached as Exhibit A). Finally, in a television advertisement produced by the Gill for Congress Committee, the investigation which was the subject of MUR 4489 was affirmatively addressed by the Gill for Congress Committee (script for television advertisement attached as Exhibit B). It is clear, therefore, that the Gill for Congress Committee attempted to use the initiation of the investigation to its own benefit. The Gill for Congress Committee cannot now be heard to say that it did not desire the fact of this investigation to be made public when, in fact, the Gill for Congress Committee used the fact of the investigation in its own political campaign material.

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The complaint by the Gill for Congress Committee (actually a counter-complaint to MUR 4489) is nothing more than an attempt to divert attention from the substantive violations set forth in MUR 4489. Mr. Gill, the Republican party's nominee, and Congressman Bart Gordon engaged in a hard fought campaign. This was the second time in four (4) years Mr. Gill had challenged Congressman Gordon at the polls. Given the opportunity to choose, in both instances the voters chose Congressman Gordon over Mr. Gill. Probably as important as any other fact in trying to understand the reason for this baseless complaint filed by the Gill for Congress Committee is the fact that a narrow defeat suffered by Mr. Gill in 1994 was followed by a resounding and overwhelming victory by Congressman Gordon in 1996. Instead of following the 1994 election results with a similar, or as anticipated, better showing, Mr. Gill's public support faltered greatly in 1996.

This election is over. The complaint filed by the Gill for Congress Committee represents an inability to recognize (or acknowledge) this fact.

The Tennessee Democratic Party, Will T. Cheek, Chair, submits this letter setting forth the reasons why the Commission should take no action in this matter. Accordingly, the Tennessee Democratic Party, Will T. Cheek, Chair, respectfully requests that the Commission dismiss this complaint.

Respectfully submitted,

TENNESSEE DEMOCRATIC PARTY.

By: 
Jon E. Hastings
Legal Counsel

JEH:th
Attachments
cc: Mr. F. Andrew Turley



GOOD NEWS!

17 days to victory --

More Good News from the Gill campaign:

NEW POLL SHOWS ANOTHER PHOTO FINISH:

Did you know that if just 4 Gordon voters in each 6th district precinct had switched their support to Steve two years ago, Gordon would have been long gone and Steve would have been Congressman? That's how close it was -- a switch of just 4 votes per precinct. And it's going to be that close again this year.

Our latest poll shows Steve already winning among 6th District men -- and among those voters most interested in the race. And it shows Steve and Gordon in a statistical dead-heat among those most likely to vote -- and among those who have already formed an opinion about both candidates. But Steve is still trailing among those voters who haven't had time to focus on the race yet -- especially women. And Gordon is loading the airwaves with attack ads to keep them confused about the real Steve Gill. That means we have to work even harder to turn out every Gill vote between now and November 5th.

STEVE'S ON A ROLL WITH NEW ENDORSEMENTS:

Mayor David Waynick of Mt. Juliet -- Mayor Jerry Sharber of Franklin -- Mayor Lacey Beard of Fairview -- and Mayor Charles Knapper of Nolensville just joined dozens of other local officials in endorsing Steve for Congress.

And the U.S Chamber of Commerce just joined the Tennessee Police Benevolent Association, the Middle Tennessee Home Builders, the Middle Tennessee Small Business Coalition, the Middle Tennessee Apartment Association and dozens of other grassroots groups in endorsing Steve and encouraging their 6th District members to vote for him on November 5th.

600 RALLY FOR STEVE IN COOKEVILLE -- GORDON LOSING GROUND IN BASE COUNTIES:

Gordon's losing ground fast in traditional Democratic areas. Take Putnam County for example. 600 supporters rallied for Steve in Cookeville last week. 600. And our polls show Gordon's under-performing in what he considered his base counties (Clay, Macon, Marshall, etc.). What's clear is that no one likes that Bart voted to raise our taxes 40 times and then raised his pay \$45,000 -- regardless of where they live or how they've voted in the past.

RACE BOILS DOWN TO TAXES, TRUST, TAKE-HOME PAY:

We must get the truth out to off-set Gordon's harsh personal attacks against Steve:

- 1.) Bart Gordon's voted to raise our taxes over 40 times -- then used our tax money to vote himself over \$45,000 in pay raises. Gordon's cut our take-home pay, but rewarded himself with big pay hikes. That's not right.
- 2.) Steve will fight to cut taxes -- to boost take-home pay and to help small businesses create more better paying jobs. And he's pledged to oppose any attempt to raise income taxes in the next session of Congress. (Gordon's refused to take that pledge...and you know what that means.)

- 3.) Steve is a family man who knows first-hand how hard it is for working families to make ends meet. Helping families is the main reason why Steve is running for Congress. (Did you know that Steve and Kathy Gill combined, both working full-time and raising two kids, earn \$30,000 less per year than Gordon makes as a single Congressman? You'd never know it from Gordon's ads that attack Steve as rich and uncaring.)

STEVE STOMPS GORDON IN FUNDRAISING:

Thanks to your support, Steve raised nearly \$100,000 more than Gordon did between July 1 and September 30 (\$369,000 for Steve vs. \$279,000 for Gordon). And 70 percent -- yes over \$195,000 of Gordon's total came from PACs and out of state lobbyists and donors. That means that 7 out of every 10 Gordon attack ads are paid for by special interests. Steve raised 90 percent of his money from ordinary Tennesseans. It's not fair, but we're going to beat Gordon any way.

STEVE POUNDS BART IN DEBATES, TOO:

No wonder Gordon ducked so many one-on-one debates with Steve. Gordon was clearly out-matched by Steve in several recent forums. After 12 years in Washington, Gordon still has trouble figuring out exactly what he's for and what he wants to do. But Steve's mission is to cut taxes, cut red-tape and roll-back big government.

FOR THE RECORD...

Gordon's launched some outrageous lies in his ads against Steve. So just for the record...

- 1.) Steve's never, ever been sued for not paying his property taxes as Gordon's ads claim. Maybe that's why Gordon's never produced a copy of a suit.
- 2.) Steve's car isn't under any investigation as Gordon claims either. The Federal Election Commission threw out Gordon's bogus publicity stunt complaint within a week of receiving it. Steve's car was taken out of his driveway in a mix-up with a car dealer, but it was returned to him with a letter of apology from the dealer the same day. If you want to see the letter, just ask.
- 3.) Steve's never, ever voted to cut Medicare and won't. Steve's not even been in the Congress. Bart Gordon's the one who voted to cut the growth of Medicare -- by \$124 billion. Maybe that's why he's so anxious to scare Seniors about Steve.
- 4.) Bart supported a minimum wage hike (50 cents for us/\$45,000 for himself), but his votes to raise taxes over 40 times negates any increase in wages. Steve's focus is on new jobs, higher wages, and lower taxes. Steve will cut taxes so hard-working people can keep more of what they earn.

NEXT TEN DAYS...JOIN THE "STOP BART/STOP HIGHER TAXES" TOUR:

Call the headquarters (661-GILL) for details:

Monday, Oct. 21
 Murfreesboro, Eggleville,
 Smyrna

Friday, Oct. 25
 Grimesboro, Livingston,
 Culina, Lafayette,
 Gallatin

Tuesday, Oct. 29
 Watertown, Lebanon,
 Portland, White House,
 Gallatin, Hendersonville

Tuesday, Oct. 22
 Murfreesboro, Smyrna,
 Hendersonville, Gallatin

Saturday, Oct. 26
 Franklin, Fairview,
 Lebanon, Watertown

Wednesday, Oct. 30
 Franklin, Hendersonville,
 Lebanon, Murfreesboro,
 Brentwood

Wednesday, Oct. 23
 Hartsville, Carthage,
 Murfreesboro, Mt. Juliet,
 Lebanon

Monday, Oct. 28
 Lewisburg, Murfreesboro,
 Smyrna, Leverage

Thursday, Oct. 31
 Cookeville, Buffalo Valley,
 Monterey

Friday, Oct. 24
 Lebanon, Woodbury,
 Smithville, Cookeville

More news later....

28043362424

Bert Gordon's latest TV attack ad

Ad Text:

Steve Gill has been caught making false attacks on Bert Gordon.

Gill is a politician desperate to hide his own record.

Steve Gill rents this seldom-used court building to the government paid for with your tax dollars.

Taxpayers had to sue Gill eight times for failing to pay his own taxes. Eight times.

Gill is now under investigation for using campaign money to get his personal car back after it was repossessed.

No wonder Steve Gill is making false attacks on Bert. Desperate men do desperate things.

For more information contact David Glasgow, 615-661-4453

Produced by the U.S. House of Representatives

The Facts

What false attacks? Gordon's recorded pay raise votes and tax hike votes are part of the public record and are clearly documented.

Isn't this a classic case of the pot calling the kettle black?

The federal government is one of nearly a dozen tenants who rent office space at fair-market value from a real estate partnership in Knoxville that Steve invested in. Nothing sinister or unusual here despite Gordon's implications. Steve is not a federal official yet so there are no conflicts of interest and he did not have anything to do with attracting or negotiating with any of the building's many tenants.

Gordon attempted to smear Steve with this two years ago but did not get any reporters to bite on the one-story. While Steve has never been and is not now involved in the day-to-day operations of the real estate partnership, it is true that the partnership was late in paying its city and county property taxes over the course of several years. But the day Steve Gill became aware of this problem, he ensured that all property taxes plus penalties, interest charges, court and attorney fees were paid in full before close of business that same day.

Wrong. In fact we've already been notified that the Federal Election Commission threw out Will Cheek's publicity-stunt complaint. Steve was simply reimbursed by the Gill campaign for 10,000 out of more than 20,000 campaign miles placed on the Gill family car, a perfectly legitimate campaign expense.

Yippee-yeah. And decide for yourself who has gone off the deep end in total panic and desperation. It may be the only contest Bert Gordon was in this fall.

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BEFORE THE FEDERAL ELECTION COMMISSION

FEB 11 3 20 PM '03

In the Matter of)
)
) CASE CLOSURES UNDER
) ENFORCEMENT PRIORITY
)

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

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

II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing cases permits the

Commission to focus its limited resources on more important cases presently

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

B. Stale Cases

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

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

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

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

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

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

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

III. RECOMMENDATIONS.

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

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

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

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

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2/24/98
Date

Lawrence M. Noble
Lawrence M. Noble
General Counsel



FEDERAL ELECTION COMMISSION
Washington DC 20463

MEMORANDUM

TO LAWRENCE M NOBLE
GENERAL COUNSEL

FROM MARJORIE W EMMONS/LISA R DAVIS
COMMISSION SECRETARY

DATE FEBRUARY 19, 1998

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

The above-captioned document was circulated to the Commission

on Thursday, February 12, 1998

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

Commissioner Aikens	—
Commissioner Elliott	—
Commissioner McDonald	<u>XXX</u>
Commissioner McGarry	—
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda for

Tuesday, February 24, 1998

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

AGENDA DOCUMENT NO. X98-13

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

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

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

Attest:

2-25-98
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 2, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Anthony L. Grande, Manager
Gill for Congress Committee
1730 General George Patton Drive, Suite 212
Brentwood, TN 37027

RE: MUR 4589

Dear Mr. Grande:

On November 22, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

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

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437(g)(a)(8).

Sincerely,

F. Andrew Tuttle
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 2, 1998

J. Houston Gordon, Chair
The Tennessee Democratic Party
1808 West End Avenue, Suite 515
Nashville, TN 37203-3315

RE: MUR 4589

Dear Mr. Gordon:

On December 3, 1996, the Federal Election Commission notified Will T. Cheek of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

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

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) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 2, 1998

Richard F. Laroche, Jr., Treasurer
Congressman Bart Gordon Committee
P.O. Box 2008
Murfreesboro, TN 37133

RE: MUR 4589

Dear Mr. Laroche:

On December 3, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

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

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800) 424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 1, 1998

The Honorable Bart Gordon
2201 Rayburn House Office Building
Washington, DC 20515

RE: MUR 4589

Dear Representative Gordon:

On December 3, 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 you. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on March 1, 1998.

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

If you have any questions, please contact Jennifer H. Boyt on our toll-free number, (800) 424-9530. Our local number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4589

DATE FILMED 3/11/88 CAMERA NO. 2

CAMERAMAN EES

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