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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

June 11, 2004

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

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MUR # 5464

Sir/Ma'am

I am including what I believe to be evidence of a direct violation of our federal election laws, specifically, Federal Election Law, Title 2, U.S. Code § 441 e, 331 f, and 441 k, namely, contributions and donations by foreign nationals, contributions in name of another prohibited, and prohibitions of contributions by minors.

On the 22nd of May, 2004, a Saturday morning, on our local Spanish radio station, a segment was aired that discussed the above mentioned federal election laws. The purpose of the discussion was to inform Spanish speaking non-citizens how to contribute to the political campaign of Congressman Chris Cannon (R-Utah), presumedly without violating the law. Clearly, the advice given was in error, and in direct violation of our election laws.

Participating in this radio segment was KBJA ration station (1640 AM), KBJA radio host, José Elibardo Rivera, Marco Diaz, an aide and paid employee of Rep. Cannon, and Rep. Cannon himself. See the transcript for others attending this broadcast segment.

Enclosed is part of the broadcast recorded on the 22nd of May, 2004 on CD. I have personal knowledge that the voices are those of Mr. Diaz and Rep. Cannon. I do not personally know Mr. Rivera, so cannot attest to the voice being his, however, being the host of the program, I would believe it to be him. A broadcast transcript translated to English is enclosed. The translation is accurate and verified by two separate and independent sources.

It is my belief that Mr. Diaz, Rep. Cannon, Mr. Rivera, and perhaps the radio station themselves, have broken the law. Please investigate and verify if this is the case, and take appropriate action.

Respectfully,

Russell Sias
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Provo, UT 84604-3230

Subscribed and sworn before me and in witness whereof I, Heidi Warenski, notary in and for the State of Utah have hereunto set my hand and seal on this, the 11th day of June, A.D. 2004.

State of Utah, Utah County

Notary Public

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The following is an English translation of the Spanish transcription taken from a recording of a radio program that aired on Salt Lake City Spanish-language radio station KBJA (1640 AM) on Saturday morning, May 22, 2004 [emphasis, in the form of underlining, has been added]. Participants in the radio program that appeared in the following segment were Congressman Chris Cannon (R-Utah, "CANNON"), his aide Marco Diaz ("DIAZ"), and José Elibardo Rivera (a regular radio host on KBJA, "RIVERA"). Prior to this segment, DIAZ had encouraged listeners to register and vote and Mrs. Claudia Cannon appeared and answered questions with CANNON (her husband). Later, RIVERA and CANNON began to encourage listeners to register, vote and make small donations. DIAZ and CANNON described the boundaries of the Third Congressional District. Then, RIVERA continued:

RIVERA: The other invitation that I would like to make to you is...the first is that you register. The second is that you vote, and the third...that you take out a bill of five, of ten, of twenty, of thirty...what...there is no thirty-dollar bill [laughter]! You can give a bill of twenty, of ten, and deposit them...is there an open account, is there something, what, what can we do so that our people can deposit money?

CANNON: The easiest thing is, is to do it through the internet...ah, one can go to chrisannon.com...c-h-r-i-s-c-a-n-n-o-n dot...

RIVERA: dot com.

CANNON: c-o-m.

RIVERA: This is the most effective.

DIAZ: The number of teleph...so the people that don't have internet...of the campaign.

CANNON: Seven eleven. P.O. Box. P-O.

RIVERA: Yes that is good. P.O. Box.

CANNON: Seven eleven. Seven one one. Provo, Utah. Eight four three zero. (846) Eight four six zero three.

DIAZ: You can say it again. P.O. Box seven eleven.

RIVERA: Provo

DIAZ: Okay. The, the...to send it. Okay.

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RIVERA: In order to send it to you, it is easier for you, paper and pencil and have it ready because when the part about medicare¹ comes we are also going to need paper and pencil. P.O. Box seven one one. P.O. Box seven eleven. Provo, Utah. The zip code is eighty-four, six, zero, three. Eighty-four six zero three. If you forget we are going to have it here. Do not send cash. Hear me well. Do not send cash. You have to send a check or money order. The post office of the United States...in the United States it is against the law to send currency. Therefore, the three things are: register...the second, vote...and the third, give ten, twenty, whatever you want in, in this account to support Mr. Cannon, who is the friend of the Hispanic.

CANNON: What we want also is your name, your address so we can use you, ah, in, in the future so that, that we can help you, ah, ah, ah, ah, how does one say "become engaged in the process"?

RIVERA: So that you can become involved in the process.

CANNON: To involve, yes.

RIVERA: Now, why, why are we making this invitation today, Claudia? We are inviting the people to vote for Mr. Cannon because, let's say, that there is a good part and a bad part in life, the two extremes. In the center there are so-so people or things that can usually be catalogued as good. But I would say that for the Hispanics, hear me well, for the Hispanics the good side is the side of Mr. Cannon's. For...those that do not...for those that...for the Hispanics the bad side is Mr. Throckmorton's.

Unidentified Voice: Throckmorton.

RIVERA: Throckmorton, or something like that.

[After a joke and another invitation by Rivera to vote for Cannon, he describes H.B. 109 (a proposed bill in the last session of the Utah legislature that would require foreign citizens to prove their legal residence in the U.S. in order to obtain a Utah driver's license) and says that Throckmorton sponsors other proposals against Hispanics. Cannon then discusses a Washington Times article and says that those who are against Hispanics are against Cannon and if he does not win by a large margin people will say it does not pay to support immigration. Rivera talks about events in Arizona, Colorado Representative Tancredo, and California and says this election will resound throughout this country as well as "our countries" (presumably Latin America). Then Rivera talks

¹ The program scheduled to follow this program concerned Medicare.

about all the dollars that are sent from this country to Latin American countries, and then continues...]

RIVERA: That is to say, this thing is very important. Either we vote or they continue putting us in a corner. Either we are worthy of this country and we look for dignity or they continue treating us bad and belittling us. ¿You, what do you prefer? To sit there quietly in your homes without doing anything or do you prefer to take out of your pocket ten, twenty dollars and say I'm voting ...I am going to give this money. You...it's okay. You, you, you...are illegal, as, as I was a long time ago. Let's say you are illegal...And does that eliminate you from the political race? On the contrary, you more than anyone have to vote, have to pull out your money, if you can't vote, give money.

CANNON: Okay [unintelligible].

RIVERA: Yes you can, yes you can do something, do something for your family, for your children who are coming at this moment after you. Do it now because afterwards they are going to have to begin the same fight, okay. That is not good. You work now and work a little bit. We are not going to make the burden light here. We are going to work a little bit. And working a little bit is: register, it is...to give a little bit of money, it is to vote for the people who are helping us.

DIAZ: Logically we want to help and we want to assure ourselves that our candidate comes out ahead but we have to do everything according to rule. The federal law prohibits...ah...certain things: corporations cannot donate to candidates, things like that...therefore, really if you are undocumented you must find, we welcome this money, but you have to find someone who is legal in order to donate money, or in other words the federal law really does prohibit us from doing some things and we want to do everything by the rule, if not, our opponent can attack us and say "you see, he is trying to...to influence the race with people that, that are not here legally in this country." Therefore, it has to be done with precaution. We want all your help. It is important because I believe, as the Congressman said, this is going to be a...a big signal. I don't know if you mentioned, but President Bush has, or rather all the press in Washington considers him as the key ...ah...person for immigration proposals to Congressman Cannon from President Bush. When something is to be done with immigration in the Congress of the United States, Congressman Cannon is the "point person," as they say, for the Congress. Therefore, many people that are anti-immigration are looking at this race with a great deal of interest.

RIVERA: Clearly, clearly.

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DIAZ: They are watching, is the candidate going to win who is anti-immigration or is the candidate going to win who is pro-immigration.

RIVERA: Pro-immigration.

DIAZ: And, and for this reason the...many organizations outside of Utah are investing hundreds of thousands of dollars to influence and, and to frighten the American community, telling them that he wants to bring every illegal and everything...and they are saying things that are not true to frighten them so that they vote against Congressman Cannon. It depends on whether the key person on immigration loses this election, as the Congressman said, this is going to send a signal that reverberates in all the states that immigration is something nobody wants to touch. But if he wins and wins with a large enough difference...

RIVERA: Margin.

DIAZ: Margin, it is going to send a positive signal saying "if you are a friend of the Hispanic and you are willing to work to help the Hispanic, the immigrant, the undocumented, the Hispanic people are going to go out and vote for you, and the American people are going to understand the reason why it is necessary for our economy and you are not going to be negatively impacted" and this is the signal that we should...and the last thing I want to say is that it is our decision. Are we going to let them determine the agenda and determine who wins or are we going to let and with our American friends also going out to vote and we determine that the friends of the Hispanic community, Congressman Cannon and there are many others, are those that win? And this is our decision, both voting and donating, because in these races just as they have invested hundreds and thousands of millions of dollars up to now, we also need to help because the only way to win is votes and money in the elections, I don't know, here and in every other part of the world.

RIVERA: Good, there is one thing and it is this. The question for you, Marco, or for the Congressman is, can citizens who are minors donate money?

CANNON: Again...The minor children of citizens, yes they can donate.

RIVERA: Minors?

DIAZ: Any person, if you, if your child is a citizen can...

RIVERA: This [unintelligible].

DIAZ:

Very good! I hadn't thought of that! But if your child is a citizen, you can donate in the name of you child. The only thing that you need is, is to be a citizen. Many of you, perhaps, have children who are citizens.

[Rivera continues by telling of a case that he heard about where a mother was deported, and her child was taken care of by the state because the child was a citizen, and he said that this is what will happen here in Utah. He then followed up by urging listeners to go out and vote and to send \$10 by purchasing a money order in name of their children and sending it to Cannon's p.o. box.]

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