

FILED

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

2010 APR -5 PM 12:48

CLERK, U.S. DISTRICT COURT
OCALA, FLORIDA

STEVEN E. SCHONBERG,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,

Defendant

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Case No. 5:09-cv-534-Oc-32-JRK

**PLAINTIFF'S RESPONSE TO DEFENDANT FEC'S
SECOND MOTION TO DISMISS**

INTRODUCTION

The corruption issues confronting Congress with its passage of the Federal Election Campaign Act of 1971¹ were neither novel nor unfamiliar:²

“An honest politician is one who, when he is bought, will stay bought.”

Simon Cameron, U.S. financier and politician, (1799-1889)

The idea is to prevent . . . the great aggregations of wealth from using their corporate funds, directly or indirectly, to send members of the legislature to these halls in order to vote for their protection and the advancement of their interests as against those of the public. It strikes at a constantly growing evil which has done more to shake the confidence of the plain people of small means of this country in our political institutions than any other practice which has ever obtained since the foundation of our Government. And I believe that the time has come when something ought to be done to put a check to the giving of \$50,000 or \$100,000 by a great corporation toward political purposes upon the understanding that a debt is created from a political party to it.

¹ Hereafter referred to as the FECA Law.

² This introduction is partly a verbatim recitation of the Introduction in the May 1, 2003 Opinion of COLLEEN KOLLAR-KOTELLY, *District Judge*, in *McConnell v. FEC* and obtained at http://fec.gov/pages/bcra/mem_opinion_kollar_kotelly.pdf

Elihu Root, *Addresses on Government and Citizenship* 143 (Bacon and Scott ed. 1916) (original statement made before the Constitutional Convention of the State of New York in 1894).

Many believe that when an individual or association of individuals makes large contributions for the purpose of aiding candidates of political parties in winning the elections, they expect, and sometimes demand, and occasionally, at least, receive, consideration by the beneficiaries of their contributions which not infrequently is harmful to the general public interest.

65 Cong. Rec. 9507-9508 (1924) (Statement of Sen. Joseph Robinson).

We all know that money is the chief source of corruption. We all know that large contributions to political campaigns not only put the political party under obligation to the large contributors, who demand pay in the way of legislation, but we also know that large sums of money are used for the purpose of conducting expensive campaigns through the newspapers and over the radio; in the publication of all sorts of literature, true and untrue; and for the purpose of paying the expenses of campaigners sent out into the country to spread propaganda, both true and untrue.

86 Cong. Rec. 2720 (1940) (Statement of Sen. John Bankhead).

And corruption in Congress has now exploded such that the average American will be forced to help bribe Congressional fiefdoms known as **FECA Law** “campaign committees” by virtue of the mandates contained in the “Patient Protection and Affordable Care Act,”³ H.R. 3590. This Act is a huge 2400+ page bureaucratic abomination and was signed into law by President Obama on March 23, 2010, eleven days after plaintiff’s First Amended Complaint for Declaratory Judgment was filed.⁴ This Patient Protection and Affordable Care Act was the predicted outcome of plaintiff when he pled:

...that four of the Senators named in the Complaint received unconstitutional and illegal gratuities and/or bribes from the industry that they are about to regulate. There is a clear and present immediate danger that the Senate will

³ The name of the act is misnomer. It should be called the “new IRS,” i.e. Insurance Revenue Service. WLP stock, referred to in plaintiff’s First Amended Complaint, has risen substantially in anticipation of increased profitability as a result of this Act.

⁴ Plaintiff will soon be filing a Motion for Leave to File a Second Amended Complaint for Declaratory Judgment including new claims against the U.S. Department of Health and Human Services, an indispensable party. The new claims will be based on the Emoluments Clause and the Patient Protection and Affordable Care Act’s unconstitutional MANDATE that plaintiff purchase insurance from companies that bribe Congress via the **FECA Law** unless he agrees to pay a tax penalty.

draft and approve a health care reform measure that has been tainted by the alleged illegal conduct. A tainted bill will turn into a corrupt law that will adversely affect the Plaintiffs for many years, until Plaintiff M. Schonberg is eligible for Medicare.⁵

The Emoluments Clause was made a part of the United States Constitution to help prevent corruption in Congress. But with the help of the FECA Law, corruption is now so rampant and pervasive it is literally tearing the country apart, making Congress the enemy of the people.^{6 7} The Emoluments Clause, Article I, Section 6, Clause 2 of the United States Constitution in final draft form was agreed to at the Constitutional Convention on September 12, 1787.⁸

“No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.”

The Clause was drafted as an anti-corruption clause; plaintiff asks that the Court allow the Clause to function as our Founding Fathers envisioned. Here are some of the notes from the Framers in the drafting process:

Mr. Pierce Butler: “Look at the history of the government of Great Britain, where there is a very flimsy exclusion—Does it not ruin their government? A man takes a seat in parliament to get an office for himself or friends or both; and this is the great source from which flows its great venality and corruption.”⁹

Mr. Alexander Hamilton: “I am, therefore, against all exclusions and refinements, except only in this case; that when a member takes his seat, he should vacate every other office.”¹⁰

⁵ Doc. 5, filed December 3, 2009.

⁶ E.g., latest Gallup polling shows Congress has a 16% job approval rating, <http://www.gallup.com/poll/politics.aspx>

⁷ Total Lobbying Spending for 2009 was an astounding \$3.46 billion dollars. <http://www.opensecrets.org/lobby/>

⁸ “1787 Drafting the U.S. Constitution,” Wilbourn E. Benton, editor, (1986), pg.739.

⁹ *Id* at 715

¹⁰ *Id* at 717

“Mr. Rutledge, was for preserving the Legislature as pure as possible, by shutting the door against appointments of its own members to offices, which was one source of corruption.”¹¹

“Mr. Jenifer remarked that in Maryland, the Senators chosen for five years, could hold no other office and that this circumstance gained them the greatest confidence of the people.”¹²

Gov. John Rutledge: “No person ought to come to the legislature with an eye to his own emolument in any shape.”¹³

Mr. George Mason: “But if we do not provide against corruption, our government will soon be at an end...”¹⁴

Mr. James Madison: “I believe all public bodies are inclined, from various motives, to support its members; but it is not always done from the base motives of venality...”¹⁵

Mr. Roger Sherman: “The Constitution should lay as few temptations as possible in the way of those in power.”¹⁶

A. Plaintiff Is a Candidate for the U.S. House of Representatives, Florida, District 6

As promised by defendant, its Second Motion to Dismiss only has about 6 or 7 pages of new argument, all dealing with plaintiff’s standing to sue as a candidate for the U.S. House of Representatives.¹⁷ Defendant claims that plaintiff is not a candidate because he has not filed certain paperwork required by the defendant, Doc. 43, pgs 17-21. Here are the FEC instructions for filing FEC Form 2:

Who Must File FEC Form 2
Each individual who is a candidate
for federal office must file FEC FORM
2 or, if not filing electronically, a letter

¹¹ *Id* at 718

¹² *Id* at 721

¹³ *Id* at 723

¹⁴ *Id*

¹⁵ *Id*

¹⁶ *Id* at 732

¹⁷ Although defendant may have re-arranged some arguments, it has apparently included everything from the prior Motion to Dismiss, even the clearly erroneous statements that plaintiff contested in his response. Plaintiff therefore incorporates by reference as if fully set forth, Doc.29, Plaintiffs’ Response to Defendant FEC Motion to Dismiss.

containing the same information within 15 days of becoming a candidate. An individual becomes a candidate for federal office whenever any of the following events occur:

- The individual has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000;
- The individual has given his or her consent to another person to receive contributions or make expenditures on behalf of that individual and such person has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000;
- The aggregate of contributions received in 1 and 2 above combined exceeds \$5,000 or the aggregate of expenditures made in 1 and 2 above combined exceeds \$5,000.

Funds received and payments made for the purpose of determining whether an individual should become a candidate are not considered “contributions” or “expenditures” which may trigger candidacy. Only funds permissible under the Act may be used for such activities. See 11 CFR 100.72(b) and 100.131 for further information.¹⁸

Because plaintiff has not reached the \$5000 threshold which would make him a “candidate” for FEC purposes does not mean that plaintiff is not a candidate for all other purposes. Plaintiff could have stayed a non-FEC qualified candidate until 30 days before the November election in two ways: 1. by qualifying with a proper number of signed petitions and having his name put on the ballot, or 2. by returning to his status as a write-in candidate. Qualifying by petition in District 6 required about 5,110 properly executed petitions filed with the Florida Division of

¹⁸ From <http://www.fec.gov/pdf/forms/fecfrm2i.pdf>

Elections. The cost for counting and verifying petitions is \$0.10 (ten cents) per petition. So a candidate could get his/her name on the ballot for far less than the \$5000 FEC trigger.

Since the petition filing deadline was March 29, 2010, and plaintiff failed in his attempt to qualify by this method, two options remain for plaintiff's candidacy. Plaintiff can return to his former status as a write-in candidate, and not spend the more than \$5000 it takes to pay the qualifying fee. Write-in candidates are still candidates, but as a general rule a write-in candidate never wins. Since plaintiff has a somewhat unfamiliar and lengthy last name, it is a virtual certainty that he could never win as a write-in candidate. Therefore, plaintiff plans to qualify to have his name put on the ballot during the qualifying period, Noon, April 26-Noon, April 30, 2010. At that point the 15 day trigger for FEC Form 2 will begin to run.¹⁹

Plaintiff attaches the following Exhibits, which are some of the evidence of his candidacy:

Exhibit 1: The People's Amendment, Proposed Amendment XXVIII to the U.S. Constitution. If passed at an Article V Constitutional Convention and approved by 75% of the States, it would make public-only financing of federal elections mandatory under threat of imprisonment for violation. This document is online at www.perfectunion1787.com and contains a link to the Schonberg v. FEC lawsuit. It was drafted by plaintiff. Candidate Schonberg was interviewed on March 31, 2010 and provided this web address and the link to Ocala Star-Banner staff writer Bill Thompson before the interview. Public financing of federal election campaigns is Candidate Schonberg's signature, number one issue for the November, 2010 general election.

Exhibit 1-A: Copy of 3/31/2010 email correspondence between plaintiff and Bill Thompson in reference to Exhibit 1.

Exhibits 2-4: examples of signed petitions obtained when plaintiff gave a campaign speech to the Marion County Democratic Party on March 19, 2010.^{20, 21}

¹⁹ See http://election.dos.state.fl.us/candidate/pdf/Federal_Qualifying.pdf, a three-page document from the Division of Elections dated March 22, 2010 and setting out the process of 2010 Federal Qualifying.

²⁰ Names and Addresses were redacted because these are not public records.

²¹ Plaintiff also wants to give special thanks to Nina Graunke of Ocala, Florida. Nina is an unpaid volunteer to plaintiff's campaign and obtained many signed petitions on his behalf.

Exhibit 5: schonbergforcongress.com web index page referencing the Schonberg campaign signature and number 1 issue: "NO CONTRIBUTIONS ALLOWED, PERIOD."

Exhibit 6: Letter received from the FEC regarding plaintiff's complaint to the FEC about a possible campaign violation of his opponent, Representative Cliff Stearns.

Exhibit 7: Copy of Letter to Congressman Matheson of March 4, 2010 in which Candidate Schonberg objected to the appointment of Matheson's brother to the U.S. Court of Appeals contending it was a violation by proxy of the Emoluments Clause.

Exhibit 8: Copy of letter to the editor from Candidate Schonberg published in the Ocala Star-Banner on March 5, 2010.

Exhibit 9: Issue List of Candidate Schonberg for Week of March 22, 2010 sent via email to democratic leaders in the northern part of Florida District 6.

Exhibit 10: Copy of March 24, 2010 Letter from Division of Elections, Florida Department of State confirming Candidate Schonberg's change from a write-in to a Democratic candidate.

Exhibit 11: Copy of notarized Oath of Candidate Form dated April 1, 2010 which is a mandatory form for submission to the Florida Division of Elections as part of the qualifying process beginning at noon on April 26, 2010.

Exhibit 12: Copy of four-page FEC Form 1 for Candidate Schonberg submitted to Community Bank and Trust on April 2, 2010 to open an account required by the Florida Division of Elections to pay the qualifying fee during the qualifying period.²²

B. As a Federal Candidate Plaintiff Has Standing to Sue Defendant FEC²³

Defendant suggests that plaintiff's statement that he "is now directly subject to the FECA Law provisions that plaintiffs challenge" is untrue. Then it recites a host of FEC requirements

²² Completion of this form and submission to the FEC does not make plaintiff an FEC candidate according to the FEC instructions for Form 2, supra.

²³ Plaintiff is not abandoning his other arguments on standing which can be found in Doc. 36, pgs 2-6, December 3, 2009 Memorandum in Support of Plaintiffs Complaint for Emergency Injunction, Damages, and Motion for Declaratory Judgment, pgs 2-6, Doc. 29 pgs 8-9, all of which are incorporated by reference as if fully set forth.

that plaintiff allegedly failed to follow, thus making plaintiff a non-candidate.²⁴ Perhaps in *Alice's Rabbit Hole*²⁵ you could simultaneously argue that the plaintiff is not subject to the FEC provisions and then point out all the alleged flaws in plaintiff's candidacy because he has not complied with those same provisions. However, this strained, stretched and twisted logic cannot possibly pass muster in this Court.

Once plaintiff becomes a qualified candidate with his name to be placed on the November ballot, plaintiff becomes an Agent of his campaign committee and a civil Officer.²⁶ As such Agent, his conduct is closely monitored under the Authority of the United States by the defendant. He is a civil officer potentially subject to a criminal conviction in federal court should he willfully disobey the FECA Law.²⁷ However, plaintiff would not be in violation of the Emoluments Clause unless and until he wins his election, and takes the oath of office in the U.S. House of Representatives without disbanding his campaign committee and discharging himself as a civil Officer under the Authority of the United States.

Defendant argues that plaintiff is unharmed by the Emoluments Clause and asserts that, "it would not be Mr. Schonberg who would be 'disadvantaged,' but only ... Representative Stearns, to whom the Clauses do apply."²⁸ This would be correct if Representative Stearns agreed that his political fiefdom, which is worth between \$2,500,000 to \$3,000,000 from emoluments,²⁹ was unconstitutional and disgorged himself of those assets. Plaintiff does agree with the defendant that the "clauses do apply" to Representative Stearns and asks that the Court

²⁴ See Doc. 43, pgs 17,18.

²⁵ Referring to the fable "Alice in Wonderland," and the philosophy of nonsense.

²⁶ In plaintiff's case it is an Agency against his will because of his conviction that the FECA Law is unconstitutional.

²⁷ See 2 U.S.C. § 437g. Enforcement

²⁸ Doc. 43, pg 19.

²⁹ Amount reported as of the end of 2009 at

<http://www.opensecrets.org/politicians/summary.php?cid=N00002782&cycle=2010>

declare the “Friends of Cliff Stearns”³⁰ and all the other illegal federal campaign committees unconstitutional. How in the world can it be fair and constitutional for a candidate like the plaintiff, with very limited campaign resources in his race for Congress, to be forced to face a Goliath who has amassed a fortune in illegal campaign contributions after his 9 consecutive successful elections as the incumbent?

C. Plaintiff is Estopped from Raising and Spending Campaign Contributions

Plaintiff’s most important issue in his race against Representative Stearns is campaign finance reform.³¹ Plaintiff cannot and will not run a campaign that is a hoax. He cannot claim that he is for radical campaign finance reform and then request political donations antithetical to the cause which resulted in his candidacy in the first place. See Doc. 43, fn 13, pgs 18-19, in which defendant FEC disparages plaintiff’s political campaign for failing to raise money and report it to defendant.

Conclusion

The Court has the prodigious and unique opportunity to allow the People of the United States “to form a more perfect Union,³² establish Justice, insure domestic tranquility...promote the general Welfare and Secure the Blessings of Liberty...” Plaintiff asks that this Court help repair our broken government and declare the FECA Law at 2 U.S.C. §§432, 434, 439, and 441i to be an unconstitutional violation of the Emoluments Clause.

³⁰ Principal Campaign Committee for Clifford B. Stearns at fec.gov, <http://query.nictusa.com/cgi-bin/qcom/>

³¹ See Exhibits 1, 1-A, 5, and 9 attached hereto.

³² Perhaps “more perfect union” is no longer grammatically correct, but it rings true today in this part of the Preamble to the United States Constitution.

RESPECTFULLY SUBMITTED BY:



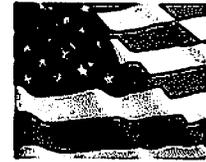
Steven E. Schonberg, Pro Se
7938 SE 12th Circle
Ocala, FL 34480
352-789-0610
Email: sschonberg@aol.com

FILING CERTIFICATION:

The undersigned hereby certifies that this pleading was personally handed to the Clerk of U.S. District Court for the Middle District of Florida, Ocala Division on April 5, 2010.



Steven E. Schonberg, pro se



THE PEOPLE'S AMENDMENT

PROPOSED AMENDMENT XXVIII

To the U.S. CONSTITUTION

Section 1

IT SHALL BE ILLEGAL

For any person, corporation or other non-governmental entity to contribute anything of value to the campaign of an individual running for elected federal office.

For a federal candidate to contribute anything of value to her or his own campaign.

For an individual running for elected federal office to accept anything of value from any person, corporation or other non-governmental entity.

For any federal official to accept any money, gift, or emolument of any kind from any person, corporation or other non-governmental entity.

For any person, corporation, or other non-governmental entity to provide any advertising or promotion for or against any candidate for an elected federal office. No person, corporation, or other non-governmental entity may provide any advertising or promotion for or against any elected federal official for any purpose. Corporate executives whose corporations are in violation of this Amendment are illegal contributors.

THE PENALTY for violation of this Amendment shall be no less than two years in prison and a fine of no less than treble the value of any illegal gift, contribution or thing of value for the contributor, candidate and elected official.

Section 2

EACH STATE shall pass legislation to enhance the prosecution and severity of penalties set forth in this Amendment for all residents, corporations and other entities in the State who violate this criminal provision.

EACH STATE shall determine how to equitably finance the campaigns for its candidates for the U.S. Senate and House of Representatives. The Department of the Treasury shall distribute funds to the States to finance these campaigns in amounts determined by Congress based on the U.S. Census population in each State. Campaign financing for candidates running for the Presidency shall be also be publicly financed from Treasury funds, as prescribed by Congress. [CLICK TO GO TO SCHONBERG V. FEC](#)



Hi Bill:

I won't be able to give an interview until later today. If you haven't been there yet, go to www.perfectunion1787.com and the link at the bottom of the page.

thanks from Steve

In a message dated 3/31/2010 11:41:19 A.M. Eastern Daylight Time, bill.thompson@starbanner.com writes:

Hi Mr. Schonberg, I saw where you had filed to run against Cliff Stearns and was hoping to write something about that. I've seen your Web site but could you please call me at your earliest convenience to discuss your campaign. Thanks

Bill Thompson

Staff writer

Ocala StarBanner

(352) 867-4117 (office); (352) 867-4018 (fax)

bill.thompson@starbanner.com



CANDIDATE PETITION

Note:

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, to knowingly sign more than one petition for a candidate, a minor political party, or an issue [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be effective as a Candidate Petition Form.

I, Angelini the undersigned, a registered voter
 (Please provide voter registration information card)
 in said state and county, petition to have the name of STEVE SCHONBERG
 placed on the Primary / General Election Ballot as a Party Democratic
 (Name of political party)
 Nonpartisan No Party Affiliation (formerly independent)
 Candidate for the office of U.S. House of Representatives, Florida, District 06
 (Include district, circuit, group, seat number if applicable)

Date of Birth 11-18-33 or 11-18-33 or 11-18-33 or
 Voter Registration Number ay Circle

City Ocala County Marion State FL Zip Code 34472

Signature of Voter _____ Date Signed (to be completed by Voter) 3-19-2010

DS-DE 104 (EFF. 10/07)

NOTES:

1. You DON'T have to be a democrat for your petition to count. You do HAVE TO BE a registered voter in Florida District 6.

2. Return the completed form to one of our volunteers or mail it to:

Schonberg for Congress
 P.O. Box 1209
 Belleview, FL 34421



3. TIME IS OF THE ESSENCE: Steve has to receive your completed petition by March 28, 2010.

4. ONLINE: visit schonbergforcongress.com to learn more about Steve's Campaign and to print out more copies of this form.

CANDIDATE PETITION

Note:

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, to knowingly sign more than one petition for a candidate, a minor political party, or an issue [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be effective as a Candidate Petition Form.

I, Char the undersigned, a registered voter

(provide voter information card)

in said state and county, petition to have the name of STEVE SCHONBERG

placed on the Primary / General Election Ballot as a Party Democratic
(Name of political party)

Nonpartisan No Party Affiliation (formerly independent)

Candidate for the office of: U.S. House of Representatives, Florida, District 06
(Include district, circuit, group, seat number if applicable)

Date of Birth <u>6/15/1964</u> or	Voter Registration Number <u>1 Course</u>
--------------------------------------	--

City <u>Ocala</u>	County <u>MARION</u>	State <u>Florida</u>	Zip Code <u>34472</u>
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	Date Signed (to be completed by Voter) <u>3/19/2010</u>
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OS-DE 104 (EFF.10/07)

NOTES:

1. You DON'T have to be a democrat for your petition to count. You do HAVE TO BE a registered voter in Florida District 6.

2. Return the completed form to one of our volunteers or mail it to:

Schonberg for Congress
P.O. Box 1209
Bellevue, FL 34421

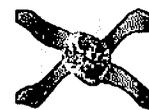


3. TIME IS OF THE ESSENCE: Steve has to receive your completed petition by March 28, 2010.

4. ONLINE: visit schonbergforcongress.com to learn more about Steve's Campaign and to print out more copies of this form.



Schonberg for Congress



SCHONBERG FOR CONGRESS is under construction!

STEVE IS A DEMOCRAT RUNNING FOR THE U.S. HOUSE OF REPRESENTATIVES AGAINST INCUMBENT REPUBLICAN CLIFF STEARNS

STAY INFORMED

CONTACT STEVE:

Schonberg for Congress
P.O.Box 1209
Bellevue, FL 34421
[Click for More Information](#)

Steve will "HIT THE GROUND RUNNING:"

1. Introduce Bill for Incentives to States to Vote on Article V Amendment requiring *Public Financing of Campaigns*.

2. Introduce Bill to Prohibit Campaign Finance Committees ("PAC's"), and revise the Federal Election Campaign Act of 1971.

3. Support Medicare for All People who want and can afford to pay for United States Government insurance option. See REP. ALAN GRAYSON'S: www.wewantmedicare.com

NO NEW TAXES, NO MANDATES, and NO MORE WINDFALLS TO INSURANCE COMPANIES.

4. REVISE the U.S. Constitution and remove "three fifths of all other Persons." from Article I,

- STEVE SCHONBERG, M.D., J.D.

"NO CONTRIBUTIONS ALLOWED, PERIOD."

"No more of Stearns' Constitutional Misconduct. Stop Corruption Now!" [stearns info](#)

- Help Make Public Financing Of Federal Election Campaigns **MANDATORY**. [Click here to see Steve's Proposed Constitutional Amendment XXVIII.](#)

"Contributions should be for Charities NOT Politicians." NO CONTRIBUTIONS ACCEPTED! Steve Schonberg: March, 2010 (more info soon)

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- NEED TO REGISTER TO VOTE?

If you are a U.S. citizen living in Florida and you need to register to vote, Click Here: <http://www.miamidade.gov/elections/Library/webappform.pdf>

Stay informed:
Ocala.com
Gainesville.com
TheVillages.com





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR 2 2010

Steve Schonberg
7938 SE 12th Circle
Ocala, FL 34480

RE: MUR 6255

Dear Mr. Schonberg:

This letter acknowledges receipt of your complaint on February 25, 2010, 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 6255. 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 "Jeff S. Jordan".

Jeff S. Jordan
Supervisory Attorney
Complaints Examination &
Legal Administration

Enclosure:
Procedures



Steven E. Schonberg

7938 SE 12th Circle
Ocala, FL 34480

352-390-8738 sschonberg@aol.com

March 4, 2010

VIA FAX ONLY
One Page Total
(202) 225-5638

To: The Honorable Congressman Jim Matheson

RE: Obama Health Insurance Proposal, Scott Matheson Nomination and Emoluments Clause

Dear Representative Matheson:

You are a respected public servant as would be your brother Scott Matheson, should he be confirmed by the Senate as a Court of Appeals Judge. Except, there are two problems. The press has reported that the appointment of your brother was an effort by the Obama Administration to influence your vote on for-profit health insurance company legislation. Article I of the United States Constitution has an Emoluments Clause which states:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

This clause forbids the President from appointing you to the Court of Appeals. By proxy, it should also prevent President Obama from appointing your brother. The idea that a U.S. Circuit Court of Appeals judgeship should be traded off for a legislative vote is repugnant to a democratic form of government. I would ask that either you step down as a member of Congress, or that your brother refuse the nomination because of an appearance of impropriety.

By copy of this letter, I am asking my Senators from Florida to oppose the confirmation of Scott Matheson if you are a member of Congress at the time of confirmation hearings.

Sincerely yours,



Steven E. Schonberg, MD,JD
Democratic Candidate

U.S. House of Representatives, FL District 06

cc to the Honorable:

President Barack Obama via fax: 202-228-4260
U.S. Senator Bill Nelson via fax: 202-228-2183
U.S. Senator George LeMieux via fax: (202) 228-5171
Thomas Burr, Salt Lake Tribune, tburr@sltrib.com
Lillian Guevara-Castro, Gainesville Sun castrol@gvillesun.com



owned Pine Oaks Golf Course is living...
wed time — and money. And no easy...
is in sight.
said that, the Ocala City Council did...
Tuesday night by voting 4-1 to give...
municipal course one more lifeline...
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to try to put together a plan to save the...
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however, will make Pine Oaks...
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se its public golf course. No one...
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offensive Royal Oak charcoal plant...
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a chance to save Pine Oaks Golf...
do what the city has been unable...
lf-sustaining — the City Council...
Ricky Horst should do everything...
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nt in golf is too big. Based on the...
hey may be right. But Pine Oaks...
golf course to west Ocala, it is...
y. The eastside has the Ocala...
rse, or Muni. The westside has...
that to westside residents should...
ted or dismissed.

A new, costly IRS

As an ardent supporter of Barack Obama and a "robust" public option for health insurance reform, I am mystified why both the president and a Democrat majority in Congress have fallen in love with a vast, new IRS bureaucracy, i.e. the "Insurance Revenue Service."
If Congress should mistakenly enact the president's health insurance reform proposal, it will embitter a majority of Americans and create U.S. government support for illicit Wall Street health insurance companies.
The latest version of "IRS" insurance reform would reward each of the top health insurance company executives millions of dollars per year in salary and bonuses, just as they are receiving today because of a lack of competition. In fact, the revenue collection part of the president's scheme was drafted primarily by for-profit insurance lawyers. Middle-class taxpayers who refuse to subsidize the insurance industry will have to pay a stiff annual penalty under this obnoxious scam.
A public option based on "Medicare plus 5 percent" means that any person who opts in would pay the actual cost of the insurance, plus a 5 percent fee to administer the program. It is a revenue-neutral proposal opposed not by taxpayers, but by the big insurance companies and their lobbyists. Anyone wanting to keep their present insurance would certainly be able to do that, because it is just an option and carries no penalty like the one President Obama wants to impose.
Tell the president and Congress to scrap the Insurance Revenue Service bill. Let's all take a break and re-start health insurance reform after the November elections.
I am a Democratic candidate for Florida U.S. Congressional District 6 now held by Rep. Cliff Stearns.
Steve Schonberg
Ocala

LETTERS TO THE EDITOR

Letters to the Editor must include the writer's signature, printed or typed name, full address and daytime phone number for verification. Letters must be no longer than 250 words. The Star-Banner reserves the right to edit or condense any letter. Each writer is limited to one published letter in a 30-day period. Editorial photographs must include a description of the picture, name of the photographer, and date and location for the photograph.
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Ocala, FL, 34474
FAX:
867-4018
E-MAIL:
osbletters@starbanner.com

to agree among them
Onto the summit.
Both parties maint...
positions on the pres...
care legislation. The...
crats say they cannot...
over. The Republican...
start over by working...
incremental steps th...
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will, in fact, cause inst...
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A major issue betwee...
parties is that the Dem...
believe only big govern...
can solve the health ca...
problem while the Rep...
want the free market a...
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without Republicans.
The reality is that both...
are spending like drunk...
sailors, and government...
does anything as effici...
economically as they say...
will.
That means the presen...
care legislation will sure...
break the bank.
We, as a nation, are alr...
broke and cannot afford...
another "entitlement" pr...
William I
Summ.

government-funded programs, and Medicare pays only 80 percent of the bill. There is another 20 percent that Medicare does not pay, and consequently is paid by Medigap insurance that one buys, or comes out of personnel income. That doesn't leave much that is paid by private insurance. Now we need a specific tax to be thrown into the mix so local government can pay a share as our representatives. The alternative to the tax is to sell or lease the hospital to an organization that owns, perhaps, 120 other hospitals.

What happens when the company that owns 121 hospitals talks of bankruptcy? Do the feds step in, as they did for General Motors? Hospitals, too, have a reputation for some very good management jobs and lots of vice presidents. I just don't see how we can continue to nurture this giant as it always needs a higher percentage of our income.

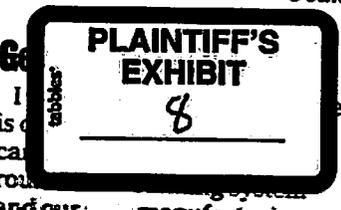
Robert Logston
Ocala

Law of the land

In response to the letter, "Who'd pull the switch" (1/26), concerning the admission of the death penalty, I always have been in favor of the death penalty as it is the only way to make certain that individuals will never murder again.
As for the writer saying that the proponents of the death penalty only talk the talk but won't walk the walk, I would like to first remind him that do not pull a switch as we use the very humane lethal injection, and yes, I could give the injection to an individual that did a heinous

Going for broke

I watched much of last week's health care summit. The Democrats say the Republicans are the Party of No and have been holding up the



Steve Schonberg, MD,JD



Candidate: U.S. House of Representatives, Florida, District 06

Schonberg for Congress
P.O. Box 1209
Bellevue, FL, 34421

352-789-0610

E-mail: steve@schonbergforcongress.com

ISSUE LIST for Week of March 22, 2010

1. Campaign Finance Reform:

A. Stop Corruption in Congress. No more campaign contributions. Have a Constitutional Convention to Amend the Constitution for mandatory public-only financing of federal election campaigns. This will reverse Citizens United v. FEC

B. Demand that the states call for an Article V Constitutional Convention paid for by a new tax on Corporation Lobbying Expenses.

2. REPEAL portions of the new IRS, i.e. the "Insurance Revenue Act," that gives a \$200 BILLION dollar windfall to "for-profit" Wall Street health insurance companies. The U.S. Senate will be acting on reconciliation of the Act this week.

SUPPORT Rep. Alan Grayson's: www.wewantmedicare.com

3. GAY RIGHTS

A. End Don't Ask, Don't Tell NOW.

B. Enact Federal Statute giving Civil Unions and Gay Marriages the same inter-spousal immunity of married couples so the partner-spouses do not have to testify against one another.

4. Help declare the Federal Election Campaign Act of 1971 unconstitutional. Make the members of Congress give their "cash on hand" in multi-billion dollar campaign committee bribes to the People of the United States.

5. Expunge the racism clause in the United States Constitution that identifies a black slave as three-fifths of a person. A new and progressive Congress led by Steve Schonberg's initiative will pass this proposed Constitutional Amendment without a Constitutional Convention.



"Contributions should be for Charities NOT Politicians"



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

March 24, 2010

Mr. Steve Schonberg (51118)
Candidate for United States Representative
7938 SE 12th Circle
Ocala, Florida 33480

Dear Mr. Schonberg:

This will acknowledge receipt of your notification informing us that you are changing your party affiliation. The change of your party affiliation from Write-In to Democratic candidate has been made. The active candidate list has been updated to reflect this change.

If you have any questions, or if we may be of further assistance, please call Miguel Hernandez at (850) 245-6247.

Sincerely,

A handwritten signature in cursive script that reads "Kristi Reid Bronson".

Kristi Reid Bronson, Chief
Bureau of Election Records

KRB/mah



**FEDERAL CANDIDATE OATH
CANDIDATE WITH PARTY AFFILIATION**

OFFICE USE ONLY

STATE OF FLORIDA
COUNTY OF Marion

OATH OF CANDIDATE

(Section 99.021, Florida Statutes)

I, Steve SCHONBERG
(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT --- NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the office of U.S. House of Representatives 6 : I am qualified
(office) (district)

under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; and I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek.

STATEMENT OF PARTY

(Section 99.021, Florida Statutes)

I am a member of the Democratic Party; I am not a registered member of any other political party; I have not been a candidate for nomination for any other political party for a period of 6 months preceding the general election for which I seek to qualify; and I have paid the assessment levied against me, if any, as a candidate for said office by the executive committee of the political party, of which I am a member.

[Signature] (352) 784-6610 SCHONBERG@AOL.COM
Signature of Candidate Telephone Number Email Address

7938 SE 12th Circle Guala FL 34432
Address City State ZIP Code

Sworn to (or affirmed) and subscribed before me this 2nd day of April, 2010.

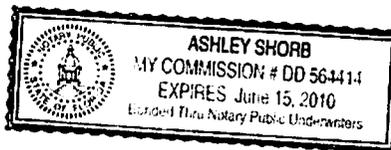
Personally Known: _____ or

[Signature]
Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

Produced Identification:

Type of Identification Produced:

FL Driver's License



FEC FORM 1	STATEMENT OF ORGANIZATION	Office Use Only
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1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Schonberg for Congress

ADDRESS (number and street) P.O. Box 1209
 (Check if address is changed) Belleview FL 34421
CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address) sschonberg@aol.com
 (Check if address is changed)

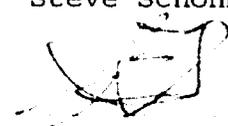
COMMITTEE'S WEB PAGE ADDRESS (URL) SchonbergforCongress.com
 (Check if address is changed)

2. DATE 04 02 2010

3. FEC IDENTIFICATION NUMBER C none yet

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Steve Schonberg
 Signature of Treasurer  Date 04 02 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only		For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100	FEC FORM 1 (Revised 02/2009)
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**PLAINTIFF'S
EXHIBIT**

12

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Steve Schonberg

Candidate Party Affiliation DEM Office Sought: House Senate President State FL District 06

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

Corporation Corporation w/o Capital Stock Labor Organization
 Membership Organization Trade Association Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____ FEC ID number C
2. _____ FEC ID number C
3. _____ FEC ID number C
4. _____ FEC ID number C

Write or Type Committee Name

Schonberg for Congress

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

[Empty grid lines for organization name]

Mailing Address

[Empty grid lines for mailing address]

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Steven E. Schonberg

Mailing Address 7938 SE 12th Circle

Ocala FL 34480

Title or Position CITY STATE ZIP CODE

Treasurer Telephone number 352 789 0610

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Steven E. Schonberg

Mailing Address 7938 SE 12th Circle

Ocala FL 34480

Title or Position CITY STATE ZIP CODE

Treasurer Telephone number 352 789 0610

Full Name of Designated Agent **Steven E. Schonberg**

Mailing Address **7938 SE 12th Circle**

Ocala **FL** **34480**

CITY STATE ZIP CODE

Title or Position **Candidate, U.S. House of Representatives** Telephone number **352-789-0610**

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Community Bank and Trust

Mailing Address

10131 SE U.S. Highway 441

Belleview

FL

34420

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE