



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 DEC 13 A 9:04

SENSITIVE

MEMORANDUM

December 12, 2005

TO: The Commission

THROUGH: Robert J. Costa *RJC*
Acting Staff Director

FROM: Allan D. Silberman *AS*
Director, ADR Office

BY: Lynn M. Fraser *LMF*
Assistant Director, ADR Office

SUBJECT: ADR 303 Forest D. Jones aka A Concerned Citizen
Recommendation to Assign Case

On November 10, 2005, the ADR Office received MUR 5662 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is appropriate for ADR and recommend that it be assigned to the ADR Office.

SUMMARY: Complainant Mary Ann Galic alleges that a full page advertisement, urging the defeat of Congressman Dave Camp in 2006, was placed anonymously in the Traverse City Record-Eagle on April 21, 2005. The disclaimer at the bottom of the advertisement stated: "This is not a partisan issue. I am not, nor have I ever been, a Democrat. Paid for by: A concerned citizen. PO Box 6346, Traverse City, MI 49686." The complaint goes on to note, in addition to the inadequate disclaimer, there appeared to be no report of the independent expenditure made, which was estimated to be between \$4,000 and \$4,500. Forest D. Jones, aka A Concerned Citizen, ("Respondent") argued that he did not believe he violated federal law as Representative Camp had not announced his intention to run for reelection. Respondent contended that he merely expressed his opinion pursuant to his rights of free speech under the Constitution, and that he did it anonymously because he feared the reaction of fanatics. In addition, Respondent stated that he paid \$1,829.52 for the advertisement.

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Attached for the Commission's review is the ADR Case Analysis Report. The ADR Case Analysis Report includes an analysis of the case and a description of the issues that the ADR Office anticipates addressing if the case is assigned to ADR. In addition, the ADR Case Analysis Report has been reviewed by the Office of General Counsel, which concurs in the description of the case.

RECOMMENDATION:

1. Assign ADR 303/MUR 5662 to the ADR Office.

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ADR CASE ANALYSIS REPORT

ADR Case: 303

Respondents:

Forest D. Jones aka A Concerned Citizen

MUR: 5662

Respondent's Rep.: Forest D. Jones

OGC Case Open Date: 6/6/05

Committee Name: N/A

Date Forwarded to ADRO: 11/10/05

Committee Type: N/A

Date Reviewed by ADRO: 11/30/05

District #/or State: N/A

Election - Won/Lost: N/A

Election Cycle: 2006

Complainant: Mary Ann Galic

Summary of Complaint: Mary Ann Galic ("Complainant") alleges that a full page advertisement, urging the defeat of Congressman Dave Camp in 2006, was placed anonymously in the Traverse City Record-Eagle on April 21, 2005. The disclaimer at the bottom of the advertisement stated: "This is not a partisan issue. I am not, nor have I ever been, a Democrat. Paid for by: A concerned citizen. PO Box 6346, Traverse City, MI 49686." Complainant alleges, in addition to the inadequate disclaimer, there appeared to be no report of the independent expenditure made, which Complainant estimated to be between \$4,000 and \$4,500.

Respondent's Reply: Forest D. Jones, aka A Concerned Citizen, ("Respondent") argued that he did not believe he violated federal law as Representative Camp had not announced his intention to run for reelection. Respondent contended that he merely expressed his opinion pursuant to his rights of free speech under the Constitution, and that he did it anonymously because he feared the reaction of fanatics. In addition, Respondent stated that he paid \$1,829.52 for the advertisement.

Issues:

- Disclaimer 2 U.S.C. § 441d, 11 C.F.R. §§ 110.11(a)(2), 110.11(b)(3)
- Independent expenditure 2 U.S.C. § 434(c), 11 C.F.R. §§ 104.4(a), 104.4(e)(3), 109.10(b), 109.10(e)

Recommendation:

Assign to ADRO

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