



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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COMMISSION
SECRETARIAT

2005 MAY 26 A 10: 11

May 25, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director, ADR Office

SUBJECT: **ADR 232 – The Tides Foundation, Senator John Kerry, Teresa Heinz Kerry, George Soros, Democratic Justice Fund, Miramax Films and Michael Moore/CRM Management.**
Recommendation to Close the File

SENSITIVE

On January 26, 2005, the ADR Office (ADRO) received from OGC/CELA a complaint, MUR 5501, to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, **ADR 232**, is inappropriate for ADR and recommend that the case be closed. Following the procedures approved by the Commission on March 3, 2003, this matter will be closed by ADRO if the Commission approves the recommendation in this memorandum. The Office of General Counsel (OGC) concurs in the description of this matter and also concurs that this matter will not be returned to OGC for further action.

Summary: Complainant contends that the Commission has allowed “illegal, insurgent organizations” (i.e., the named Respondents) to destroy the U.S. political process which “if allowed to continue will ... degenerate the electoral process”. Counsel for Respondents contends that the complaint is without merit, lacking statutory or regulator specificity and should be dismissed.

Attached for the Commission’s review is the ADR Case Analysis Report on **ADR 232** along with copies of the EPS Rating and ADR Rating Sheets.

Recommendations:

1. Take no further action and close the file as to all respondents.
2. Send the appropriate letters.

ADR CASE ANALYSIS REPORT

ADR Case: 232

Respondents: 1) The Tides Foundation
2) Senator John Kerry
3) Teresa Heinz Kerry
4) Democratic Justice Fund
5) George Soros
6) Miramax Films
7) Michael Moore/CRM Mgt

MUR: 5501

Respondents' Rep's: 1) B. Holly Schadler, Esq.
2) Marc E. Elias, Esq.
3) Paul J. Bschorr, Esq.
4) B. Holly Schadler, Esq.
6) Alan Friedman, Esq.
7) Kenneth A. Gross, Esq.

OGC Case Open Date: 8-2-04

Committee Type: N/A

Date Forwarded to ADRO: 1-26-05

Committee's Name: N/A

Date Reviewed by ADRO: 2-9-05

District #/or State: N/A

Tier Level: 3

Election Won/Lost Cycle: N/A

EPS Rating: 21

Election Cycle: 2004

ADR Rating: 20

Complainant: Marcus G. McDonald

Summary of Complaint: Complainant contends that the Commission has allowed "illegal, insurgent organizations" (i.e., the named Respondents) to destroy the U.S. political process which "if allowed to continue will ... degenerate the electoral process".

Respondents' Replies: Counsel for Respondents contends that the complaint is without merit, lacking statutory or regulator specificity and should be dismissed.

Alleged Violations: The complaint fails to identify any specific violation of the FECA or Commission regulations.

Analysis: 11 C.F.R. 111.4(d)(3) requires that complaints filed with the Commission should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction. The subject complaint contains no description of any violation of the FECA or the Commission's regulations -- accordingly the matter should be dismissed.

Issues: None identified

ADR Director's Recommendation: Dismiss