



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 45910

DATE FILMED 1/16/98 CAMERA NO. 2

CAMERAMAN EES

28042855422

FEDERAL ELECTION COMMISSION
NOV 12 1 31 PM '96

November 7, 1996

Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Sir:

Enclosed is a copy of the first page of the Oklahoma Education Association's "oea issues", which was received through the mail before the November 5, 1996, election.

Notice that the "OEA's '96 recommended slate of candidates" has just one name for each office listed. No opposing candidates are listed. No comparison of candidates' voting records, views about issues, or answers to questions are given.

Obviously there is nothing "educational" or "informational" about this mailing. Since objections to "voter guides" have been reported, I ask you to:

1. Revoke the "Non-Profit Organization" mailing permit.
2. Fine the OEA for election lobbying while being a "Non-Profit Organization".
3. With a full audit, determine how much was spent on this mailing. If election laws were violated, prosecute to the full extent of the law.
4. If the OEA is not a "Non-Profit Organization", its income should be taxed as a for-profit organization.
5. Check National Education Association affiliates in other states for similar infractions.
6. With a full audit, determine if the NEA also violated election laws. If so, prosecute to the full extent of the law.

Please keep me informed about your progress on each of these and any other investigations of the OEA and NEA.

Be fair and equitable,

John Lee Terneus

John Terneus
R. R. 2, Box 76A
Yukon, OK 73099

cc: Senators Jim Inhofe and Don Nickles
Representatives Ernest Istook and Frank Lucas,
Federal Election Commission, Internal Revenue Service, and
Federal Post Office Department.

93043855423



Non Profit Org
 U.S. Postage Paid
 Okla. City, OK
 Permit #652

oea
issues

From OEA
 communication
 regarding with
 professional issues
 pertinent to public
 education

0 3 0 1 3 3 3 5 5 4 2 4

- Henry Bull**
Communications
Specialist
- Young Felix**
Communications
Specialist
- Gregory Gray**
Communications
Specialist
- Shirley Smith**
Communications
Specialist
- Shirley Karl**
Graphic Artist
- Barbara Smith**
President
- James McPherson**
Vice President
- Thomas M. Walker**
Executive Director

OEA
 P.O. Box 18485
 Oklahoma City, OK 73154
 (405) 528-7785 or
 (405) 522-4091

0 3 0 1 3 3 3 5 5 4 2 4
 ***** 5-DIGIT 7709
 0000073002100042748 105
 MARGARET S TERNEUS
 77099 74A
 OKLAHOMA OK 73122-9902

OEA's '96 recommended slate of candidates



PRESIDENT OF THE UNITED STATES
 Bill Clinton

VICE PRESIDENT OF THE UNITED STATES
 Al Gore

UNITED STATES SENATE
 Jim Boren

UNITED STATES HOUSE OF REPRESENTATIVES
 John D. Johnson
 Darrel R. Berts
 Ed Crocker
 Paul M. Barby

OKLAHOMA SENATE
 Rick Littlefield
 Herb Rowell
 Gary Slay
 Ben Robinson
 Dick Wilkerson
 Trish Weedin
 Brad Henry
 Ed Long
 Mike Morgan
 Chuck Hoskar
 Perry Williams
 Pat Woodrum

Lewis Long
 Ben Brown
 Karl Rysted
 Jim Sturdy
 Don Williams

OKLAHOMA HOUSE OF REPRESENTATIVES
 HD 2 J.T. Stites
 HD 3 Joe Hutchison
 HD 4 Joe Eddins
 HD 5 Larry Roberts
 HD 6 Dwayne Steidley
 HD 7 Gary Taylor
 HD 8 Don Raley
 HD 9 Jerry Hefner
 HD 10 Tom Settle
 HD 11 Barbara Staggs
 HD 12 M.C. Leist
 HD 13 Mike Mass
 HD 14 Danny Hilliard
 HD 15 Betty Boyd
 HD 16 Dale Turner
 HD 17 Rob Plunk
 HD 18 Rob Weaver
 HD 19 Dale Smith
 HD 20 Mike Frvin
 HD 21 Mike Tyler
 HD 22 Don Kinnaman
 Bernice Mitchell

HD 37 Bernie Jackson
 HD 41 Sean Voskuhl
 HD 44 Laura Boyd
 HD 45 Wallace Collins
 HD 47 Richard Allen
 HD 48 Al Sadler
 HD 50 Jari Askins
 HD 51 Ray G. McCarter
 HD 52 David Braddock
 HD 53 Mary Sue Schnell
 HD 54 Leigh Tucker
 HD 56 Ron Langmacher
 HD 57 James Covey
 HD 60 Jack Begley
 HD 63 Loyd Benson
 HD 64 Ron Kirby
 HD 66 Russ Roach
 HD 68 Shelby Satterfield
 HD 70 Darrell Gilbert
 HD 74 Phil Ostrander
 HD 77 Gary Stottlemire
 HD 84 Herb Bradshaw
 HD 88 Larry Adair
 HD 88 Debbie Blackburn
 HD 92 Bill Paulk
 HD 93 Al Lindley
 HD 94 Gary Bastin
 HD 96 Mark Seikel
 HD 97 Kevin Cox
 HD 98 Jack Perry
 HD 99 Opio Toure
 HD101 Alex Greenwood





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 1996

John Terneus
R.R. 2, Box 76A
Yukin, Oklahoma 73099

Dear Mr. Terneus:

This is to acknowledge receipt on November 12, 1996, of your letter dated November 7, 1996. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. Sc 437g.

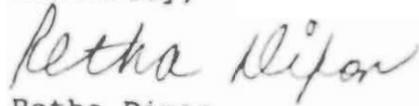
Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

9804385425

If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,



Retha Dixon
Docket Chief

Enclosure

cc: OEA
NEA

9 3 0 4 3 8 5 5 4 2 6

November 7, 1996

FE-10

Federal Election Commission
999 E Street NW
Washington, DC 20463

DEC 5 10 22 AM '96

MUR 4590

Dear Sir:

Enclosed is a copy of the first page of the Oklahoma Education Association's "oea issues", which was received through the mail before the November 5, 1996, election.

Notice that the "OEA's '96 recommended slate of candidates" has just one name for each office listed. No opposing candidates are listed. No comparison of candidates' voting records, views about issues, or answers to questions are given.

Obviously there is nothing "educational" or "informational" about this mailing. Since objections to "voter guides" have been reported, I ask you to:

1. Revoke the "Non-Profit Organization" mailing permit.
2. Fine the OEA for election lobbying while being a "Non-Profit Organization".
3. With a full audit, determine how much was spent on this mailing. If election laws were violated, prosecute to the full extent of the law.
4. If the OEA is not a "Non-Profit Organization", its income should be taxed as a for-profit organization.
5. Check National Education Association affiliates in other states for similar infractions.
6. With a full audit, determine if the NEA also violated election laws. If so, prosecute to the full extent of the law.

355427

Please keep me informed about your progress on each of these and any other investigations of the OEA and NEA.

Be fair and equitable,

John Terneus
R. R. 2, Box 76A
Yukon, OK 73099

DEC 3 2 25 PM '96
FEDERAL ELECTION COMMISSION

cc: Senators Jim Inhofe and Don Nickles,
Representatives Ernest Istook and Frank Lucas,
Federal Election Commission, Internal Revenue Service, and
Federal Post Office Department.

Subscribed and sworn to before me this 27th day of November 1996

Notary Public

My Commission Expires 9-29-98





Non Profit Org.
U.S. Postage Paid
Okla. City, OK
Permit #652

oea issues

An OEA
publication
dealing with
professional issues
pertinent to public
education

Marty Bull
*Communications
Specialist*

Doug Folha
*Communications
Specialist*

Bill Guy
*Communications
Specialist*

Kimberlee Smithton
*Communications
Specialist*

Marty Hart
Graphic Artist

Barbara Smith
President

Martha McDonald
Vice President

Joann M. Waller
Executive Director

OEA
P.O. Box 18485
Oklahoma City, OK 73154

(405) 526-7785 or

1-800-522-8091

Handwritten address and postage information:

Handwritten: 44-100-3900
 ***** 4-DIGIT 71399
 0032730241RNEW27AR 100
 MRS MARGARET S TERNEUS
 RR 2 BOX 75A
 YUKON, TX 75192-3900

OEA's '96 recommended slate of candidates



PRESIDENT OF THE UNITED STATES

Bill Clinton

George Bush
 Tom Brokaw
 Karl Rove
 Jim Sturdy
 Don Williams

Betty Jackson
 Sean Voskuhl
 Laura Boyd
 Wallace Collins

VICE PRESIDENT OF THE UNITED STATES

Al Gore

OKLAHOMA HOUSE OF REPRESENTATIVES

HD 47
 HD 48
 HD 5
 HD 51
 HD 52
 HD 53
 HD 54
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 HD 56
 HD 57
 HD 58
 HD 59
 HD 60
 HD 61
 HD 62
 HD 63
 HD 64
 HD 65

Richard Allen
 Al Sadler
 Jari Askins
 Ray G. McCarter
 David Braddock
 Mary Sue Schnell
 Leigh Tucker
 Ron Langmacher
 James Covey
 Jack Begley
 Loyd Benson
 Ron Kirby
 Russ Roach
 Shelby Satterfield
 Darrell Gilbert
 Phil Ostrander
 Gary Stottlemyre
 Herb Bradshaw
 Larry Adair
 Debbie Blackburn
 Bill Paulk
 Al Lindley
 Gary Bastin
 Mark Seikel
 Kevin Cox
 Jack Perry
 Opio Loure
 Alex Greenwood

UNITED STATES SENATE

Jim Boren

HD 2
 HD 5
 HD 6
 HD 7

J.T. Stites
 Joe Hutchison
 Joe Eddins
 Larry Roberts
 Dwayne Steidley
 Gary Taylor
 Don Raley
 Jerry Helfner
 Bill Settle
 Barbara Staggs
 M.C. Teist
 Mike Mass
 Danny Hilliard
 Betty Boyd
 Dale Turner
 Bob Plunk
 Bob Weaver
 Dale Smith
 Mike Ervin
 Mike Tyler
 Don Kinnaman
 Bernice Mitchell
 James Hager

UNITED STATES HOUSE OF REPRESENTATIVES

Glen D. Johnson (D)
 Darryl Roberts (R)
 Ed Crocker (D)
 Paul M. Barby (D)

OKLAHOMA SENATE

SD 1 Rick Littlefield
 SD 2 Herb Rozell
 SD 3 Gene Stipe
 SD 4 Ben Robinson
 SD 5 Dick Wilkerson
 SD 6 Irish Weedn
 SD 7 Brad Henry
 SD 8 Ed Long
 SD 9 Mike Morgan
 SD 10 Chuck Hoskin
 SD 11 Penny Williams
 SD 12 Pat Woodrum





FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 9, 1996

John Terneus
R.R. 2, Box 76A
Yukon, OK 73099

RE: MUR 4590

Dear Mr. Terneus:

This letter acknowledges receipt on December 3, 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 4590. 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 Tuttle
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

9 3 0 4 3 8 5 5 4 2 9



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 9, 1996

Barbara Smith, President
Oklahoma Education Association
PO Box 18485
Oklahoma City, OK 73154

RE: MUR 4590

Dear Ms. Smith:

The Federal Election Commission received a complaint which indicates that the Oklahoma Education Association 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 4590. 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 Oklahoma Education Association 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.

030435540

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

9 8 0 4 3 8 5 5 4 4 1



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 9, 1996

Robert F. Chase, President
National Education Association
1201 Sixteenth Street, NW
Washington, DC 20036

RE: MUR 4590

Dear Mr. Chase:

The Federal Election Commission received a complaint which indicates that the National Education Association 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 4590. 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 National Education Association you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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0 3 0 4 3 8 5 5 4 2

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

9 3 0 4 7 8 5 5 4 3



Robert F. Chase, President
Peg Weaver, Vice President
Marilyn Monahan, Secretary/Treasurer

1201 16th Street, N.W.
Washington, D.C. 20036-3290
(202) 822-7035 Fax (202) 822-7033
OFFICE OF GENERAL COUNSEL

HAND DELIVERED

December 20, 1996

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL
COMMISSION
DEC 20 4 29 PM '96

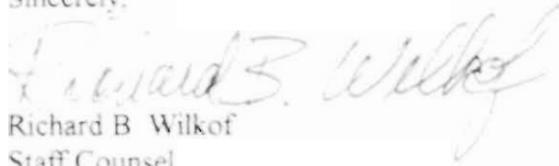
Re: MUR 4590

Dear Mr. Noble:

Enclosed is the response of the Oklahoma Education Association ("OEA") and the National Education Association ("NEA") to the complaint in the above-referenced matter. Referenced in the response is an affidavit of Bruce Hunt, an Associate Executive Director of OEA. The original affidavit, signed by Mr. Hunt and notarized, was sent by OEA staff to this office via overnight mail on December 19, 1996. As of 3:30 PM today, however, we had not received it. Since OEA headquarters and NEA headquarters have closed early for the Christmas and New Year's holidays, and since NEA will not reopen until January 6, 1997, it will be impossible for us to receive the original affidavit until after that date. Accordingly, in a telephone conversation today, Alva E. Smith, of your office, agreed to permit us to file a FAXed copy of the Hunt affidavit along with our response to the complaint, with the understanding that we will forward the original to you as soon as we receive it.

Thank you for your cooperation in this matter. Have a happy holiday!

Sincerely,



Richard B. Wilkof
Staff Counsel

Enclosures



NATIONAL EDUCATION ASSOCIATION

Robert F. Chase, President
Reg. Weaver, Vice President
Marilyn Monahan, Secretary/Treasurer
Don Cameron, Executive Director

1201 16th Street, N.W.
Washington, D.C. 20036-3290
(202) 822-7035 Fax (202) 822-7033
OFFICE OF GENERAL COUNSEL

December 20, 1996

Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 4590

Dear Mr. Noble:

On December 9, 1996, F. Andrew Turley, Supervisory Attorney with the Central Enforcement Docket of the Federal Election Commission ("FEC"), sent a letter to Robert F. Chase, President of the National Education Association ("NEA"), regarding the above-referenced MUR, together with the complaint upon which the MUR is based. On that same day, Mr. Turley sent a similar letter to Barbara Smith, President of the Oklahoma Education Association ("OEA"), along with the same complaint. We have been authorized to represent NEA and OEA in this matter, and this response is submitted on their behalf. Statements of Designation of Counsel are attached.

The complainant, John Terneus, characterizes his complaint as "objections to [a] 'voter guide[]'." He states that before the November 5, 1996 election, a list of candidates recommended by OEA for state and federal offices "was received through the mail," and that the structure of this list did not comport with various requirements under federal law.¹ Mr. Terneus then requests that the FEC take a number of remedial actions, only two of which are related to its jurisdiction: (1) "[w]ith a full audit, determine how much was spent on this mailing," and "[i]f election laws were violated, prosecute to the full extent of the law;" and (2) "with a full audit, determine *if* the NEA also violated election laws," and "[i]f so, prosecute to the full extent of the law."² (Emphasis added.)

The responses of OEA and NEA are set forth in turn below.

¹ Since the FEC has no jurisdiction over the nonfederal elections that were referenced on the list of recommended candidates, it should not even consider the portion of Mr. Terneus's complaint that applies to candidates in such elections.

² Because the other remedial actions requested by Mr. Terneus relate, at best, to federal tax and postal laws, they are not within the scope of the FEC's jurisdiction. Accordingly, we do not address them in this submission.

DEC 20 4 29 PM '96
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

1. OEA

By way of background, OEA is an autonomous, self-governing, independently-financed labor organization. One of OEA's members is Margaret S. Terneus, the individual to whom the list of endorsed candidates in question was mailed. Attachment A, Paragraph 4. *See also* the attachment to Mr. Terneus's complaint. The list of endorsed candidates was contained in the October 1996 issue of a publication entitled "OEA Issues," which OEA periodically produces and disseminates exclusively to its members. *See* Attachment A, Paragraph 3

The Federal Election Campaign Act of 1971 expressly provides that any communication by a membership organization to its members does not qualify as an "expenditure." 2 U.S.C. § 431(9)(B)(iii). In turn, § 114.4(c)(6) of the FEC's Regulations provides, in relevant part, that

[a] corporation or labor organization may endorse a candidate and may communicate the endorsement to its restricted class through the publications described in 11 C.F.R. § 114.3(c)(1) . . . provided that no more than a de minimis number of copies of the publication which includes the endorsement are circulated beyond the restricted class.

5 7 6
Section 114.3(c)(1) permits a labor organization to distribute printed material expressly advocating the election of one or more clearly identified candidates to its members, provided that the material is produced at the expense of the labor organization, and that it constitutes a communication of the views of the labor organization and is not merely a republication or reproduction of campaign materials prepared by a candidate or his/her campaign committee or authorized agent. As paragraph 3 of Attachment A indicates, the list of endorsed candidates contained in "OEA Issues" conforms to these requirements. It was the product of deliberations by the OEA-PAC Council, and was prepared by OEA staff under the direction of an Associate Executive Director of OEA.

Moreover, there is no evidence that the edition of "OEA Issues" in question was sent to Mr. Terneus (who is not a member of OEA) or any other non-members of OEA. Although a contrary implication conceivably could be drawn from Mr. Terneus's use of the passive voice in his letter (stating that the list of endorsed candidates "was received through the mail"), the page from "OEA Issues" that Mr. Terneus has attached to his complaint shows that the publication was mailed to Margaret S. Terneus, an OEA member who resides at the same address as the complainant.³ Since such a communication falls squarely within the rights of OEA as provided by §§ 114.3(c)(1) and 114.4(c)(6) of the FEC's Regulations, the complaint does not allege a violation of the Act with respect to that organization.

³ Since we do not know the relationship between the complainant and Margaret Terneus, we have not assumed that he is a member of Ms. Terneus's family. If that were the case, however, there would be no problem even if the material in question had been sent to Mr. Terneus, since the restricted class of a labor organization is defined as "its members and executive or administrative personnel, and their families" (Emphasis added) 11 C.F.R. § 114.1(j)

2 NEA

Mr. Terneus does not even allege that NEA has committed a violation of the FECA, much less provide a "clear and concise recitation of the facts which describe a violation of the statute or regulation over which the Commission has jurisdiction " 11 C.F.R. § 111.4(d)(3). Mr. Terneus merely speculates that NEA *might* have violated the law ("*if* the NEA also violated election laws") (emphasis added), which hardly provides a basis for the FEC to find a reason to believe that the complaint sets forth any possible violation of the FECA by NEA.

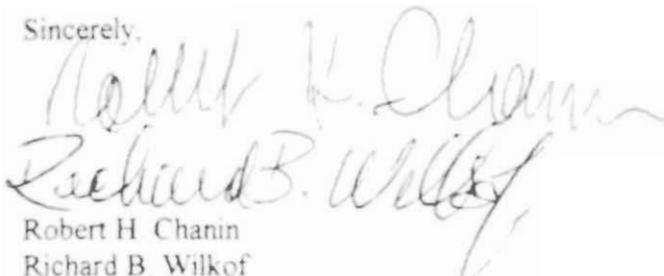
Moreover, even if we were to construe Mr. Terneus' complaint as implicitly alleging that NEA has engaged in conduct similar to that engaged in by OEA, there would, for the reason indicated in Section 1 above, be no violation of the FECA. NEA, like OEA, has the right to communicate with its members regarding candidates whom it has endorsed.

CONCLUSION

Based on the foregoing discussion, the FEC should take no action against OEA or NEA in response to Mr. Terneus's complaint, and should close the file on this MUR with regard to both organizations.

If you have any questions regarding this letter, or if you desire any further information, please contact us.

Sincerely,



Robert H. Chanin
Richard B. Wilkof
Counsel for the National Education
Association and the Oklahoma
Education Association

Attachment

cc
Robert F. Chase, National Education Association
Barbara Smith, Oklahoma Education Association
Mary Elizabeth Teasley, National Education Association

DECLARATION OF BRUCE HUNT

1. I am currently employed as Associate Executive Director of the Oklahoma Education Association ("OEA").

2. As Associate Executive Director of OEA, I am responsible for coordinating the process through which OEA decides whether to endorse candidates for state and federal office, and if so, whom to endorse.

3. With my assistance, the OEA Political Action Committee Council decided to endorse candidates for the following offices in the 1996 elections: President and Vice President of the United States, United States Senate, United States House of Representatives, Oklahoma Senate, and Oklahoma House of Representatives. The names of the candidates endorsed for each office were compiled by OEA staff into a list, which was then distributed under my direction to OEA members in the form of a newsletter entitled "oea issues." Editions of "oea issues" are published periodically by OEA and circulated only to members of OEA. Each edition focuses on a separate issue of particular interest to members of OEA. The October 1996 edition focused on the November 1996 elections for state and federal offices.

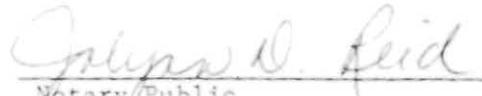
4. As Associate Executive Director of OEA, I have access to the official membership list of OEA. Having reviewed that list, I find that it includes Margaret Terneus, who resides at R.R. 2, Box 76A, Yukon, Oklahoma. Ms. Terneus is a member of OEA and the Oklahoma Retired Teachers Association, which is affiliated with OEA.

5. By virtue of being on OEA's membership list, Ms. Terneus would have received a copy of the edition of "oea issues" that is described in Paragraph 3 of this Affidavit.

I hereby declare under penalty of perjury that to the best of my knowledge and belief the foregoing is true and correct


Bruce Hunt

Subscribed and sworn to before me on this 19th day of December, 1996.


Notary Public

My Commission Expires:

10-28-98

80485549

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4590

NAME OF COUNSEL: Richard B. Wilkof and/or Robert H. Chanin

FIRM: NEA Office of General Counsel

ADDRESS: 1201 Sixteenth St. NW

Washington, DC 20036

TELEPHONE: (202) 822-7035

FAX: (202) 822-7033

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.

12-17-96
Date

Barbara Smith, President
Signature

RESPONDENT'S NAME: Oklahoma Education Association

ADDRESS: P.O. Box 18485

Oklahoma City, Ok 73154

TELEPHONE: HOME() _____

BUSINESS(405) 528-7785

2804855440

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4590

NAME OF COUNSEL: Robert H. Chanin and Richard B. Wilkof

FIRM: National Education Association, Office of General Counsel

ADDRESS: 1201 - 16th Street, N.W.

Washington, D.C. 20036

TELEPHONE: (202) 822-7035

FAX: (202) 822-7033

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.

Dec 19, 1986
Date

Robert J. Chanin
Signature

RESPONDENT'S NAME: National Education Association

ADDRESS: 1201 - 16th Street, N.W.

Washington, D.C. 20036

TELEPHONE: HOME () _____

BUSINESS (202) 822-7000

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)
)

ENFORCEMENT PRIORITY

May 10 2 21 PM '97
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.

9 8 0 4 3 8 5 5 4 4 2

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

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

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

means to identify those cases which, though earning a higher rating when received, remained unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources.

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

* These cases are: MUR 4283 (*Chenoweth for Congress*); MUR 4341 (*Juan Soltz 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 (*IVMAL 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.

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 4341
MUR 4402
MUR 4435
MUR 4439
MUR 4442
MUR 4444
MUR 4445
MUR 4446
MUR 4447
MUR 4449
MUR 4453
MUR 4454
MUR 4459
MUR 4474
MUR 4477
MUR 4481
MUR 4485
MUR 4486

MUR 4494

MUR 4495
MUR 4496
MUR 4497
MUR 4510
MUR 4511
MUR 4514
MUR 4515

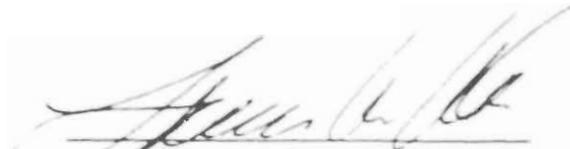
MUR 4521
MUR 4525
MUR 4527
MUR 4536
MUR 4540
MUR 4542
MUR 4552
MUR 4554
MUR 4556
MUR 4561

MUR 4564
MUR 4567

MUR 4569
MUR 4586
MUR 4590
MUR 4600
MUR 4612
MUR 4615
MUR 4616
MUR 4620
MUR 4622
MUR 4628
MUR 4629
MUR 4636
MUR 4637
MUR 4639
MUR 4641
MUR 4644
MUR 4651
MUR 4653
MUR 4656
MUR 4657

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Date 7/97


Lawrence M. Noble
General Counsel

Federal Election Commission
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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

98047855448



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Terneus
R.R. 2, Box 76A
Yukon, OK 73099

RE: MUR 4590

Dear Mr. Terneus:

On December 9, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

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

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4590
OKLAHOMA EDUCATION ASSOCIATION

John Terneus alleges that the Oklahoma Education Association mailed a newsletter, before the general election, that advocates the election of certain candidates. He reached this conclusion because the structure of the newsletter did not comply with the various requirements of the FECA.

In response to the complaint, the respondents, the National Education Association and the Oklahoma Education Association, state that the newsletter, which is printed material expressly advocating the election of one or more clearly identified candidates, may be mailed to its members. They state that the newsletter in question was properly mailed to Margaret Terneus, a member of the Oklahoma Education Association, and not to John Terneus, who resides at the same address.

There is no indication of any serious intent to violate the FECA, and this matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

Richard B. Wilkof, Esquire
Robert H. Chanin, Esquire
NEA Office of General Counsel
1201 Sixteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 4590
Oklahoma Education Association and National Education Association

Dear Messrs. Wilkof and Chanin:

On December 9, 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 has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed 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.

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Richard B. Wilkof, Esquire
Robert H. Chanin, Esquire
Page 2

If you have any questions, please contact Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4590
OKLAHOMA EDUCATION ASSOCIATION

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There is no indication of any serious intent to violate the FECA, and this matter is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4590
DATE FILMED 11/16/98 CAMERA NO. 2
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