



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4746

DATE FILMED 12/2/98 CAMERA NO. 3

CAMERAMAN SES

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May 6, 1998

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

MAY 14 3 16 PM '98

Re: Complaint under 2 USC §433 *et seq*
versus Philip Cyre

MUA 4746

Dear Commission:

This is a complaint against Philip Cyre of Hazel, South Dakota 57242, for failure to register and report to the Federal Election Commission as a political committee as provided for in 2 USC § 433 *et seq*.

Ron Wieczorek is a candidate for the Democratic Party nomination in South Dakota for the United States House of Representatives. His name will appear on the ballot in that party's primary on June 2, 1998 by certification of the South Dakota Secretary of State. The Secretary of State's certification was made on April 9, 1998 following Mr. Wieczorek's filing of the required signatures of registered Democrats from throughout South Dakota. Mr. Wieczorek has actively begun campaigning, including running campaign ads, producing campaign material, giving radio, television and newspaper interviews, and public speaking.

Lyndon H. LaRouche, Jr. has declared his availability as a candidate for the Democratic Party nomination for president in the upcoming 2000 elections. Mr. LaRouche's campaign committee is duly registered with this Commission. Mr. LaRouche not only is a declared candidate, but has already begun to issue campaign statements.

In response to Mr. Wieczorek's certification for a place on the South Dakota Democratic Primary ballot, Mr. Philip Cyre, of Hazel, South Dakota initiated a series of illegal activities directed at opposing both Mr. Wieczorek's and Mr. LaRouche's candidacies. Mr. Cyre's actions are illegal as they are not by or on behalf of a duly registered political committee with the FEC, yet he is expending monies and manpower directed at defeating a candidate for federal office. In particular, Mr. Cyre's initiatives include:

§ In mid April of this year, Mr. Cyre issued and began disseminating a "fact sheet" entitled **Lyndon LaRouche and the Democratic Party**. This "fact sheet" is a vile attack on Mr. LaRouche, and by implication, Mr. Wieczorek (see Exhibit A attached hereto);

§ Along with this "fact sheet", Mr. Cyre wrote a cover letter addressed to "Fellow Democrat" attacking candidate Wieczorek for his association with Mr. LaRouche. (see Exhibit B attached hereto). This letter, signed by Mr. Cyre, describes Mr. Wieczorek as "a vocal follower of Lyndon LaRouche, a convicted felon," and notes that Mr. Wieczorek "is running for the Democratic nomination for the U.S. House...against

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Deputy State Treasurer Jeff Moser... in the June 2 primary." The letter then references the "fact sheet" so that it's recipients might "know[ing] a little bit about some of the things that Lyndon LaRouche has said and done." It then requests that this "information" be passed along to "other active Democrats before the June 2 primary." The wide dissemination of this derogatory "fact sheet" is clearly intended to negatively impact both Mr. Wieczorek's and Mr. LaRouche's candidacies.

Mr. Cyre has sent this "fact sheet" along with his cover letter to every Democratic Party county chairman in the state, each member of the Party's State Central Committee, and to numerous Democratic state elected officials. He has also sent it to each County President of the South Dakota Farm Union, of which he is a state official. It obviously has gone to other active Democrats, and potential voters in the June 2 primary.

Quite clearly, these actions constitute participation on the part of Mr. Cyre in actions opposing a federal candidate seeking election. The expenditure of monies to publish and mail, as well as the statewide distribution, of an unknown number of these publications defaming both candidate Wieczorek and LaRouche is a violation of the FECA, as he is not a registered political committee or an agent thereof.

I hereby request that, as provided for in 2 USC § 437g *et seq*, the Commission investigate this illegal expenditure of monies and activities on the part of Philip Cyre which are in violation of the FECA

Ron Wieczorek

Ron Wieczorek
Candidate for the Democratic Party nomination
for the U.S. House of Representatives
from South Dakota

State of South Dakota)

) ss:

County of Davison)

7th

SIGNED AND SWORN TO BEFORE ME THIS DAY OF May, 1998.

Diana Descombes
Notary Public

My Commission Expires:

5-30-2003

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LYNDON LAROUCHE AND THE DEMOCRATIC PARTY

"(A) principal political strategist in the 1981 New York mayoral primary, has recently been quoted as saying that 'we didn't challenge anyone's signatures' because 'it's not part of the democratic process.' That is a perfectly honorable statement but calamitously wrong. The democratic process is not abetted by admitting neo-fascists to the Democratic Party. Let them have their own party if they like, but keep them out of ours."

■ Senator Daniel Patrick Moynihan

LYNDON LAROUCHE, IN HIS OWN WORDS:

The Armed Services

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"The two official U.S. Government agencies most directly responsible for the Symbionese Liberation Army and the Jones Peoples Temple cult are the U.S. Air Force Intelligence and the Office of Naval Intelligence (ONI). Until the massive British Zionist controlling penetration of those two elements of the Pentagon's intelligence establishment is cleared out, untold horrors will continue to proliferate in the United States" – Campaigner Special Report, 1978

Anti-Semitism/Religion

"The first, and most important fact to be recognized concerning the Hitler regime, is that Adolf Hitler was put into power in Germany on orders from London. The documentation of this matter is abundant and conclusive." – The Campaigner, August 1978

"Judaism is the religion of a caste of subjects of Christianity, entirely molded by ingenious rabbis to fit into the ideological and secular life of Christianity. In short, a self-sustaining Judaism never existed and never could exist. As for Jewish culture otherwise, it is merely the residue left to the Jewish home after everything saleable has been marketed to the Goyim." – The Campaigner, December 1973

"The inner hierarchy of the Episco-pagan church is properly viewed not merely as something within the established Church of England, but as a coordinating agency for an array of forces with arms not only among Catholic, Protestant and Eastern autocephalic denominations...It controls, with complicity of Venice, Libya's psychotic Colonel Khadafy, and most of the New York Council on Foreign Relations, as well as the psychological warfare and assassination arm of British intelligence, the London Tavistock Institute." – Executive Intelligence Review June 2, 1981

Revisionist History

"History as it is taught in leading American universities today is a deliberate systemic fraud. History textbooks in our public schools, in particular insofar as they pertain to the American Revolution and the issues leading up to the Civil War, are total frauds." – WGPR, Detroit, March 20, 1979

Miscellaneous Bizarre Statements

The Beatles

"The Beatles had no genuine musical talent, but were a product shaped according to British Psychological Warfare Division (Tavistock) specifications, and promoted in Britain by agencies which are controlled by British intelligence." – Campaigner Special Report, 1978

Impotence

"To the extent my physical powers do not prevent me, I am now confident and capable of ending your political –and sexual- impotence; the two are interconnected aspects of the same problem." – NCLC Internal Document 1973

OTHER TROUBLING LYNDON LAROUCHE FACTS

Lyndon LaRouche was convicted of mail and tax fraud for obtaining credit card numbers from the elderly via telephone and using those numbers to illegally make contributions to his shadowy political organization. He served five years in Federal prison for his crimes. (Washington Post – January 27, 1994).

LaRouche's followers actually made it on the ballot for Lt. Governor and Secretary of State in Illinois in 1986, actually forcing Adlai Stevenson III, the gubernatorial candidate, to leave the Democratic ticket. Illinois LaRouche/Democratic candidates have made the following positions a part of their record:

They claim that the DARE to Keep Our Kids Off of Drugs program is an "anti-parent psycho manipulation program," designed "to teach the young child that he or she is qualified to decide the use of mind altering drugs."

They claimed that "the National Education Association... has satanic connections to the United Nations in an effort to brainwash children and break up families."

They claimed that the Anti-Defamation League of B'nai B'rith has served as an organization to push communist ideology "by infiltrating law enforcement and other government agencies." They also claim the Anti-Defamation League pushes homosexuality and abortion on young people.

(Chicago Tribune December 15, 1993)

WHAT THE MAINSTREAM SAYS ABOUT LYNDON LAROUCHE

"LaRouche is anything but legitimate, and oddball is far too kind a word to describe his pursuits. He is a conspiracy-monger and a patent anti-Semite. In the world according to LaRouche, Henry Kissinger, David Rockefeller, Averell Harriman, the International Monetary Fund, the FBI, the Club of Rome, among others, are all plotting, as agents of the British Secret Intelligence Service and Queen Elizabeth II, to spur 'world holocaust' through drug addiction, global famine, the bubonic plague and 'menticide—the willful and systemic destruction of the human mind." – Peter Spiro, The New Republic, February 6, 1984.

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Exhibit B

Fellow Democrat,

I am sure that by now you are aware the Ron Weiczorek, a vocal follower of Lyndon LaRouche, a convicted felon, is running for the Democratic nomination for the U.S. House. He is running against Deputy State Treasurer Jeff Moser of Pierre in the June 2 primary. I thought you might be interested in knowing a little bit about some of the things that Lyndon LaRouche has said and done. I hope that you will pass this information onto other active Democrats before the June 2 primary.

Phil Cyre

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 19, 1998

Mr. Ron Wiczorek
RR 2, Box 40
Mt. Vernon, SD 57363

RE: MUR 4746

Dear Mr. Wiczorek:

This letter acknowledges receipt on May 14, 1998, 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 4746. 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,

A handwritten signature in black ink, appearing to read "F. Andrew Tutley", is positioned above the typed name.

F. Andrew Tutley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 19, 1998

Mr. Phillip Cyre
112 RR 1
Hazel, SD 57242

RE: MUR 4746

Dear Mr. Cyre:

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 4746. Please refer to this number in all future correspondence.

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

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) 694-1650. 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

98043902025

Phil and Lana Cyre

44094 178th St
Hazel, SD 57242

Email phillip@basec.net

Jul 11 1998

June 02, 1998

MUR 4746
FEC
999 E Street, N.W.
Washington, D.C. 20463

Dear FEC Staff,

Re: MUR 4746. I have read the complaint registered to you by Mr. Wieczorek. I am going to try and respond to this person's concerns in order to dispose of this matter in the most congenial way possible.

First of all, I am not a political committee. I am not serving on a political committee. I am not a local, state, or national officer of any political committee. I am a private citizen. I believe that as a private citizen I should be allowed to communicate to other democrats within my state. I have not endorsed any candidate nor is any candidate endorsed by the short note that is marked exhibit B in the notice that I have received.

There is no "vile attack" either intended nor present in the document marked exhibit A. These are merely quotations of persons who have allowed themselves to become public figures. The fact that Mr. Wieczorek has aligned himself with the La Rouche platform is not in question. A review of Mr. Wieczorek's advertising for the office which he seeks and any number of newspaper articles will confirm that fact. The reference to Mr. Wieczorek as a vocal supporter of Lyndon La Rouche serves only to identify Mr. Wieczorek, as does the reference to Jeff Moser as "the Deputy State Treasurer". These references are true and accurate, and serve to help identify the individuals. There is no reference of any offensive nature to either of them. If any offense is taken to the reference to Lyndon La Rouche as a convicted felon, let the record either prove or disprove that fact. I do wish to note that as in the article enclosed for the committee's review, Mr. LaRouche is often referred to with note of his legal woes.

Mr. Wieczorek refers to the quotations as a "fact sheet". That is his term and not mine, no reference to a "fact sheet" is made in my short note to fellow democrat. I am a democrat, I ran for the state senate in 1996 as a democrat, I worked on that campaign and followed all the rules. I discussed an insert that I had printed with my opponent, he did not like a reference to a vote that was quoted in the document, I did not run that insert. I had 18000 inserts printed, ready to mail, my campaign committee urged me to mail it but I thought that perhaps it did have the potential to mislead voters as to the record of my opponent, I did not mail it. I reference this in the hopes that you will understand how important integrity is to me.

I hold no ill feelings for Mr. Wieczorek. I admire the persons who seek to serve our people by pursuing elective office. I do however, feel that Mr. Wieczorek is seeking to make a mountain of a mole hill. I did not seek to do anything but to contact a number of the democrats that I have come in contact with over the years and remind them that we have a primary this year. I did not print letters to the editor, I have not gone door to door, I have not contributed either to Mr. Wieczorek, nor Mr. Moser's campaign, any money.

I am the elected Vice President of the South Dakota Farmers Union. I am an elected school board official for the Hamlin School District, I am an elected delegate to the Annual Conference for the North and South Dakota Conference of the United Methodist Church. Mr. Wieczorek is absolutely wrong in stating that I sent letters to every county president of the SDFU, he is wrong to state that I sent letters to each of the party state central

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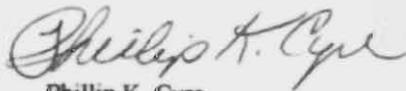
committee, or to every democratic party county chairman. I expended no significant money to this effort, and if others have reproduced or passed on my letter I have no problem with that.

To infer that I am a part of a conspiracy is ludicrous. Many democrats are school board members, like me. Some are county presidents of SDFU, some are methodists....etc. I take offense to Mr. Wieczorek inferring that I would use any position that I have in an unprofessional or improper manner. Please consider that I would like the committee to understand that I feel that I have no reason to defend myself against this complaint. I have had no intention of undermining the elective process and in fact hope that the private citizen is still able to voice his or her opinion to other citizen's.

I do not have a list of the names of the persons that received the letter. I did not spend even \$50 towards that end. I often spend more than that to mail a Christmas letter, and I can not tell you to whom I sent last years Christmas letter or how much it cost me.

Because of the serious nature of the documents sent to me I have enclosed a completed designation of counsel. I do want to thank the kind lady who spoke to me on the phone and I do want to assure the committee that I would like to cooperate in any manner to resolve this matter as quickly as possible.

Sincerely,



Phillip K. Cyre

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4746

NAME OF COUNSEL: Jim ABOURCZK

FIRM: ABOURCZK LAW OFFICES

ADDRESS: 407 South 2nd Ave.

Sioux Falls, S.D.

57104

TELEPHONE: (605) 334-8402

FAX: () _____

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.

5/26/98
Date

Phillip K. Cyre
Signature

RESPONDENT'S NAME: PHILLIP K. CYRE

ADDRESS: 44094 178th St.

HAZEL SD

57242

TELEPHONE: HOME _____

BUSINESS() SAME

93043902028

Organized, unpredictable Wieczorek has some Democrats uneasy

Old-time political emotions are raging in the South Dakota Democratic primary race for the U.S. House of Representatives.

To the politically casual, this a race about the right to lose to John Thune, the state's Republican congressman.

But politically infected Democrats argue that it is about the heart and soul of the party.

The race is between Jeff Moser of Miller, who is a deputy state treasurer, and Ron Wieczorek, a Mount Vernon-area farmer who became a political convert after the farm crisis of the '80s.

Moser, 37, wasn't the first choice of ruling Democrats. They tried Jack Billion, a former Sioux Falls state legislator, and they encouraged State Rep. Ron Volesky of Huron — anyone who could get tough with Thune.

Instead, they got this soft-spoken numbers genius, a true-blue Democrat born into a Republican family. To use a '90s term, he is "on message" communicating the party's position.

He wants to save Social Security, redirect farm policies, make communities safe for kids and find affordable health care.

His only bout with politics came in 1994 when he was the Democratic nominee for state auditor. He won 10 counties in the race against Vern Larson, an invincible incumbent.

Wieczorek, 55, is running for the office for a third time. Twice before he lost as an independent, but now he has settled in as a Democrat, looking for a base.

He is a follower of Lyndon LaRouche, an economist, preacher of a new monetary system and opponent of free trade.

LaRouche sought the presidency six times and landed in jail for a five-year stay on fraud and tax violation charges. Wieczorek de-

fends him, calling LaRouche his friend and "a good Christian man."

The race worries inner-circle Democrats. The matchup hasn't attracted much interest and that means a low voter turnout. Those inner-circle folks worry that a ballot headed by U.S. Sen. Tom Daschle could be dragged down with a "LaRoucher" on the ticket.

So big-name Democrats write letters, make uncharacteristic primary endorsements and what is left of machine politics is in high gear trying to stop Wieczorek.

They have reason for concern. Wieczorek is well-organized, works as hard as Moser and has the money to run the course. He gets help from the LaRouche organization. For every piece of literature Moser has, Wieczorek produces 10.

Wieczorek embarrassed Moser supporters by releasing a list of big-name Democrats and Republicans, including Moser's boss, Dick Butler, who had signed a letter seeking LaRouche's exoneration.

Wieczorek calls himself the "true Democrat," invoking the names of



DAVID KRANZ
POLITICAL
FRONT



Jeff Moser



Ron Wieczorek

Franklin Roosevelt and John Kennedy. He defends Bill Clinton out loud and holds up a picture of himself with "my good friend, Sen. Tim Johnson."

At public forums, Moser looks the part of the Republican, in white shirt and tie. Wieczorek is in working-class plaid.

During a recent Davison County Democratic party meeting, Wieczorek got disturbed with Moser, pointed a finger at him and called him a friend of fat cats. "You are a major Republican. You don't represent the Democratic Party," Wieczorek said.

During a Moser response, Wieczorek walked away from the table saying he couldn't listen to Moser's line and was going to the bathroom.

Through it all Moser hangs in there "on message." For Moser, John Thune is the enemy. He picks at the congressman's record like a seasoned politician. He questions Thune's commitment to children and cites statements and voting records to make points.

"I want to see John Thune stand in the mud and tell Day County farmers that they should have government savings accounts. They need better prices. They need income averaging," he says.

These are passionate men driving at equal speeds in opposite directions in the name of the Democratic Party.

Come June 2, voters will decide who is doing the best driving.

Reporter David Kranz has covered South Dakota politics for more than 27 years. Write to him at the Argus Leader, Box 5034, Sioux Falls, SD 57117-5034.

BEFORE THE FEDERAL ELECTION COMMISSION

Oct 21 3 46 AM '98

In the Matter of

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CASE CLOSURES UNDER
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.

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 that, 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 for each case.

Closing

cases permits the Commission to focus its limited resources on more important cases presently pending before it. Based upon this review, we have identified 17 cases that do

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not warrant further action relative to other pending matters.¹ The attachments to this report contain a factual summary 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 also provides us with the means to identify those cases which

remain 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: Pre-MUR 365 (*Friends of Marjorie Margolies-Mezvinsky, et al*); MUR 4729 (*Friends of Melinda Katz*); MUR 4730 (*The Capital Times*); MUR 4731 (*Randall Terry Live*); MUR 4732 (*Juneau Democratic District Committee*); MUR 4733 (*Families and Taxpayers for Bob Kilbanks*); MUR 4734 (*Dennis Newinski for Congress*); MUR 4738 (*Friends of Corrine Brown*); MUR 4739 (*Direct Voice/DMAPAC*); MUR 4744 (*Mayor James Hoffman*); MUR 4745 (*Congressional Accountability Project*); MUR 4746 (*Phillip Cyre*); MUR 4747 (*NAWGA-PAC & FOODVIP PAC*); MUR 4765 (*Gary Miller*); MUR 4767 (*Committee to Elect Glenn Reese To Congress*); MUR 4778 (*Rick Hill for Congress*); and MUR 4784 (*Verticchio for Congress*).

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We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that these cases be closed.⁴

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective October 29, 1998. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

⁴ The cases recommended for closure are: Pre-MUR 345 (*Simon Fireman*); MUR 4630 (*Kentucky State Democratic Central Committee*); MUR 4662 (*Democratic Congressional Campaign Cmte*); RAD 97L-08 (*Thomas for Congress*); RAD 97L-11 (*Eggleston for Congress*); RAD 97L-12 (*Massachusetts Democratic Party*); RAD 97L-13 (*McMains for Senate*); RAD 97L-20 (*Republican Party of Arkansas*); and RAD 97NF-24 (*NC Committee Against Extremism*).

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III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective October 29, 1998, and approve

the appropriate letters in the following matters:

RAD 97L-08	RAD 97L-13	Pre-MUR 345
RAD 97L-11	RAD 97L-20	Pre-MUR 365
RAD 97L-12	RAD 97NF-24	

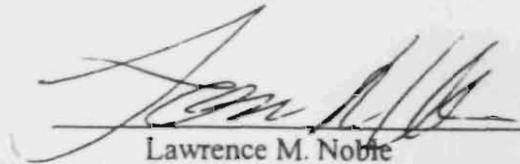
B. Take no action, close the file effective October 29, 1998, and approve the

appropriate letters in the following matters:

MUR 4630	MUR 4732	MUR 4745
	MUR 4733	MUR 4746
MUR 4662	MUR 4734	MUR 4747
MUR 4729	MUR 4738	MUR 4765
MUR 4730	MUR 4739	MUR 4767
MUR 4731	MUR 4744	MUR 4778
		MUR 4784

10/20/98

Date



Lawrence M. Noble
General Counsel

96043902033

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Case Closures Under)
Enforcement Priority.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 27, 1998, the Commission took the following actions with respect to the General Counsel's October 20, 1998 report on Case Closures under Enforcement Priority:

I. Decided by a vote of 4-0 to:

- A. Decline to open a MUR, close the file effective October 29, 1998, and approve the appropriate letters in the following matters, as recommended in the General Counsel's Report dated October 20, 1998:

- | | |
|---------------|----------------|
| 1. RAD 97L-08 | 5. RAD 97L-20 |
| 2. RAD 97L-11 | 6. RAD 97NF-24 |
| 3. RAD 97L-12 | 7. Pre-MUR 345 |
| 4. RAD 97L-13 | 8. Pre-MUR 365 |

- B. Take no action, close the file effective October 29, 1998, and approve the appropriate letters in the following matters, as recommended in the General Counsel's Report dated October 20, 1998:

- | | |
|-------------|--------------|
| 1. MUR 4630 | 7. MUR 4733 |
| 2. MUR 4662 | 8. MUR 4734 |
| 3. MUR 4729 | 9. MUR 4738 |
| 4. MUR 4730 | 10. MUR 4739 |
| 5. MUR 4731 | 11. MUR 4744 |
| 6. MUR 4732 | 12. MUR 4745 |

(continued)

98040902034

Federal Election Commission
Certification for Case Closure Under
Enforcement Priority
October 27, 1998

Page 2

13. MUR 4746	16. MUR 4767
14. MUR 4747	17. MUR 4778
15. MUR 4765	18. MUR 4784

Commissioners Elliott, Mason, McDonald,
and Thomas voted affirmatively for the
decision; Commissioners Sandstrom and Wold
did not cast a vote.

Attest:

10/27/98
Date

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

Received in the Secretariat: Wed., Oct. 21, 1998 9:46 a.m.
Circulated to the Commission: Wed., Oct. 21, 1998 11:00 a.m.
Deadline for vote: Mon., Oct. 26, 1998 4:00 p.m.

lrd

95043902033



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

Mr. Jim Abourczk, Esquire
Abourezk Law Office
407 South Second Avenue
Sioux Falls, SD 57104

RE: MUR 4746
Phillip Cyre

Dear Mr. Abourezk:

On May 19, 1998, the Federal Election Commission notified your client 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 client. See attached narrative. Accordingly, the Commission closed its file in this matter on October 29, 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 Alva E. Smith on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

93043902036

MUR 4746
PHILLIP CYRE

Ron Wieczorek, a candidate in South Dakota's Democratic Congressional Primary, alleges that Phillip Cyre should register and report as a political committee because he has spent money on the production and dissemination of a "fact sheet" opposing Mr. Wieczorek's 1996 campaign, as well as the 2000 presidential campaign of Lyndon LaRouche.

In response to the complaint, Mr. Cyre confirms that he mailed a letter to other Democratic Party members in his state regarding the complainant. He states that he spent less than \$50 on this activity to disseminate quotes from statements by Mr. Wieczorek and Mr. LaRouche, both of whom he characterizes as public figures. Mr. Cyre claims that he has not contributed to, endorsed, or affiliated himself with any other candidate.

This matter involves insubstantial amounts of money and is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ron Wieczorek
RR 2, Box 40
Mt. Vernon, SD 57363

RE: MUR 4746

Dear Mr. Wieczorek:

On May 14, 1998, 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 October 29, 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. § 437g(a)(8).

Sincerely,

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4746
PHILLIP CYRE

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WASHINGTON, DC 20463

THIS IS THE END OF MUR # 4746

DATE FILMED 12/2/98 CAMERA NO. 3

CAMERAMAN SES

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