FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THIS IS THE BEGINNING OF MUR # 4656

DATE FILMED 1-12-98 CAMERA NO. 2

CAMERAMAN E.S.

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

JUL 14 2 12 PM '97

Federal Election Commission
Office of General Counsel
999 E. Street, N.W.
Room 657
Washington, DC 20463

June 30, 1997

MUR 4656

To whom it may concern:

This letter is for the purpose of filing a formal compliant against the campaign of Illinois State Senator Howard Carroll, candidate for United States Congress in Illinois' 9th Congressional District. The violation that I seek to bring to the Commission's attention is Mr. Carroll's failure to print an authorization notice on his congressional campaign posters.

According to the Federal Election Commission campaign guide, "When a candidate uses public political advertising to solicit contributions or to expressly advocate the election or defeat of a clearly identified candidate, the communication must display an authorization notice. 110.11(a). The notice must be clearly and conspicuously displayed."

This is one of the most basic and fundamental campaign rules and it seems obvious to this observer that this blatant omission is a thinly veiled attempt to circumvent legal reporting requirements. It is my hope that the Commission will be diligent in holding Mr. Carroll responsible for his actions and that your ruling will be swift and stern. I look forward to your timely response.

Sincerely,

Sara Schwarz

Sara Schwarz
863 W. Roscoe, Apt. #3
Chicago, IL 60657

William P. D'Ambrosio

"OFFICIAL SEAL"
WILLIAM P. D'AMBROSIO
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 5/12/01

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 21, 1997

Sara Schwarz
863 W. Roscoe, Apt. #3
Chicago, IL 60657

RE: MUR 4656

Dear Ms. Schwarz:

This letter acknowledges receipt on July 14, 1997, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended. The respondent(s) will be notified of this complaint within five business 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 notarized and sworn to in the same manner as the original complaint. We have numbered this matter MUR 4656. 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

30438537725

FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 21, 1997

Michael C. Dorf, Treasurer
Carroll for Congress Committee
PO Box 598174
Chicago, IL 60659

RE: MUR 4656

Dear Mr. Dorf:

The Federal Election Commission received a complaint which indicates that Carroll for Congress 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 4656. 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.

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If you have any questions, please contact Alva E. Smith at (202) 219-3690. 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

cc: The Honorable Howard W. Carroll

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RECEIVED
FEDERAL ELECTION
COMMISSION
97 JUL 29 PM 4:25

ADDUCCI, DORF, LEHNER, MITCHELL & BLANKENSHIP, P.C.

ATTORNEYS AT LAW

SUITE 2130
150 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601-7524

TELEPHONE (312) 781-2800
FACSIMILE (312) 781-2811

Michael C. Dorf
Direct Dial (312) 781-2806

July 29, 1997

BY FACSIMILE TRANSMISSION
Ms. Alva E. Smith
Office of the General Counsel
Federal Election Commission
Washington, D.C 20463

RE: MUR 4656

Dear Ms. Smith:

As we discussed on the telephone this morning, I am writing to confirm the questions and concerns I raised regarding the above referenced Matter Under Review, and the materials forwarded to me as Treasurer of the Carroll for Congress Committee by the Federal Election Commission (the "FEC"). As we further discussed, this letter is not our formal response to MUR 4656.

As you requested, I am also faxing to you a copy of the following materials I received from the FEC concerning MUR 4656:

1. Letter dated July 21, 1997 to me from F. Andrew Turley, FEC;
2. Letter dated June 30, 1997 to the FEC from Sara Schwarz;
3. Letter dated June 17, 1997 to Sara Schwarz from Retha Dixon, FEC; and
4. Photocopy of a banner stating "Howard W. Carroll for U.S. Congress."

With regard to the above materials, I raised the following questions and concerns:

1. What is the nature of the banner filed with the complaint? That is, did Ms. Schwarz send in an 8 1/2" x 11" photocopy or an original banner or bumper sticker?

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2. The June 17, 1997 letter indicates that Ms. Schwarz filed a complaint dated June 4, 1997, which was found legally insufficient by the FEC. According to 11 C.F.R. 111.5(b), "If a complaint does not comply with the requirements of 11 C.F.R. 111.4, the General Counsel shall so notify...any persons(s) or entity(ies) identified therein as respondent(s)....A copy of the complaint shall be enclosed with the notification to each respondent." Accordingly, I request a copy of the June 4, 1997 complaint.

3. The June 17, 1997 letter from the FEC to Ms. Schwarz includes a "cc:" notation that a copy was sent to "Schakowsky for Congress". Inasmuch as Ms. Schakowsky is an opponent of Senator Carroll for the nomination for United States Representative, this action by the FEC is a gravely prejudicial breach of the confidentiality requirements of 11 C.F.R. 111.21, which states that "...no complaint filed with the Commission, nor any notification sent by the Commission...shall be made public by the Commission...without the written consent of the respondent with respect to whom the complaint was filed, [or] the notification sent...." Accordingly, I request an explanation from the FEC of its actions in this matter.

Because of the approaching deadline for submission of our formal response to the FEC under MUR 4656, your prompt response to this letter would be appreciated. Alternatively, I request an extension of time to respond pending receipt of your response.

Please call me if you have any questions or need any additional information.

Sincerely,

Michael C. Dorf

mcd
Enclosures

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ADDUCCI, DORF, LEHNER, MITCHELL & BLANKENSHIP, P.C.
ATTORNEYS AT LAW
SUITE 2130
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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 11 3 47 PM '97

Michael C. Dorf
Direct Dial (312) 781-2806

August 8, 1997

BY FACSIMILE AND U.S. MAIL
F. Andrew Turley, Esq.
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4656
Carroll for Congress Committee
Michael C. Dorf, Treasurer

Dear Mr. Turley:

Pursuant to 2 U.S.C. 437g(a)(1) and 11 CFR 111.6, I am responding, on behalf of the Carroll for Congress Committee (the "Committee") and myself as Treasurer (the "Treasurer"), to your letter dated July 21, 1997. The letter encloses a letter dated June 30, 1997(the "Letter") submitted by Sara Schwarz, who lists her address as 863 W. Roscoe, Apt. #3, Chicago, Illinois 60657 ("Schwarz"). In accordance with the provisions of 11 CFR 111.6, the Committee and the Treasurer request that no action be taken by the Federal Election Commission (the "Commission")on the basis of the Letter. In support of its request, the Committee and the Treasurer submit the following reasons:

I. The Letter is Insufficient as a Matter of Law for Failure to Meet the Requirements of 11 CFR 111.4.

A. **The Letter is Not Submitted Under Oath or Properly Notarized**. 11 CFR 111.4 (b)(2) provides that the contents of a complaint "shall be sworn to and signed in the presence of a notary public and shall be notarized." Although a notary seal is affixed to the Letter, there is no indication that Schwarz made her statements under oath as required by the quoted section. Moreover, the notarization is not dated and contains no indication of place of signing. Section 6-103 of the Illinois Notary Public Act, 5 ILCS 312/6-103 states that "A notarial act must be evidenced by a certificate signed and dated by the notary public. The certificate must include identification of the jurisdiction in which the notarial act is performed and the official seal of

office." The notarization affixed to the Letter is insufficient under Illinois law and therefore invalid.

Counsel for the Commission has informed the respondents that the Commission dismissed on similar grounds a prior complaint filed by Schwarz against another campaign committee. Schwarz has attached that Commission letter to the Letter in an apparent attempt to cure the Letter. The attachment, however, is not notarized, and contains no indication that it was seen by the Notary Public. Because of all these defects, the Commission should take no action on the Letter due to its failure to meet the provisions of 11 CFR 111.4 (b)(2).

B. The Letter Does Not Contain a Sufficient Statement of Facts. 11 CFR 111.4 (c) requires that a complaint "should differentiate between statements based upon personal knowledge and statements based upon information and belief." 11 CFR 111.4 (d) (2) adds that "statements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainants belief in the trust of such statements." Finally, 11CFR 111.4(d)(3) states that a complaint " should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation...." Schwarz has met none of these criteria.

Schwarz provides no "facts" in her Letter, making only conclusory statements and obviously partisan and punitive declarations as "It is my hope that...your ruling will be swift and stern." The only substantive comment in the Letter is not a fact, but a legal conclusion in Schwarz' charge of "failure to print an authorization notice... on ... congressional campaign posters." In particular, Schwarz does not state under what circumstances she either viewed or came into possession of the materials in question.

It is apparent from the Letter that there are 1) no facts, let alone a "clear and concise recitation of the facts"; 2) no differentiation between personal knowledge and information and belief; and 3) no identification of the source of Schwarz' knowledge. The Commission should therefore take no action on the basis of the Letter because of its failure to state an actionable claim.

II. The Respondents Could Not Have Taken the Actions Alleged in the Letter.

Even assuming that the Letter sufficiently alleges facts sufficient to meet threshold statutory requirements, the Letter is dated June 30, 1997 and refers to actions which, accordingly, must have occurred on or before that date. The Committee came into existence on July 2, 1997, upon its designation by Howard W. Carroll, in his FEC Form 2 Statement of Candidacy, as his Principal Campaign Committee. The Treasurer was named at that same time. At the time of the actions alleged, therefore, neither the Committee nor the Treasurer, in such official capacity, was in existence. Since the Committee and the Treasurer are the sole respondents, the Commission should take no action on the basis of the Letter.

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III. The Communication Did Not Require a Disclaimer.

A. The Communication was Exempt from Disclaimer Requirements. Despite Schwarz' failure to state facts sufficient to give respondents an opportunity to respond on the merits, the respondents have attempted to piece together an explanation of the exhibit attached to the Letter. Commission counsel has informed respondents that the original exhibit is a poster sized paper with the words "Howard W. Carroll for U.S. Congress". As a result of extensive discussions with volunteers from the now dissolved Exploratory Committee established to assist Howard W. Carroll in his decision to become a candidate, respondents have learned the following:

Volunteers from the Exploratory Committee engaged a printer to prepare mock ups of various campaign type faces and logos in preparation for a possible candidacy. Posters were prepared as part of this review. Volunteers have informed respondents that there was no intent to use these mock ups for any other purpose. Between the time of the candidate's formal announcement and the establishment of the Committee, supporters of the candidate were invited to participate in a local parade. Volunteers thereupon took the mock up posters, folded them into a size no more than one quarter of the original in order to increase their strength, and attached them to slats which were then carried by the volunteers in the parade. All the signs except one were then returned and discarded. The volunteers have stated that an attendee at the parade took the remaining sign without permission and disappeared into the crowd. It is apparent that this action was for the sole purpose of using it as the basis of the Letter.

The size of the "poster" as actually displayed was equivalent to that of a bumper sticker. As such it was exempt from the disclaimer requirements pursuant to 11 CFR 110.11 (a) (6), which exempts such stickers or other "similar small items upon which the disclaimer cannot be conveniently printed.", as well as "other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable." Schwarz' unfolding of the piece in order to pursue her partisan ends does not affect its actual size as used. The communication was exempt from disclaimer requirements and the Committee should therefore take no action on the basis of this allegation.

B. The Disclaimer Requirement, as Applied in the Instant Context, is an Unconstitutional Restriction on Free Speech. The sign at issue was not used in a fundraising context, but purely as a communication of advocacy for a political candidacy. The Illinois Supreme Court, in People v. White, 116 Ill.2d 171, 506 N.E.2d 1284 (Ill. 1987), has ruled that an Illinois attribution requirement which prohibited the publication of political literature which did not show the name and address of persons publishing and distributing it was an unconstitutional restriction on First Amendment rights. "Under this statute, even pure political advocacy, such as urging the public to 'vote for Smith', is banned unless the author is identified....In attempting to regulate political speech, this statute touches the core of first amendment values." 116 Ill2d. at 177.

The United States Supreme Court accepted the reasoning of White in McIntyre v. Ohio

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Elections Commission, 514 U.S. 334, 131 L.Ed.2d 426, 443 (1995), in striking down a similar Ohio provision. While regulation might be justified in curbing fundraising abuses, the use in the instant context, as pure political speech, is protected from regulation. Accordingly, the Letter must be dismissed.

IV. The Conduct Described was De Minimis. At its worst, the alleged conduct, was a one time use of a publication which has since been discarded, and created no confusion. The primary purpose of the Federal Election Campaign Act ("FECA") was to limit the actuality and appearance of corruption resulting from large individual financial contributions. Buckley v Valeo 424 US 1, 46 L Ed 2d 659, 96 S Ct 612, (1976). In no way does the alleged violation come close to this standard. Accordingly, the activity questioned should at most be considered de minimis conduct which cannot reoccur.

V. Controls Are in Place to Ensure Compliance with FECA Requirements. Now that the Committee is in existence and the Treasurer has been named, controls are in place to ensure compliance with all communications and advertising provisions of the FECA. These controls include review and approval requirements for all campaign expenditures and publications.

In summary, therefore, the Committee and the Treasurer request that the Commission take no action on the Letter because 1) the Letter is insufficient as a matter of law; 2) the Respondents could not have taken the actions alleged because they were not in existence at the time of those actions; 3) the subject communication was exempt from disclaimer requirements; 4) the disclaimer requirement, as applied in a purely communicative and not a fundraising context, is an unconstitutional restriction on free speech; 5) the alleged conduct was de minimis; and 6) controls are now in place to ensure compliance with Federal Election Campaign Act requirements.

The Committee and the Treasurer appreciate your consideration of their response. Please call me if you have any questions or need any additional information.

Sincerely,

Michael C. Dorf,
Individually, and on behalf of
Carroll for Congress Committee

State of Illinois
County of Cook

Signed and sworn to before me on August 8, 1997 by Michael C. Dorf.

Notary Public

"OFFICIAL SEAL"
DEBORAH L. TENERELLI
Notary Public, State of Illinois
My Commission Expires Nov. 13, 1999

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) ENFORCEMENT PRIORITY **SENSITIVE**
)

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

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

This is the first Enforcement Priority Report that reflects the impact of the 1996 election cycle cases on the Commission's enforcement workload. We have identified cases that are stale which are recommended for dismissal at this time. This is the highest number of cases identified as stale in a single report, and the highest number of stale cases recommended for closure at one time, since the inception of EPS in 1993.

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II. CASES RECOMMENDED FOR CLOSURE.

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

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

Closing such cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters.[3] Attachment 1 to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS provides us with the

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[3] These cases are: RAD 97L-10 (*Citizens for Randy Borow*); RAD 97L-16 (*Republican State Central Committee of South Dakota*); Pre-MUR 347 (*Producers Lloyds Insurance Company*); Pre-MUR 348 (*Peoples National Bank of Commerce*); Pre-MUR 349 (*Trump Plaza*); Pre-MUR 350 (*Citibank, N.A.*); Pre-MUR 355 (*Feingold Senate Committee*); MUR 4494 (*Georgianna Lincoln*); MUR 4586 (*Friends of Zach Wamp*); MUR 4590 (*Oklahoma Education Association*); MUR 4600 (*San Diego Police Officers Assoc.*); MUR 4612 (*Teresa Doggett for Congress*); MUR 4615 (*Catholic Democrats for Christian Values*); MUR 4616 (*American Legislative Exchange Council*); MUR 4620 (*Eastern Connecticut Chamber of Commerce*); MUR 4622 (*Telles for Mayor*); MUR 4628 (*Gutknecht for Congress*); MUR 4629 (*Janice Schakowsky*); MUR 4636 (*IBEW Local 505*); MUR 4637 (*Dettman for Congress*); MUR 4639 (*Larson for Congress*); MUR 4641 (*Becker for Congress*); MUR 4644 (*Detroit City Council*); MUR 4651 (*Mike Ryan*); MUR 4653 (*Pritzker for Congress*); MUR 4656 (*H. Carroll for Congress*); and MUR 4657 (*Buchanan for President*).

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

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

[6] These cases are: MUR 4283 (*Chenoweth for Congress*); MUR 4341 (*Juan Soliz for Congress*); MUR 4402 (*U.S. Representative Helen Chenoweth*); MUR 4435 (*Lincoln for Congress*); MUR 4439 (*UAW*); MUR 4442 (*Lipinski for Congress*); MUR 4444 (*Roberts for Congress*); MUR 4445 (*Randy Tate for Congress*); MUR 4446 (*Clinton/Gore '96 Primary*); MUR 4447 (*Random House, Inc.*); MUR 4449 (*Clinton Administration*); MUR 4453 (*Mike Ward for Congress*); MUR 4454 (*Ralph Nader*); MUR 4459 (*Clinton/Gore '96*); MUR 4474 (*Salvi for Senate*); MUR 4477 (*BBDO-New York*); MUR 4481 (*Diamond Bar Caucus*); MUR 4485 (*Perot '92 Petition Committee*); MUR 4486 (*Bunda for Congress*); MUR 4495 (*Pennsylvania PACE for Federal Elections*); MUR 4496 (*Norwood for Congress*); MUR 4497 (*Pease for Congress*); MUR 4510 (*Stabenow for Congress*); MUR 4511 (*Bob Coffin for Congress*); MUR 4514 (*Friends for Franks*); MUR 4515 (*Clinton Investigative Commission*); MUR 4521 (*WMAL 630 AM*); MUR 4525 (*Senator Larry Pressler*); MUR 4527 (*Brennan for Senate*); MUR 4536 (*Signature Properties, Inc.*); MUR 4540 (*Tim Johnson for SD*); MUR 4542 (*Dan Frisa for Congress*); MUR 4552 (*Charles W. Norwood*); MUR 4554 (*John Byron for Congress*); MUR 4556 (*Jim Wiggins for Congress*); MUR 4561 (*Jay Hoffman for Congress*); MUR 4564 (National Republican Congressional Committee); MUR 4567 (DNC Services Corp.); MUR 4569 (McGovern Committee); RAD 96L-11 (*New York Republican County Committee*); Pre-MUR 343 (*NRSC*); and Pre-MUR 312 (*Joseph Demio*). The *Demio* case involves fundraising related to former Congresswoman Mary Rose Oakar's 1992 congressional campaign. It was held as a courtesy to the Department of Justice pending resolution of a parallel criminal matter in the District Court for the District of Columbia. Mr. Demio recently entered into a plea agreement with the Department of Justice (on which we were not consulted) in which he agreed, among other things, to waive the statute of limitations regarding civil violations of the FECA. Considering the age of the case and activity, the fact that DOJ has not formally referred this matter to us, and the Commission's continuing resource constraints, dismissal is the appropriate disposition of this matter.

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We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective November 17, 1997. Closing these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

RAD 96L-11	Pre-MUR 312	Pre-MUR 349
	Pre-MUR 343	Pre-MUR 350
RAD 97L-10	Pre-MUR 347	Pre-MUR 355
RAD 97L-16	Pre-MUR 348	

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B. Take no action, close the file effective November 17, 1997, and approve the appropriate letters in the following matters:

MUR 4283	MUR 4495	
MUR 4341	MUR 4496	MUR 4569
MUR 4402	MUR 4497	MUR 4586
MUR 4435	MUR 4510	MUR 4590
MUR 4439	MUR 4511	MUR 4600
MUR 4442	MUR 4514	MUR 4612
MUR 4444	MUR 4515	MUR 4615
MUR 4445		MUR 4616
MUR 4446	MUR 4521	MUR 4620
MUR 4447	MUR 4525	MUR 4622
MUR 4449	MUR 4527	MUR 4628
MUR 4453	MUR 4536	MUR 4629
MUR 4454	MUR 4540	MUR 4636
MUR 4459	MUR 4542	MUR 4637
MUR 4474	MUR 4552	MUR 4639
MUR 4477	MUR 4554	MUR 4641
MUR 4481	MUR 4556	MUR 4644
MUR 4485	MUR 4561	MUR 4651
MUR 4486		MUR 4653
	MUR 4564	MUR 4656
MUR 4494	MUR 4567	MUR 4657

7/97
Date

Lawrence M. Noble
General Counsel

23043853738

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

28043853740

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sara Schwarz
863 W. Roscoe, Apt #3
Chicago, IL 60657

RE: MUR 4656

Dear Ms. Schwarz:

On July 14, 1997, 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

23043853741

MUR 4656
H. CARROLL FOR CONGRESS

Sara Schwarz filed a complaint alleging that State Senator Howard Carroll, a candidate for Congress in Illinois' 9th District, failed to put a disclaimer on his congressional posters.

In response to the complaint, the Carroll for Congress Committee ("Committee") states that it was not yet in existence when the alleged violations took place. The Committee relates that volunteers had prepared mock-ups of various campaign typefaces and logos in preparation for Mr. Carroll's possible candidacy, and used these mock-ups in the parade to which they were invited. According to the Committee, these signs have since been destroyed, and controls are now in place to ensure future compliance with the FECA.

The 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

Michael C. Dorf, Treasurer
Carroll for Congress Committee
P.O. Box 598174
Chicago, IL 60659

RE: MUR 4656

Dear Mr. Dorf:

On July 21, 1997, 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 has determined to exercise its prosecutorial discretion and to take no action against Carroll for Congress Committee and you, as treasurer. 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.

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

2804385374 3

MUR 4656
H. CARROLL FOR CONGRESS

Sara Schwarz filed a complaint alleging that State Senator Howard Carroll, a candidate for Congress in Illinois' 9th District, failed to put a disclaimer on his congressional posters.

In response to the complaint, the Carroll for Congress Committee ("Committee") states that it was not yet in existence when the alleged violations took place. The Committee relates that volunteers had prepared mock-ups of various campaign typefaces and logos in preparation for Mr. Carroll's possible candidacy, and used these mock-ups in the parade to which they were invited. According to the Committee, these signs have since been destroyed, and controls are now in place to ensure future compliance with the FECA.

The 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 # 4656

DATE FILMED 1-12-98 CAMERA NO. 2

CAMERAMAN E.S

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