

CONGRESSMAN
Chris Van Hollen
MARYLAND 8TH DISTRICT

July 26, 2004

Jeff S. Jordan, Esq.
Kim C. Stevenson, Esq.
Complaints Examination & Legal Administration
Federal Election Commission
Washington, D.C. 20463

RE: MUR 5477 – Van Hollen for Congress

Dear Mr. Jordan and Ms. Stevenson:

I am in receipt of your letter, dated July 13, 2004, and the accompanying complaint, procedures and designation of counsel form. Van Hollen for Congress (the "Committee") does not believe that action should be taken in this matter against the Committee or me as its treasurer because the factual circumstances surrounding this complaint, as set forth in the attached affidavit of Joan Kleinman, Congressman Chris Van Hollen's district director, do not indicate that an illegal contribution of federal tax dollars occurred.

The complaint alleges that congressional staff and the government's e-mail system were used for campaign purposes. However, the complaint is focused entirely on an event sponsored and staffed solely by Chris Van Hollen's congressional staff and a photograph that was taken at that event. The e-mail in question was transmitted at the request of a reporter from the Gazette who was seeking additional factual information about actions taken by Chuck Floyd's campaign at this congressional event. Because no member of the Congressman's congressional staff took any action with respect to this event for the purpose of furthering the Congressman's campaign, we would request that the Federal Election Commission refrain from pursuing this matter and conclude that an illegal contribution of federal resources did not occur. We have not retained counsel or fully explored any possible legal arguments. However, we would like to reserve the option to do so at a later time if need be.

Please feel free to contact me at any time with any questions or if you would like additional information. I can be reached at 301-946-3804 or jenny.Kensington@verizon.net.

Thank you for your help and consideration.

Very truly yours,

Jennifer Lewis Smith

Jennifer Lewis Smith
Treasurer



RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 JUL 30 A 10:47

25190260859

Affidavit of Joan D. Kleinman

1. My name is Joan D. Kleinman and I have been Congressman Chris Van Hollen's District Director since January 2003.

2. On Saturday, April 17, 2004, Congressman Chris Van Hollen held "Community Office Hours" at the Bethesda Library in Bethesda, Maryland. See attached flier, the text and form of which were approved by the Commission on Congressional Mailing Standards of the House of Representatives. These Community Office Hours, scheduled from 10:00 a.m. - 12:00 noon, provide an opportunity for constituents to speak with the Congressman and to learn about and take advantage of the services that a congressional office can provide. In the mailing that was sent to constituents in Bethesda prior to April 17th, Congressman Van Hollen invited constituents to "drop by to speak with me, to meet my staff, and to learn about the services that we can provide. My staff and I can assist you with questions or problems you might encounter with Federal agencies."

3. That morning, dozens of constituents took advantage of this invitation to meet and speak with the Congressman, and to discuss with the Congressman's congressional office staff on a one-to-one basis personal issues that they had with federal agencies.

4. During the course of this two-hour session, two representatives from Chuck Floyd's campaign -- John Tuohy and Jonathan Fox -- came to the Library, waited to speak with Congressman Van Hollen, and then accused him of campaigning in the library. Congressman Van Hollen explained that this was not a campaign event and that if they had need for services from his office, they were welcome to speak with a member of the staff for assistance. The two men then left the room.

5. Shortly thereafter, the Congressman's staff was advised that Floyd campaign bumper stickers had been put on the cars belonging to Congressman Van Hollen and members of his staff. A member of the Congressman's staff went to the parking lot and took photos of the Congressman's bumper, which now had a Floyd sticker diagonally placed over its Van Hollen sticker. Coincidentally, one of the pictures that was taken also included Mr. Tuohy, the Floyd campaign manager, with his middle finger positioned in an obscene gesture.

6. On June 15, 2004, a reporter from the Gazette interviewed Congressman Van Hollen by telephone. In describing the actions of the Floyd representatives at our official events, the Congressman suggested to the reporter (Steve Dennis of the Gazette) that he contact me for further factual details about incidents that occurred at these official events. In the course of my conversation with Mr. Dennis, I described the Floyd staff's activities during the congressional office's Community Office Hours at the Bethesda Library. At the reporter's request, I then sent Mr. Dennis by e-mail the photo of Mr. Tuohy and Congressman Van Hollen's car. Since that picture had been taken at a congressional event, which was staffed entirely by members of the Congressman's congressional office, I used my office computer to send the picture to Mr. Dennis. Indeed, some of the other pictures taken with the same camera that day of constituents speaking to the Congressman have been used for other official purposes, including use on the Congressman's congressional office web site.

7. I was speaking to the reporter as a member of the Congressman's staff. I was called by telephone in the congressional office and was asked to describe events that had occurred at an official congressional event. At no time was I speaking as a member of the Congressman's campaign staff, nor was I asked to comment on any issue related to the campaign. My remarks to the reporter were limited to my knowledge of events that had occurred only at official meetings that the congressional office was sponsoring.

25190260860

I solemnly swear under penalty of perjury that the foregoing statement is true to the best of my knowledge, information and belief.

Lita L. Alestlich

Witness

Date: 7-26-04

Joan D. Kleinman

Joan D. Kleinman

Date: 7-26-04

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Congressman Chris Van Hollen
1419 Longworth House Office Bldg.
Washington, D.C. 20515

Official Business



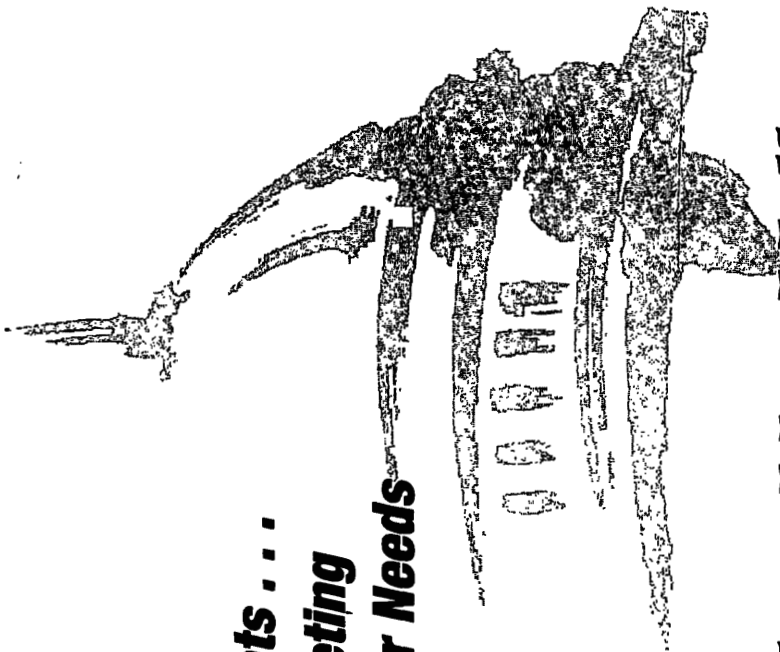
M.C.
PRSKT STD

This mailing was prepared, published, and mailed at taxpayer expense

**Reaching Out to Constituents . . .
Meeting
Your Needs**



*Congressman Van Hollen meets
with constituents about issues
before Congress.*



**Congressman Chris Van Hollen
Invites You to Community Office Hours on April 17th in Bethesda**



Congressman Van Hollen

WILL HOLD

Community Office Hours



Dear Friends:

I will be visiting the Bethesda Library on Saturday, April 17, from 10:00 a.m. until 12:00 noon. I invite you to drop by to speak with me, to meet my staff, and to learn about the services that we can provide. My staff and I can assist you with questions or problems you might encounter with Federal agencies. While we cannot order an agency to decide a matter in your favor, we can usually help you get a prompt response. Here are some of the areas in which we can help.

- ◆ Federal Student Loans
- ◆ Workers' Compensation
- ◆ Internal Revenue Service
- ◆ Service Academy Nominations
- ◆ Immigration
- ◆ Passport Applications
- ◆ U.S. Postal Service
- ◆ Military Service

AT THE

Bethesda Library

Saturday, April 17, 2004
10:00 a.m. – 12:00 noon

7400 Arlington Road
Bethesda, Maryland 20814

For further details call: (301) 424-3501 ♦ (301) 424-5992 fax

My offices are prepared to serve you:

Rockville Office
51 Monroe Street, Suite 507
Rockville, MD 20850
(301) 424-3501
(301) 424-5992 FAX

Mount Rainier Office
3409 Rhode Island Avenue
Mt. Rainier, MD 20712
(301) 927-5223
(301) 927-6122 FAX

Washington, D.C. Office
1419 Longworth HOB
Washington, D.C. 20515
(202) 225-5341
(202) 225-0375 FAX