FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2302
MERGED WITH 2279 + 2283

DATE FILMED 3/29/91 CAMERA NO. 4

CAMERAMAN AS

2140333351

South Dakota DEMOCRATIC PARTY
1600 S. Minnesota Ave. ☐ Sioux Falls, SD 57105 ☐ (605) 336-6424

GCC#1826
RECEIVED AT THE FEC
HAND DELIVERED
86 OCT 23 A10:41

October 22, 1986

Mr. Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

86 OCT 23 P4:03

Dear Mr. Steele:

I am writing to request the Federal Election Commission's formal investigation of allegations of illegal campaign contributions accepted by South Dakota Senator James Abdnor. News accounts have revealed that individual $1,000.00 contributions from five Sisseton-Wahpeton Tribal Council members were made on September 10, 1986 to Senator Abdnor's re-election campaign. These contributions were made as a result of a motion adopted at a September 2-3 Tribal Council meeting during which a $5,000.00 campaign contribution was formally authorized by the Council to be made from tribal funds.

I have included a number of supportive documents which are directly applicable to this request for a formal FEC investigation.

1. Senator Abdnor's April 17, 1986 testimony before the Senate Select Committee on Indian Affairs in which he opposed S2118, legislation to re-distribute funds awarded in 1967 to the Sisseton-Wahpeton Sioux tribes by the Indian Claims Commission.

2. The Tribe's September 18, 1986 newspaper Sota Iya Ye Yapi in which the minutes of the tribal council's September 2-3 meeting are published. Motion 22, adopted by the Council, authorized the disbursement of $5,000.00 in tribal funds to Senator Abdnor's campaign.

3. Senator Abdnor's Federal Commission October 15, 1986 filing in which $1,000.00 contributions are recorded from five tribal council members These contributions are recorded as having been accepted on September 10, 1986 by the Senator's reelection Committee.

4. Records from the Senate Select Committee on Indian Affairs which indicate that Senator Abdnor voted in favor of passing this bill, after having spoken in opposition.

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5. Various news accounts of the illegal contribution.

The acceptance of this contribution by Senator Abdnor's re-election Committee is clearly a violation of Federal Election statues in two specific instances:

1. Acceptance of contributions by a candidate in excess of $1,000.00 made by an "individual" (or tribe as defined in the advisory opinion) is a clear and undisputable violation of federal election laws. FEC Advisory Opinion 1978-51 (September 1, 1978) restricted contributions from non-incorporated tribes to the same $1,000.00 limit as that permitted a "person" under definition of FEC law [2 U.S.C. 441a (a) (1) (A)]

2. Finally, Federal law specifically prohibits a candidate for Federal office from accepting a contribution from a person who is making the contribution in the name of another person [2 U.S.C. 441f]. The tribal minutes indicate formal authorization of a $5,000.00 tribal contribution. However, this contribution apparently was made in the form of five individual contributions of $1,000.00 each. This is clearly a violation of this section of Federal election law.

I respectfully request the Commission's immediate investigation of these reported allegations. Your prompt attention to this request will be appreciated.

If you have any questions regarding this matter, please feel free to contact at any time.

Thank you.

Sincerely,

Steve Jarding
S.D. Democratic Party

enclosures

SIGNED AND SWORN BEFORE ME THIS 22 DAY OF OCTOBER, 1986.

Tracey K Sheahan
(NOTARY)

(SEAL)

2104033053

Apr 17, 1986

Mr. TAYLOR. Senator Abdnor has a prepared statement that Victor Doubrava would like to read into the record at this point.

STATEMENT OF SENATOR ABDNOR AS READ INTO THE RECORD BY RICHARD DOUBRAVA

Mr. DOUBRAVA. Senator Abdnor is currently on an airplane right now on his way back to Washington, but because of the interest in and concern about this bill, and about the fact that he is not a cosponsor, even though he is a member of the delegation from the three States that are involved, he wanted to clarify his position, both for the tribe and for interested parties. He wanted me to read this statement for him this morning.

Mr. Chairman, I appreciate having the opportunity to provide remarks concerning this legislation. I am pleased that representatives of the tribe are present today to participate in this hearing on S. 2118. I have followed the progress on this legislation with great interest since it affects many of my constituents as well.

While I certainly understand the reasons for this legislation, I have serious concerns about the implications which will result if Congress decides to take such action.

To me it comes down to a question of fairness and equity. I think my record in both the Senate and the House of Representatives has demonstrated my concern for native Americans in my State and the Nation and I am proud of my relationship with the Sisseton-Wahpeton Sioux Tribe and I want to make it clear that my position on this issue would be the same regardless of which tribes were involved.

When Congress passed this original legislation in 1972, it stipulated that this award would be shared by the three tribes mentioned today. The bill also provided for an apportionment to the lineal descendants of the Sisseton and Wahpeton who were not enrolled with any other of the three tribes.

It is my understanding that since this time, lineal descendants have not, as a matter of course, been included in later judgments. My concern with this legislation is based on a matter of fairness.

While I did not come to Congress until 1973, I believe that we made a commitment to these people and that it should be kept. I understand the position of the tribes and their interest in amending the original legislation as proposed by this bill.

However, one of the most troubling aspects of this legislation is that we are now proposed to again change the rules of the game after we have made a commitment to the native Americans involved in this judgment. This troubles me greatly.

I do not deny that this matter has been poorly handled. I note from the staff brief that many of the records needed to identify and contact these individuals are missing or lost. However, this does not change the fact that we are now proposing to extinguish the rights of nearly 2,000 individuals to whom Congress promised compensation.

I have no opposition to enacting future legislation which excludes lineal descendants. Yet, upon careful consideration, I have serious reservations about supporting this legislation. I know that comes as a bitter disappointment to the sponsors of this legislation

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and to the representatives of the Sisseton-Wahpeton Sioux Tribe. However, the rights of those to whom Congress promised compensation deserve to be respected and I cannot in good conscience turn my back on the commitment we made, even though I would greatly like to honor the request of the tribe to support this measure.

Mr. TAYLOR. Thank you very much.

Mr. ANDREWS. Senator Gorton, do you have any opening statement?

Mr. GORTON. No opening statement, Mr. Chairman. I have heard your statement and read the materials.

Mr. ANDREWS. Good. Our first witness today is Ralph Reeser, from the Department of Indian Affairs, Department of the Interior.

Ralph, good to have you here.

Mr. REESER. Mr. Chairman, Hazel Elbert came to work very ill this morning and it was obvious to me that she would not have been able to make it through the hearing, so I am substituting.

Mr. ANDREWS. Well, let me assure you that you can put her full statement in the record and it will be here just as though she had been here and uttered it, every word—or you had uttered its every word for her.

STATEMENT OF RALPH REESER, DIRECTOR OF LEGISLATIVE AND CONGRESSIONAL AFFAIRS, BUREAU OF INDIAN AFFAIRS

Mr. REESER. Fine. Thank you. All right, sir, I will not go into the background that you have already given in your statement. The bill does provide that funds that were designated by Congress for per capita distribution to lineal descendants of the Sisseton-Wahpeton Tribe be paid to tribal governing bodies instead.

We support the bill but recommend that it be amended to bar the tribes from making per capita payments. We believe that this is a capital funds source for the tribes and the tribes should program it.

We also suggest that you give consideration to not requiring the Secretary to submit plans to the Congress. You may just wish to authorize the tribes to program the money and let the Secretary exercise his usual approval of the use of trust funds, rather than requiring further hearings and action.

Mr. ANDREWS. What is the current status of the membership roll for the Sioux at Fort Peck that the 1972 act directed to be completed?

Mr. REESER. I understand that that is now up to date and that there will be 30 or so additional people that were not on the partial payment roll.

Mr. ANDREWS. What is the current status of the roll for lineal descendants?

Mr. REESER. There are still a number of appeals to be finalized. I believe it is about 256 that have not been finalized yet. Perhaps it could be completed within 6 months.

Mr. ANDREWS. Why has it taken so long to complete?

Mr. REESER. Frankly, Mr. Chairman, it seems that it has been a problem of priorities and some problems with a computer. The roll that had been prepared was wiped out of the memory banks and is having to be reconstructed.

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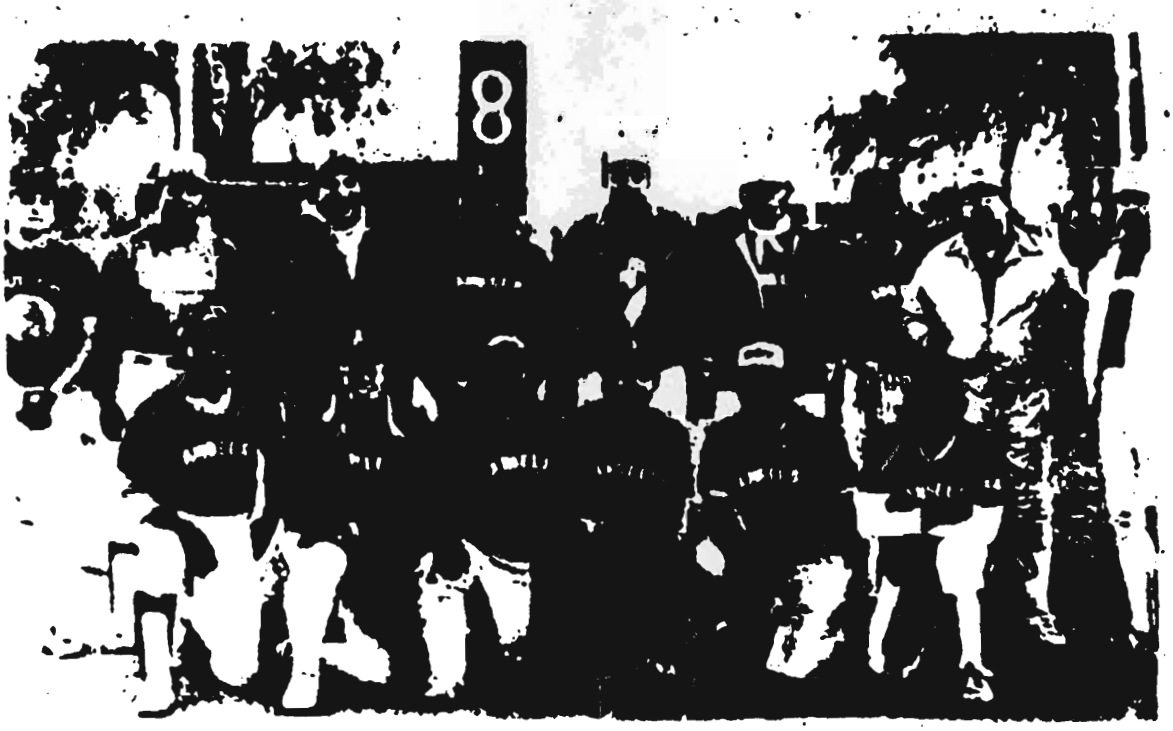
Walt's Angles captured 2nd



Walt's Angels: (back row) Sharp Twins, Clyde Kampeska, J.C. Crawford, Mark Thompson, Arnie Crandall, Mike LaFontaine, Gabe Kampeska, Tex Claymore and Gus Claymore. (front row) Albert Spider Jr., Allen LaBelle, Bill Canku, Tim Kreiler, Cole LaFontaine and Darrell Mireau. (not pictured: manager Walt Twins)

Sisseton-Wahpeton Sioux Tribal Council Proceedings

September 2, 1986

ROLL CALL:
Big Coulee: Gerald German Sr.; Maynard, Hiram, Lillian O., Ron, David S., David G., Grady, John, Ed, Gilbert, Lillian W., Treasurer; 2 ab-

Maynard, Hiram, David S., David G., Gilbert, Lillian Secretary; 1 not v MOTION PASSED.

Motion No. 9: Owen, seconded b that the Sisseton Council supports t Bureau of Indian A cies, etc., for fundi the Big Coulee Education Enrichme Gerald G., Ge Maynard, Hiram, David S., David G. Gilbert, Lillian Secretary; 1 absen 1 not voting: Ch PASSED.

Motion No. 10 Renville, seconded nard, to accept t men's Association Gerald G., Ge Maynard, Hiram, David S., David John, Ed, Gilb Treasurer, Secreta Chairman. MOTION

Motion No. 11 Robertson, second Stars, to approve written on Tiosp Gerald G., Gerald Lillian O., David Gilbert, Lillian W. posed: David G., abstained: Ron, from vote: Mayna Chairman. MOTION

Motion No. 12 Selvage, second Heminger, to ame with Tiospa Zina "Rent the facilities

...oux ...lings

illian O., Ron, Grady, John, Ed, Treasurer; 2 ab-ce, Secretary; 1 man. MOTION

Agency District issues! 16 for: ld H., Dale, illian O., Ron, . Mike, Grady, illian W.; 1 ab-ecretary; 1 not OTION PASSED.

ade by Gilbert by Lillian Wan-Veblen District notation that as reappointed College Board he alternate as issues. 16 for: d H., Dale, illian O., Ron, ike, Grady, Ed, , Secretary; 1 Gilbert; 1 not OTION PASSED.

made by Ron l. by David Lake Traverse three issues. 17 ald H., Dale, lian O., Ron, Mike, Grady, Lillian W., 1 not voting: ASSED.

ade by Dale by Gerald e Buffalo Lake two issues. 17 ald H., Dale, ian O., Ron, Mike, Grady

...posed: David O., Ed, Treasurer; 2 ab...stain... Grady; 1 absent from vote: Maynard; 1 not voting: Chairman. MOTION PASSED.

Motion No. 12: made by David Selvage, seconded by Gerald Heminger, to amend the agreement with Tiospa Zina and should read, "Rent the facilities from the Sisseton-Wahpeton Sioux Tribe until the loan has been paid in full." 15 for: Gerald G., Gerald H., Dale, Maynard, [redacted] Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer; 2 absent from vote: Ron, Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 13: made by Grady Renville, seconded by Gilbert Robertson, that the Sisseton-Wahpeton Sioux Tribal Council support the Tiospa Zina's $1.75 per square foot request for the lease of the provisions in the contract. 14 for: Gerald G., Gerald H., Dale, Maynard, Hiram, Lillian O., David S., David G., Mike, Grady, John, Ed, Gilbert, Lillian W.; 2 abstained: Ron, Treasurer; 1 absent from vote: Secretary; 1 not voting: Chairman; MOTION PASSED.

Motion No. 14: made by Gilbert Robertson, seconded by Lillian Warne, to accept the SWEEP report. 16 for: Gerald G. Gerald H., Dale, Maynard, Lillian O., Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer, Secretary; 1 absent from vote: Hiram; 1 not voting: Chairman. MOTION PASSED.

Motion No. 15: made by Gilbert Robertson, seconded by Ed Williams, to accept the Dakota Sioux Indian Bingo report. 14 for: Gerald G., Gerald H., Dale, Maynard, Lillian O, Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Treasurer; 3 absent from vote: Hiram, Lillian W., Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 16: made by Gilbert Robertson, seconded by John Two Stars, to accept Tiospa Zina report. 15 for: Gerald G., Gerald H., Dale, Maynard, Lillian O., David S., David G., Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer, Secretary; 2 absent from vote: Hiram, Ron, 1 not voting: Chairman. MOTION PASSED.

Motion No. 17: made by David Selvage, seconded by Dale Crawford, that the Sisseton-Wahpeton Sioux Tribal Council supports Gerald "Smokey" Gelman's Performance Bond of $5600 for the Lagoon Extension Project and will be handled in-house by Dick Stewart. 13 for: Gerald G., Dale, Maynard, Lillian O., David S., David G., Mike, Grady, John, Gilbert, Lillian W., Treasurer, Secretary; 1 abstained: Gerald H.; 3 absent from vote: Hiram, Ron, Ed; 1 not voting: Chairman. MOTION PASSED.

Motion No. 22: made by Grady Renville, seconded by John Two Stars, that the Sisseton-Wahpeton Sioux Tribe contribute $5,000 to Senator Abdnor, and the funds to come from the Land Acquisition account. If we're successful in getting Senate Bill 2118 passed, the $5,000 plus the Senator Andrews contribution will be refunded. 13 for: Gerald G., Gerald H., Dale, Maynard, Lillian O., Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer, Secretary; 2 opposed: David S., David G.; 1 abstained: Ron; 1 absent from vote: Hiram; 1 not voting: Chairman. MOTION PASSED.

Motion No. 23: made by Gilbert Robertson, seconded by David Selvage, to accept the Tribal Chairman's report. 16 for: Gerald G., Gerald H., Dale, Maynard, Lillian O., Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer, Secretary; 1 absent from vote: Hiram; 1 not voting: Chairman. MOTION PASSED.

September 3, 1986

21-40-3-3357

tribution of its share in 1979. In each case the funds were distributed per capita to the tribal members as follows:

Apr. [illegible] SWST—6,006 × $376.77	$2,262,880.62
Dec. 16, 1974—DLST—2,187 × $559.61	$1,223,867.07
May 1, 1979—Ft. Peck (partial)—3,602 × $185.00	$666,370.00

Subsequent to the partial payment to the Fort Peck group, 34 additional members were determined eligible. As of March 13, 1986, $194,646.85 remained in the escrow account for that group. S. 2118 will not affect that account.

The lineal descendants' share of the funds has remained undistributed since enactment of the Act in 1972. The Department of the Interior indicates that this descendancy share is now in excess of $6 million. In 1979 the Aberdeen Area Director sent 1,935 lineal descendants a letter acknowledging their eligibility to participate in the award. In addition, there is an estimated 250 appeals awaiting decision by the Department. Subsequent to the 1979 mailout to potential descendant distributees, the Departments computer files were destroyed and the Area Office will now have to rebuild the files from previous hard copy. The Department estimates that resolving the outstanding appeals and rebuilding the computer files will take between 6 months and a year. The Committee directs that this work proceed to completion.

Legislative History

S. 2118 was introduced on February 27, 1986, by Senator Andrews, for himself and Senators Burdick and Pressler. The bill was referred to the Senate Select Committee on Indian Affairs which held hearings on the matter on April 17, 1986. There is no companion bill in the House of Representatives. S. 2118 was considered by the Select Committee at a business meeting on September 15, 1986, and was ordered reported out of Committee with amendments.

Committee Recommendations and Tabulation of Vote

The Select Committee on Indian Affairs, in open business session on September 15, 1986, with a quorum present, by a vote of six in favor and three opposed, recommends the Senate pass S. 2118, as amended. Senators voting in favor were Senators Andrews, Goldwater, Murkowski, Abdnor, Inouye and Burdick. Those opposed were Senators Gorton, Melcher and DeConcini.

Committee Amendments

The Committee recommends two amendments which are set out at the front of this Report. The first amendment is technical in nature. The second tracks an Administration recommendation that the requirement for submission of the judgment fund distribution plan to Congress under the Indian Judgment Fund Distribution Act of 1973 (87 Stat. 468), as amended is waived.

Section-by-Section Analysis

Section 1 supersedes that section of the 1972 Act which provided for distribution to the lineal descendants, and provides that their

Full Name of Committee: Friends of Senator Jim Abdnor

	A. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
	Mr. Howard Wilkins, Jr. PO Box 2817 Wichita, KS 67201 Conduit thru NRSC	The Maverick Company owner Total YTD: $ 1000.00	G	09/25/86	1000.00
	B. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
	Mr. J. Harvie Wilkinson, Jr. 78 Westham Green, 300 Ridge Rd. Richmond, VA 23229	Retired Total YTD: $ 500.00	G	07/28/86	500.00
	C. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
	Mr. Robert P. Will 955 L'Enfant Plaza, SW #1203 Washington, DC 20024	attorney Total YTD: $ 1000.00	G	09/02/86	1000.00
	D. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
	Mrs. Lottie B. Willard 502 Elizabeth Drive Calvary Fellowship Homes Lancaster, PA 17601	Retired Total YTD: $ 281.25	G	09/20/86	56.25
	E. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
	Mr. Edward Williams Route 2 Sisseton, SD 57262	requested Total YTD: $ 1000.00	G	09/10/86	1000.00

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Full Name of Committee: Friends of Senator Jim Abdnor

A. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. Lincoln Twedt		G	09/23/86	50.0
RR 2, Box 76		G	07/02/86	100.0
Elk Point, SD 57025	Retired			
	Total YTD: $ 250.00			

B. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. John Two Stars, Sr.		G	09/10/86	1000.0
PO Box 507				
Sisseton, SD 57262	requested			
	Total YTD: $ 1000.00			

C. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Thomas Udager, D.D.S.		G	07/31/86	250.0
2525 W. Main Street, Suite 307	Self employed			
Rapid City, SD 57701	Dentist			
	Total YTD: $ 250.00			

D. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Lucia Ellia Uihlein		G	08/21/86	700.0
Sheridan Road				
Lake Bluff, IL 60044	Housewife			
	Total YTD: $ 1000.00			

E. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. Ken J. Ulland		G	07/24/86	990.0
15 N. Kline Street, Box 1570	McLaughlin Electric			
Aberdeen, SD 57401	Consultant			
	Total YTD: $ 2000.00			

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Full Name of Committee: Friends of Senator Jim Abdnor

A. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
Mr. David L. Selvage PO Box 216 Sisseton, SD 57262	requested	G	09/10/86	1000.00
	Total YTD: $ 1000.00			

B. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
Mr. Richard J. Sennott 451 Chapel Hill Lane Northfield, IL 60093	Ferguson Grain Co. Grain Merchant	G	07/17/86	500.00
Earmarked thru NRSC	Total YTD: $ 500.00			

C. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
Mr. Donald Severtson 1154 Karen Street Watertown, SD 57201	Retired	G	07/28/86	100.00
	Total YTD: $ 300.00			

D. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
Sen. George H. Shanard P.O. Box 1023 Mitchell, SD 57301	Shanard's Owner	G G	09/30/86 09/11/86 07/30/86	400.00 100.00 500.00
	Total YTD: $ 1000.00			

E. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipts
Mr. Milton P. Shaver 4131 Park Ridge Place Rapid City, SD 57701	Retired	G	07/25/86	250.00
	Total YTD: $ 350.00			

TOTAL THIS PAGE: 2850.00

21040337

Full Name of Committee: Friends of Senator Jim Abdnor

A. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Samuel Hausman 1430 Broadway New York, NY 10018	Belding Heminway Co. Vice Chrm. of Board	G	09/25/86	250.0
	Total YTD: $ 250.00			

B. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. F. R. Hazard 411 E. 3rd St. Hinsdale, IL 60521	Great Lakes Intern'l Ins Executive Vice Pres.	G	08/06/86	150.0
	Total YTD: $ 750.00			

C. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. R.Z. Hazard 601 E. 21st St. Sioux Falls, SD 57105	Koch Hazard Assoc. Ltd. Architect	G G	08/14/86 07/22/86	75.0 100.0
	Total YTD: $ 235.00			

D. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. Gerald Heminger, Sr. RR 1 Peever, SD 57257	requested	G	09/10/86	1000.0
	Total YTD: $ 1000.00			

E. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. Douglas Hendriks 1920 W. Burnside Sioux Falls, SD 57104	Dakota Foods, Inc. President	G	09/22/86	250.0
	Total YTD: $ 250.00			

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21340330372

Full Name of Committee: Friends of Senator Jim Abdnor

A. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. Wayne L. Berman 9348 Mt. Vernon Circle Alexandria, VA 22309	requested	G	09/25/86	1000.0
	Total YTD: $ 1000.00			

B. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. Maynard Bernard RR 1 Grenville, SD 57239	requested	G	09/10/86	1000.0
	Total YTD: $ 1000.00			

C. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Ms. Barbara E. Bernstein P.O. Box 344 Wilmot, SD 57279	Retired	G G	08/14/86 07/10/86	150.0 250.0
	Total YTD: $ 400.00			

D. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
[illegible] E.Y. Berry Rt. 8, Box 3400 Rapid City, SD 57702	Retired	G G	08/01/86 07/15/86	125.0 100.0
	Total YTD: $ 345.00			

E. Full Name, Address, Zip	Employer/Occupation	P/G	Date	Receipt
Mr. George Besler 485 Park Avenue New York, NY 10022	Retired	G	09/03/86	500.0
earmarked thru NRSC	Total YTD: $ 500.00			

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Abdnor shifts vote

By TODD MURPHY
Argus Leader Staff

Sen. James Abdnor last month changed his vote and supported a bill that would have given $3.4 million to a South Dakota Sioux tribe after five members of the tribal council gave his re-election campaign $1,000 each.

Abdnor officials said Friday that the contributions and changed vote were merely coincidental and that Abdnor's position on the bill has remained consistent.

The bill, Senate Bill 2118, would have distributed $6 million to three tribes in South Dakota, Minnesota, and Montana as final payment for the federal government's violation of an Indian treaty.

April 17, an Abdnor official entered the South Dakota Republican's opposition to the bill into the official record of the Senate Committee on Indian Affairs. Abdnor said in the statement that the money should go to the people for whom it was stipulated when an Indian claims commission in 1967 found the federal government in violation of the treaty. More than $4 million had been given to the three tribes. The rest was originally intended for the descendants of the people who had been governed by the treaty. The Senate bill would have waived that stipulation, instead giving the rest of the money — $6 million — to the three tribes. The Sisseton-Wahpeton tribe would have received more than half of it.

"To me, it comes down to a question of fairness and equity," Abdnor's April 17 statement read. "... I want to make it clear that my position on this issue would be the same regardless of which tribes were involved."

Sen. Mark Andrews, R-N.D., chairman of the Indian affairs committee, sponsored the bill.

In the official minutes of the Sisseton-Wahpeton Tribal Council's Sept. 2 and 3 meeting, printed in a Sisseton newspaper, a motion dealing with political contributions to Abdnor and Andrews was passed.

The motion read: "That the Sisseton-Wahpeton Sioux Tribe contribute $5,000 to Senator Abnor (sic), and the funds to come from the Land Acquisition account. If we're successful in getting Senate Bill 2118 passed, the $5,000, plus the Senator Andrews contribution will be refunded to that account."

Abdnor's Federal Elections Commission reports show that on Sept. 10, he received five $1,000 contributions from five members of the Sisseton-

Abdnor/See 2A

Wahpeton Sioux Tribal Council.

Sept. 15, in the Indian affairs committee, Abdnor, through a proxy vote he had given to Andrews, voted for the bill. It was passed out of committee, to be put on the Senate calendar.

The full Senate never considered it. It is to adjourn for the year today.

Abdnor officials said Friday that the campaign does not know immediately of every contribution given to it.

They said the senator's position on the bill never changed: he always opposed it. But they said he voted for the bill in the committee so it would get a full hearing on the floor.

"On the surface it looks inconsistent," Mike Freeman, Abdnor's press secretary, said of the switched vote. But other senators knew what Abdnor's intentions were, Freeman said.

"Legislation is not a pretty process," Freeman said. "Sometimes you have to vote against your beliefs in committee for a greater good on the Senate floor."

Richard Doubrava, an Abdnor aide who deals with Indian affairs, said Abdnor never spoke in support of the bill in committee. Abdnor did not attend either the April 17 or Sept. 15 meetings, Doubrava said.

But Doubrava was quoted in a Sept. 16 news story saying the bill had a slim chance of being considered on the floor. He agreed with that Friday.

Still, Doubrava said, Abdnor thought it important to support the bill in committee Sept. 15 because he had made a commitment to giving it a full hearing.

Doubrava said Abdnor's office received a number of letters after the April committee hearing asking that he support the bill. Abdnor's staff sent a form letter to those writing in support of the bill, explaining why Abdnor did not like it.

One of the letters, dated May 1, read in part: "I continue to believe that trust and fairness should be the keynote of federal legislation. I have assured the tribe that I will take no action which would hamper consideration of this bill. I continue to believe that a full airing of the issues involved is to the benefit of all concerned."

Doubrava said he did not know of any time Abdnor supported a bill he did not like in the Indian affairs committee.

Freeman estimated Abdnor has done it at least 10 times. The most recent example, Freeman said, was Abdnor's support in committee of a bill giving $100 million to Nicaraguan Contras and $300 million to other Central American countries. Abdnor wanted the bill debated on the Senate floor because he wanted the $300 million taken out of it, Freeman said. He could not garner the support in committee to cut the $300 million, Freeman said.

Freeman said some might be skeptical of Abdnor's vote switch.

"I'll agree with you. It looks unusual," he said. "I guess it's unfortunate that, because Jim tried to do the right thing for these people, that it may raise skepticism among some people."

David Selvage of Sisseton, one of those who gave $1,000 to Abdnor, said council members did not contribute to the senator's campaign to get him to change his vote. The council discussed that it needed Abdnor's support but did not discuss the contributions, he said. "It might have been discussed before or after the meeting, ... a few councilmen on their own," he said.

2104033374

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steve Jarding
South Dakota Democratic Party
1600 S. Minnesota Avenue
Sioux Falls, SD 57105

RE: MUR 2274

Dear Mr. Jarding:

This letter is to acknowledge receipt of your complaint of October 23, 1986, against Friends For U.S. Senator Jim Abdnor and Ms. Mary Wiese as treasurer, the Sisseton-Wahpeton Sioux Tribal Council, Mr. John Two Stars, Sr., Mr. Gerald Heminger, Sr., Mr. Maynard Bernard, Mr. Edward Williams, and Mr. David Selvage, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosure

2134033875

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. Edward Williams
Route 2
Sisseton, SD 57262

RE: MUR 2274

Dear Mr. Williams:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104030376

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2104033038 77

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. Maynard Bernard
RR 1
Grenville, SD 57239

RE: MUR 2274

Dear Mr. Bernard:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2103303378

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2104033037 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. Gerald Heminger, Sr.
RR 1
Peever, SD 57257

RE: MUR 2274

Dear Mr. Heminger:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104033080

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2134033031

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. John Two Stars, Sr.
PO Box 507
Sisseton, SD 57262

RE: MUR 2274

Dear Mr. Two Stars:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2140230382

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2154033033833

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ocotber 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. David Selvage
PO Box 216
Sisseton, SD 57262

RE: MUR 2274

Dear Mr. Selvage:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2140330384

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2104033085

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mary Wiese, Treasurer
Friends For U.S. Senator Jim Abdnor
PO Box 1001
Sioux Falls, SD 57101

RE: MUR 2274

Dear Ms. Wiese:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that Friends For U.S. Senator Jim Abdnor and you, as treasurer, have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and Friends For U.S. Senator Jim Abdnor in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

21403303386

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2104033087

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Sisseton-Wahpeton Sioux Tribal Council
Sisseton, SD 57262

RE: MUR 2274

Gentlemen:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that the Sisseton-Wahpeton Sioux Tribal Council has violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Sisseton-Wahpeton Sioux Tribal Council in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104033038

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

9104033039

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

EXPEDITED FIRST GENERAL COUNSEL'S REPORT

RESPONDENTS: Friends for U.S. Senator Jim Abnor
Sisseton - Wahpeton Sioux Tribal Council
Maynard Bernard
Gerald Heminger, Sr.
David Selvage
John Two Stars, Sr.
Edward Williams

MUR No. 2274
DATE TRANSMITTED TO COMMISSION _____
STAFF: Anne Weissenborn

COMPLAINANT: South Dakota Democratic Party
by Steve Jarding

SUMMARY OF ALLEGATIONS

The complainant alleges that the Sisseton - Wahpeton Sioux Tribal Council ("the Council") has violated 2 U.S.C. § 441a(a)(1)(A) by contributing $5,000 to the re-election campaign of Senator James Abnor. Based on its contention that the contribution was apparently made in the form of contributions from five individuals of $1,000 each, the complainant also alleges that 2 U.S.C. § 441f has been violated by the Abnor campaign by accepting a contribution made in the names of others.

Attached to the complaint are copies of itemized contributions reported by Friends for U.S. Senator Jim Abnor ("the Committee") as received in September, 1986, and a copy of the Sisseton - Wahpeton Sioux Tribal Council Proceedings for September 2, 1986. The proceedings include a motion to contribute $5,000 to Senator Abnor plus the vote on this motion by named members of the council. Five of the names listed in the vote count appear to match five individuals from whom the Committee reported receiving $1,000 each on September 10, 1986.

2134083920

PRELIMINARY LEGAL ANALYSIS

The complainant states apparent violations of the FECA. A contribution of $5,000 from the Tribal Council, a "person" under the Act, would place the Council in violation of 2 U.S.C. § 441a(a)(1)(A) which limits to $1,000 contributions from persons to any candidate and his or her authorized committee. The Committee would be in violation of 2 U.S.C. § 441a(f) by accepting an excessive contribution. In addition, reports filed by the Committee following the September 2, 1986, Council decision to make a contribution to the Committee do not show a receipt from the Council; however, they do include contributions of $1,000 each from five individuals who appears to have been among those who voted at the Council meeting. These five individuals are Maynard Bernard, Gerald Heminger, Sr., David Salvage, John Two Stars, Sr., and Edward Williams. All five contributions are reported as having been received on September 10, 1986. If the Council reimbursed these individuals for their contributions, the Council and each of the individuals would be in violation of 2 U.S.C. § 441f either for making a contribution in the name of another or for knowingly permitting his name to be used to effect such a contribution. The Committee would also be in violation of 2 U.S.C. § 441f if it knowingly accepted a contribution made in the names of other persons.

Because of the apparent violations involved, the respondents must be given the opportunity to respond to the allegations before the Office of the General Counsel makes recommendations

2104033391

regarding this matter.

Charles N. Steele
General Counsel

10/28/86
Date

By: Lawrence M. Noble
Deputy General Counsel

2104033992

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 30, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

The Honorable James Abdnor
United States Senate
309 Senate Hart Building
Washington, DC 20510

RE: MUR 2274

Dear Senator Abdnor:

This letter is to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2103039393

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

9104030894

RECEIVED AT THE FEC
ACC# 2018
86 NOV 17 A9:

BERTRAM E. HIRSCH
ATTORNEY AT LAW

81-33 258TH STREET
FLORAL PARK, NEW YORK 11004

(718) 347-3022

November 13, 1986

86 NOV 18 AM 8:
RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Ms. Anne Weissenborn, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2274 and MUR 2283

Dear Ms. Weissenborn,

In response to the Commission's letters to the Sisseton-Wahpeton Sioux Tribe with respect to the above matters under review, I am writing on behalf of the Tribe (in follow up to our telephone conversation yesterday) to request an extension of time within which to respond to the Commission's inquiry. The Tribe would like the time extended until December 5, 1986. The reasons for this request are (1) the undersigned first received the complaints in these matters yesterday, (2) I must be out-of-town from November 24-26 and then the Thanksgiving holiday will occur, effectively eliminating any opportunity to work on this matter during the week of November 24, and (3) the distance between the Tribe and myself will necessarily prolong the response since additional days will be consumed in an exchange of mail between myself and the Tribe on these matters.

Thank you for your consideration of this request.

Sincerely,

Bertram E. Hirsch

BERTRAM E. HIRSCH

2140030395

GCC# 2026

U.S. SENATOR JAMES ABDNOR
WASHINGTON, D. C.

November 18, 1986

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
86 NOV 18 P4:28

Ms. Joan D. Aikens, Chairman
Federal Election Commission
999 E Street NW
Washington DC 20463

Dear Ms. Aikens:

Pursuant to MUR2274, this letter designates Mr. James F. Schoener, Attorney, 1015 15th Street NW, Suite 1200, Washington, D.C. 20005, (202) 789-8640, was my counsel with authority to receive any notification or other communication from the Federal Election Commission and to act on my behalf and that of my committee on any matter which may come before the committee.

With best wishes, I am

Sincerely,

James Abdnor

JAMES ABDNOR
United States Senator

JA:jb

2140330396

(NOT PRINTED AT GOVERNMENT EXPENSE)

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
96 NOV 18 P4:20

BEFORE THE

FEDERAL ELECTION COMMISSION

MUR 2274

In re:

Complaint of:

South Dakota Democratic Party

In response to the complaint filed by the South Dakota Democratic Party dated October 27, 1986, and received by the Friends of U.S. Senator Jim Abdnor on or about November 13th, respondents state as follows:

1. That respondents had no knowledge of the actions of the Sisseton-Wahpeton Tribal Council until they read the allegations made in the newspaper story attached to the complaint.
2. That Mary Wiese, Treasurer of the respondent committee made further inquiry upon the receipt of the questioned contributions because they were in the form of money orders.
3. That on or about the 8th or 9th of September, Mary Wiese called by long distance to Russel Hawkins, the tribal leader and was assured that the questioned contributions came from personal funds of the individual contributors.
4. That immediately upon being informed that such contributions were subject to this complaint, the funds were placed in an escrow account pending outcome and direction of this Commission.

2104030397

5. The unwarranted and unjustified allegation that suggests that Senator Abdnor voted (by proxy) to send legislation to the full Senate as a result of such contributions is typical of a particularly vituperative campaign by complainant. As noted in the newspaper article attached to the complaint, Senator Abdnor had stated as early as May 1 that he had assured the tribe that he would take "no action that would hamper consideration of this bill."

Respondents have used their best efforts to comply with the provisions of the Federal Election Campaign Act and stand ready to dispose of such contributions by pre-probable cause conciliation as directed by this Commission. Counsel for respondents will furnish affidavits of the facts stated upon request of this Commission.

James F. Schoener

James F. Schoener
Attorney for Respondents

Dated at Washington, D.C.
18 November 1986

2104033038

CCC#2033

RECEIVED AT THE FEC

86 NOV 19 A8:52

DATE: November 17, 1986

SUBJECT: MUR 2274

Lawrence M. Noble
Deputy General Councel
Federal Election Commission
999 e. Street, NW
Washington, DC 20463

86 NOV 19 A11:47

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL

Dear Mr. Noble:

In regards to your letter, dated October 29, 1986. Honesty has always been my philosphy. The evidence of the Sota [illegible]ion # 22,I did vote yes for it.

At a regular council meeting, other ducuments show that I also voted yes. On September 10, 1986 a group of councilmen was to meet Senator Abdnor in Aberdeen. I don't know how many went, but I did not attend. I did not make a contribution, my name was used without my permission.

If you have any questions please call me at home (605) 486-4362.

Sincerely

Maynard Bernard

Maynard Bernard
S.W.S.T. Councilman

2140033099

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 25, 1986

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

Re: MUR 2274 & 2283

Dear Mr. Hirsch:

This is in response to your letter dated November 13 1986, in which you request an extension of time until December 5, 1986, in which to respond to the allegations against your client, the Sisseton-Wahpeton Sioux Tribe.

I have reviewed your request and agree to the requested extension. Accordingly, your response is due no later than December 5. If you have any questions, please contact Anne H. Weissenborn at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2104033900

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 1986

Mr. Edward Williams
Route 2
Sisseton, SD 57262

Re: MUR 2274

Dear Mr. Williams:

On October 29, 1986, this office attempted to notify you that on October 23, 1986, the Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). This letter has been returned as unclaimed.

Enclosed herein is a copy of the complaint. We have numbered this matter MUR 2274. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against your organization in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

2104030901

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

2104083090 02

RECEIVED AT THE FEC
CCC# 2202
86 DEC 8 A9:46

BERTRAM E. HIRSCH
ATTORNEY AT LAW

81-33 258TH STREET
FLORAL PARK, NEW YORK 11004

(718) 347-3022

December 4, 1986

86 DEC 8 A11:07

Mr. Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Lawrence M. Noble, Esq., Deputy General Counsel
Anne Weissenborn, Esq.

Re: MUR 2274 and MUR 2283

Dear Mr. Steele,

On behalf of the Sisseton-Wahpeton Sioux Tribe, I am responding to your letters of October 29 and November 6, pertaining to MUR 2274, and your letter of October 31, pertaining to MUR 2283.

Pursuant to 11 C.F.R. 111.18(d) the Tribe requests that the Commission enter into negotiations with the Tribe directed towards reaching a conciliation agreement.

Also, I have been requested by Gerald Heminger, Sr., David L. Selvage, John Two Stars, Sr., and Edward Williams to respond on their behalves to the Commission's letters related to MUR 2274. I have also been asked by Jerry Flute, Russell Hawkins, Felix Renville, Jr., Grady Renville and Michael Simon to respond on their behalves to the Commission's letters related to MUR 2283. In accordance with 11 C.F.R. 111.23, each of these individuals has or is about to send a letter to the Commission authorizing me to represent their respective interests in the above-referenced matters.

The individuals identified in the preceding paragraph have asked me to respond to the Commission's letters to them on the matters referenced above. Accordingly, on behalf of each of these individuals and pursuant to 11 C.F.R. 111.18(d), each of these individuals requests that the Commission enter into negotiations with them directed towards reaching a conciliation agreement.

Sincerely,

Bertram E. Hirsch

BERTRAM E. HIRSCH

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FEDERAL ELECTION
GENERAL COUNSEL

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COMPLAINT BEFORE THE

FEDERAL ELECTION COMMISSION

The North Dakota Democratic Party--NPL ("the State Party") files this complaint pursuant to the Federal Election Campaign Act of 1971, as amended ("FECA"), 2 U.S.C. §§ 437 et seq., seeking immediate investigation by the Federal Election Commission ("FEC") of illegal contributions received by Senator Mark Andrews and his principal campaign committee. Specifically, on or about December 2, 1985, Mark Andrews and his principal campaign committee, the People for Mark Andrews Committee, received $5,000 from the Sisseton Wahpeton Sioux Tribe ("the Tribe"). The tribal contribution received by Mark Andrews and his principal campaign committee violated the FECA on several counts:

1. Under the FECA, a tribe that may otherwise lawfully contribute to federal candidates is limited to contributions in the aggregate to any one candidate

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of $1,000 per election. The Tribe's contributions to Senator Andrews exceed the legal limit by $4,000.

2. Apparently aware that the contribution limitations of the FECA prohibited the $5,000 contribution to Senator Andrews, the Tribe made the contributions through five individual Tribal members, each of whom then made a contribution in their own name in the amount of $1,000. The FECA prohibits "contributions in the name of another" and in this manner the tribal contribution received by Mark Andrews also violates the FECA.

For all of these reasons, the FEC should conduct an immediate investigation and require the respondents--Mark Andrews, his principal campaign committee, and the Tribe -- to enter into immediate conciliation, including the imposition of all appropriate civil penalties.

Background

The contributions in question arose out of certain legislative activities of the Tribe, which sought the support of Senator Mark Andrews. According to public records, at a meeting of the Tribal council held September 2-3, 1986, a

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resolution was approved to authorize the Tribe to make a $5,000 contribution to Senator Andrews (as well as a $5,000 contribution to another United States Senator, James Abdnor of South Dakota) in connection with the Tribe's lobbying activities on behalf of a certain proposed legislation pending in the United States Senate. See Attachment A.

The Tribal resolution on the public record indicates that the funds used for purposes of this contribution were drawn on the Tribe's "Federal Land Acquisition" account. If the Tribe was successful in getting the legislation passed, it planned to refund to that account the amounts used to make the contributions in question.

Thereafter, four of the Tribal council members voting and present joined with another member of the Tribe in making a series of individual contributions, $1,000 apiece, to Mark Andrews. See Attachment B.

Press accounts of the contributions indicate that between the time the resolution was passed and the contributions were made, the Tribe contacted the Andrews campaign about making the contribution. See Attachment C. The Tribe was told at the least that it could not make a $5,000 contribution. Upon information and belief, the Tribe drew upon general treasury

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funds and funneled these monies through individual Tribal members upon the advice and counsel of a member of a congressional office or campaign staff of Mark Andrews.

The Law and Related Legal Violations

Section 441b of the FECA prohibits any corporation from making contributions or expenditures in connection with a federal election. In the event that the Tribe is incorporated, the contributions that it made through the named Tribal council members constitutes a wholly-prohibited contribution to Mark Andrews in violation of Section 441b.

The FECA limits Indian tribes to $1,000 in contributions in the aggregate to any candidate's election, primary, run-off or general. 2 U.S.C. § 441a(a); FEC Advisory Opinion 1978-51, 1 Fed. Election Camp. Guide (CCH) ¶ 5343. The Andrews campaign reported all the Tribe contributions as received for the primary election. Whether or not incorporated, the Tribe's $5,000 in contributions, drawn from its general account and made in the name of others, violates the per election contribution limit applicable to the Andrews campaign by $4,000.

The FECA prohibits the making of contributions in the name of another. 2 U.S.C. 441f. Pursuant to a formally adopted

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resolution, the Tribal council elected to transfer funds from its Federal Land Acquisition account to certain individual Tribal members who in turn used these funds to make contributions in their own name to Mark Andrews. The contributions by the Tribe through these individuals constitute contributions in the name of another in violation of the FECA.

Conclusion

On the basis of the foregoing, the State Party requests that the FEC:

1. Conduct a prompt and immediate investigation of the facts and legal conclusions stated in this Complaint;

2. Enter into a prompt conciliation with Respondents to remedy the violations alleged in this Complaint, and most importantly, to ensure that no further violations occur;

3. Impose any and all penalties grounded in violations alleged in this Complaint.

In investigating the violations alleged in this Complaint, the Commission should consider specifically whether the conduct of Andrews campaign in encouraging contributions in the name of

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another was knowing and willful, subject to more severe penalties under the FECA or to referral to the Justice Department.

Respectfully submitted,

Robert F. Bauer, Counsel
Perkins Coie
1110 Vermont Avenue, N.W.,
Suite 1200
Washington, D.C. 20005

Subscribed and sworn before me on this 28th day of October, 1986.

Darlene F. Symms
Notary Public

My Commission Expires on March 31, 1989.

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SISSETON-WAHPETON SIOUX TRIBE
OF THE
LAKE TRAVERSE RESERVATION
SISSETON, S.DAK. 57262

REGULAR COUNCIL MEETING
September 2-3, 1986
Cleahan Center; 10:20 A.M.

DISTRICT COUNCIL PERSONS PRESENT:

BIG COULEE:	Gerald "Smokey" German, Sr.; Gerald Heminger, Sr.
BUFFALO LAKE:	Dale Crawford
ENEMY SWIM:	Raynard Bernard; Hiram Cree; Lillian Cree
LAKE TRAVERSE:	Ronald Goodsell (10:30); David Selvage
LONG HOLLOW:	David Genia (10:30); Mike Simon
OLD AGENCY:	Grady Renville; John Two Stars, Sr.; Ed Williams (10:22)
VEBLEN:	Gilbert Robertson; Lillian Yanna

TRIBAL EXECUTIVES PRESENT:

TRIBAL CHAIRMAN:	Russell Hawkins
TRIBAL SECRETARY:	Felix Renville, Jr.
TRIBAL TREASURER:	Arnold Ryan

Tribal Chairman Hawkins called the meeting to order at 10:20 A.M. with two (2) Executives and twelve (12) Council persons from all seven (7) districts answering roll call.

MOTION NO. 1: made by Gilbert Robertson, seconded by Dale Crawford, to approve the August 5, 1986 minutes, with the correction in Motion #3 that the committee would "work with the Tribal Chairman," rather than Tribal Treasurer. MOTION PASSED.

VOTE ON MOTION NO. 1: 13 for: Gerald G., Gerald H., Dale, Raynard, Hiram, Lillian O., David S., Mike, Grady, John, Ed, Lillian W., Treasurer; 2 absent from vote: Gilbert, Secretary; 1 not voting: Chairman.

MOTION NO. 2: made by Mike Simon, seconded by Gerald Heminger, to approve the August 6, 1986 minutes with the correction following Motion #18--VOTE ON MOTION 17, should read "VOTE ON MOTION 18." MOTION PASSED.

VOTE ON MOTION NO. 2: 16 for: Gerald G., Gerald H., Dale, Raynard, Hiram, Lillian O., Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer; 1 absent from vote: Secretary; 1 not voting: Chairman.

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MOTION NO. 18: made by Maynard Bernard, seconded by Ed Williams, to accept the Tribal Treasurer's Report. MOTION PASSED.

VOTE ON MOTION NO. 18: 15 for: Gerald G., Gerald H., Dale, Maynard, Lillian O., Ron, David G., Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer, Secretary; 2 absent from vote: Hiram, David S.; 1 not voting: Chairman.

MOTION NO. 19: made by Gilbert Robertson, seconded by Felix Renville, to approve the resolution supporting Chapter I for Tiospa Zina.
MOTION PASSED. (Resolution No. 86-77)

VOTE ON MOTION NO. 19: 15 for: Gerald G., Gerald H., Dale, Maynard, Lillian O., David S., David G., Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer, Secretary; 2 absent from vote: Hiram, Ron; 1 not voting: Chairman.

MOTION NO. 20: made by Gilbert Robertson, seconded by John Two Stars, to accept Tiospa Zina Report. MOTION PASSED.

VOTE ON MOTION NO. 20: 15 for: Gerald G., Gerald H. Dale, Maynard, Lillian O., David S., David G., Mike, Grady, John, Ed, Gilbert, Lillian W., Treasurer, Secretary; 2 absent from vote: Hiram, Ron; 1 not voting: Chairman.

MOTION NO. 21: made by David Selvage, seconded by Dale Crawford, that the Sisseton-Wahpeton Sioux Tribal Council supports Gerald "Smoboy" Garman's Performance Bond of $6600. for the Lupoun Extension Project and will be handled inhouse through Dick Stuart.
MOTION PASSED. (Resolution No. 86-78)

VOTE ON MOTION NO. 21: 13 for: Gerald G., Dale, Maynard, Lillian O., David S., David G., Mike, Grady, John, Gilbert, Lillian W., Treasurer, Secretary; 1 abstained: Gerald H.; 3 absent from vote: Hiram, Ron, Ed; 1 not voting: Chairman.

MOTION NO. 22: made by Grady Renville, seconded by John Two Stars, that the Sisseton-Wahpeton Sioux Tribe contribute $5,000. to Senator Abnor, and the funds to come from the Land Acquisition account. If we're successful in getting Senate Bill 2118 passed, the $5,000. plus the Senator Andrews contribution will be refunded to that account.
MOTION PASSED. (Resolution No. 86-79)

Tribal Newspaper SEPT. 1815 JOINT TRIBAL COUNCIL PROCEEDINGS

Lillion O., Ron, Grady, John, Ed, Treasurer; 2 absent from vote: Hiram, Ron, Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 20: made by John Two Stars, seconded by Ed Williams, to approve the Agency District Liquor Licenses. 16 for: Gerald G., Gerald H., Dale, Maynard, Lillion O., Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Lillion W.; 1 abstained: Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 21: made by Gilbert Robertson, seconded by Lillian Wanna, to approve the Veblen District Liquor License. motion that was reappointed by College Board as the alternate on Issues. 16 for: Gerald G., Gerald H., Dale, Maynard, Lillion O., Ron, David S., David G., Mike, Grady, Ed, Gilbert, Lillion W., Treasurer, Secretary; 1 abstained: Gilbert; 1 not voting: Chairman. MOTION PASSED.

Motion No. 22: made by Ron Reddy, seconded by David Selvage, to approve the Lake Traverse Liquor License with three Issues. 17 for: Gerald G., Gerald H., Dale, Maynard, Lillion O., Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Lillion W., Treasurer, Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 23: made by Dale Crawford, seconded by Gerald Hemminger, to approve the Buffalo Lake Liquor License with two Issues. 17 for: Gerald G., Gerald H., Dale, Maynard, Lillion O., Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Lillion W., Treasurer, Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 24: made by Gerald Hemminger, seconded by Gerald Selvage, to amend the agreement with Tiospa Zina and should read. "Rent the facilities from the Sisseton-Wahpeton Sioux Tribe until the loan has been paid in full." 15 for: Gerald G., Gerald H., Dale, Maynard, Hiram, Lillion O., David S., David G., Mike, Grady, John, Ed, Gilbert, Lillion W., Treasurer; 2 absent from vote: Ron, Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 13: made by Grady Renville, seconded by Gilbert Robertson, that the Sisseton-Wahpeton Sioux Tribal Council support the Tiospa Zina's $1.75 per square foot request for the lease of the provisions in the contract. 14 for: Gerald G., Gerald H., Dale, Maynard, Hiram, Lillian O., David S., David G., Mike, Grady, John, Ed, Gilbert, Lillion W.; 2 abstained: Ron, Treasurer; 1 absent from vote: Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 14: made by Gilbert Robertson, seconded by Lillion Wanna, to accept the SWEEP report. 16 for: Gerald G., Gerald H., Dale, Maynard, Lillian O., Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Lillion W., Treasurer, Secretary; 1 absent from vote: Hiram; 1 not voting: Chairman. MOTION PASSED.

Motion No. 15: made by Gilbert Robertson, seconded by Ed Williams, to accept the Dakota Sioux Indian Bingo report. 14 for: Gerald G., Gerald H., Dale, Maynard, Lillian O. Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Treasurer; 3 absent from vote: Hiram, Lillion W., Secretary; 1 not voting: Chairman. MOTION PASSED.

Motion No. 16: made by Gilbert Robertson, seconded by John Two Stars, to refer Kenny Sunboy's proposal to stock cor roring to the Reservation Planning Commission that as 3.75 acres of land is involved.

Motion No. 22: made by Grady Renville, seconded by John Two Stars, that the Sisseton-Wahpeton Sioux Tribe contribute $5,000 to Senator Abdnor, and the funds to come from the Land Acquisition account. If we're successful in getting Senate Bill 2118 passed, the $5,000 plus the Senator Andrews contribution will be refunded. 13 for: Gerald G., Gerald H., Dale, Maynard, Lillian O., Mike, Grady, John, Ed, Gilbert, Lillion W., Treasurer, Secretary; 2 opposed: David S., David G.; 1 abstained: Ron; 1 absent from vote: Hiram; 1 not voting: Chairman. MOTION PASSED.

Motion No. 23: made by Gilbert Robertson, seconded by David Selvage, to accept the Tribal Chairmen's report. 16 for: Gerald G., Gerald H., Dale, Maynard, Lillian O., Ron, David S., David G., Mike, Grady, John, Ed, Gilbert, Lillion W., Treasurer, Secretary; 1 absent from vote: Hiram; 1 not voting: Chairman. MOTION PASSED.

September 3, 1980

ROLL CALL:

Big Coulee: Gerald Cournoyer, Sr.; Gerald Hemminger, Sr.

Buffalo Lake: Dale Crawford.

Enemy Swim: Maynard Bernard; Hiram Owen; Lillian Owen.

Attachment B

Page 26 of 40
LINE NUMBER 11C

SCHEDULE A — ITEMIZED RECEIPTS

(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
PEOPLE FOR MARK ANDREWS COMMITTEE

	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
A. Full Name, Mailing Address and ZIP Code BRUCE MERCHANT HAMMERSON PROPERTY CORP. 818 W. 7TH STREET LOS ANGELES, CA 90017 Receipt For: X Primary ☐ General ☐ Other (specify):	HAMMERSON PROPERTY, CORP. Occupation: PRES. Aggregate Year-to-Date–$ 1,000.00	11-29-85	$1000.00
B. Full Name, Mailing Address and ZIP Code NICK PATSAOURAS 12716 RIVERSIDE DR. NORTH HOLLYWOOD, CA 91607 Receipt For: X Primary ☐ General ☐ Other (specify)	NIKOLAS PATSAOURAS & ASSOC., INC. Occupation: PRES. Aggregate Year-to-Date–$ 1,000.00	1--29-85	$1000.00
C. Full Name, Mailing Address and ZIP Code STANLEY M. TAUBE 7133 SHANNON DR. EDINA, MN 55435 Receipt For: ☒ Primary ☐ General ☐ Other (specify):	SELF Occupation: REAL ESTATE Aggregate Year-to-Date–$ 500.00	11-29-85	$250.00
D. Full Name, Mailing Address and ZIP Code MALCOLM W. Mc DONALD 21 EAST OAKS ROAD NORTH OAKS, MN 55110 Receipt For: ☒ Primary ☐ General ☐ Other (specify).	SELF Occupation: ATTORNEY Aggregate Year-to-Date–$ 250.00	11-29-85	$250.00
E. Full Name, Mailing Address and ZIP Code GARY DIAMOND 317 MADISON AVE. N. HOPKINS, MN 55343 Receipt For ☒ Primary ☐ General ☐ Other (specify).	SELF Occupation: ATTORNEY Aggregate Year-to-Date–$ 500.00	11-29-85	$500.00
F. Full Name, Mailing Address and ZIP Code HAROLD M.OKINOW 9549 PENN AVE., SOUTH MPLS. MN. 55431 Receipt For: ☒ Primary ☐ General ☐ Other (specify)	SELF Occupation: ATTORNEY Aggregate Year-to-Date–$ 500.00	11-29-85	$500.00
G. Full Name, Mailing Address and ZIP Code JERRY FLUTE P.O. BOX 509 AGENCY VILLAGE, SD 57262 Receipt For ☒ Primary ☐ General ☐ Other (specify).	SISSETON WAHPETON SIOUX TRIBE Occupation: MANAGEMENT Aggregate Year-to-Date–$ 1,000.00	12-2-85	$1000.00
SUBTOTAL of Receipts This Page (optional)			$4,500.00
TOTAL This Period (last page this line number only)			

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SCHEDULE A — ITEMIZED RECEIPTS

(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
PEOPLE FOR MARK ANDREWS COMMITTEE

	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
A. Full Name, Mailing Address and ZIP Code MICHAEL SIMON P. O. BOX 509 AGENCY VILLAGE, SD 57262 Receipt For: X Primary ☐ General ☐ Other (specify):	SISSETON WAHPETON SIOUX TRIBE Occupation: MANGEMENT Aggregate Year-to-Date-$ 1,000.00	12-2-85	$1,000.00
B. Full Name, Mailing Address and ZIP Code FELIX RENVILLE, JR P. O. BOX 509 AGENCY VILLAGE, SD 57262 Receipt For: X Primary ☐ General ☐ Other (specify):	SISSETON WAHPETON SIOUX TRIBE Occupation: MANAGEMENT Aggregate Year-to-Date-$ 1,000.00	12-2-85	$1,000.00
C. Full Name, Mailing Address and ZIP Code GRADY RENVILLE P. O. BOX 509 AGENCY VILLAGE, SD 57262 Receipt For: X Primary ☐ General ☐ Other (specify):	SISSETON WAHPETON SIOUX TRIBE Occupation: MANAGEMENT Aggregate Year-to-Date-$ 1,000.00	12-2-85	$1,000.00
D. Full Name, Mailing Address and ZIP Code RUSSELL HAWKINS P. O. BOX 509 AGENCY VILLAGE, SD 57262 Receipt For: X Primary ☐ General ☐ Other (specify):	SISSETON WAHPETON SIOUX TRIBE Occupation: MANAGEMENT Aggregate Year-to-Date-$ 1,000.00	12-2-85	$1,000.00
E. Full Name, Mailing Address and ZIP Code MARY LANGER GOKEY 723 S. 8TH ST. FARGO, ND 58103 Receipt For: X Primary ☐ General ☐ Other (specify):	Occupation: HOMEMAKER Aggregate Year-to-Date-$ 500.00	12-31-85	$500.00
F. Full Name, Mailing Address and ZIP Code Robert E. Lewis 2635 Waiwai Loop Honolulu, HI 96819 Receipt For: X Primary ☐ General ☐ Other (specify)	self employeed Occupation: trucker Aggregate Year-to-Date-$ 250.00	12-9-85	$250.00
G. Full Name, Mailing Address and ZIP Code Marvin E. Taft 7491 Kline Dr. Arvada, Colorado 80005 Receipt For: X Primary ☐ General ☐ Other (specify)	JC Tucking, Inc. Occupation: Pres. Aggregate Year-to-Date-$ 500.00	12-9-85	$500.00
SUBTOTAL of Receipts This Page (optional)			$5250.00
TOTAL This Period (last page this line number only)			

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Sunday, October 19, 1986 ☐ Vol. 113, No. 292 ☐ Bismarck/Mandan, N.D. ☐ "Committed To Excellence"

Newsstand price — $1.00
Home delivery — 31 cents

Tribe funnels funds to Dakota senators

Andrews, Abdnor deny they were influenced by $5,000 campaign contributio

By STAN STEPIEN
Tribune Staff Writer

A tribal council in South Dakota voted to give $5,000 to the campaigns of Sen. Mark Andrews of North Dakota and James Abdnor of South Dakota, who the Indians hoped would win passage of a bill that would provide their tribe a $3.4 million windfall.

According to council minutes of the Sisseton-Wahpeton Sioux Tribe in South Dakota, a $5,000 donation made to Andrews last December and a similar $5,000 contribution made to Abdnor last month would be refunded to the tribe's land acquisition fund "if we're successful in getting Senate Bill 2118 passed."

A review of federal campaign reports shows the campaign committee for each man subsequently received $5,000, but as five $1,000 contributions by individual council members.

Council members told The Tribune they were attempting to get support from the senators for passage of the measure.

Two and a half months after he received the contributions, Andrews introduced the legislation. A week after the contribution was made to Abdnor, he apparently reversed his earlier opposition and voted in favor of the bill.

Both Andrews and an aide for Abdnor say they were not aware of the contributions and deny they were influenced in any manner.

According to Sharon Snyder, counsel for the Federal Election Commission, it is against federal law for a corporation, including an incorporated tribe, to donate to political campaigns.

- To donate more than $1,000 to a single candidate.
- To donate money using someone else's name.

Snyder said she couldn't comment on the Sisseton matter specifically unless a complaint were filed.

The bill, which gives about $3.4 million from distant "final dividend" accounts back to the tribe, was approved by Andrews' Select Committee on Indian Affairs. However, the measure remains frozen because of a "hold" put on the bill by several senators, including John Melcher, D-Mont.

The bill also would redistribute an additional $2.5 million to the Devils Lake Sioux tribe in North Dakota and two tribes in Montana.

Sisseton tribal members don't feel the distant heirs are entitled to that money, which is tied to a 1967 award by the Indian Claims Commission for lands taken by the U.S. government.

The tribal council is upset the award hasn't been paid because "we don't feel they're entitled to [illegible]

A subsequent court decision ruled that 75 percent of the land award would go to the tribe and 25 percent to the lineal descendants. However, in working out the details of those heirs, the Bureau of Indian Affairs apparently lost the list in a computer foul-up.

Melcher, meanwhile, says he can't support the bill. He says he wouldn't be fair since the court judgment was to include those descendants, estimated at 2,000.

The tribal council is upset the award hasn't been paid because "we don't feel they're entitled to [illegible]

(More on ANDREWS, Page 11A)

Andrews: Support of bill unrelated to gifts

CONTINUED FROM PAGE 1A

ants," said Felix Renville Jr., tribal secretary. Lineal descendants are not qualified tribal members and, in fact, could be members of other tribes. In many cases, he said, the tie could be a "great-great-ancestor."

Andrews says there is no connection between the contribution and his introduction of the legislation, noting that the bill was co-sponsored by Sen. Quentin Burdick, D-N.D.

"I had no idea there was any connection at all," said Andrews. "I get contributions from Indians all over the country."

> *"I had no idea there was any connection at all. I get contributions from Indians all over the country." — Andrews*

"All I know is that Senator Burdick and I co-sponsored it because it seemed to be reasonable legislation that was needed," he said.

He also pointed out that the bill has not been passed.

In Abdnor's case, the five $1,000 donations were made Sept. 10, five days before he voted for the proposed bill, even though he had indicated in April he couldn't support the measure because of a moral issue.

An aide for Abdnor vehemently denied any hint of a buy-out or change in the senator's position.

"My boss would never do anything like that, for $5,000 or $50,000," said an incensed Richard Doubrava, Abdnor's legislative aide.

He acknowledged that a statement was read into the committee's record in April, indicating the senator couldn't "in good conscience" support SB2118 but, Doubrava said, that was to indicate to the tribal members why he wouldn't co-sponsor the bill or stand up in support.

But Abdnor made it clear all along that he would vote to bring the bill out of committee for debate on the floor and possible amendments to make it fair for all, said Doubrava. "We did not want the bill and that's why Jim didn't put his name on it," he said.

Said Doubrava: "Our record is clear."

As for the contributions, Doubrava said he doesn't know about them. "If the tribe did something illegal or wrong and I don't know that, that doesn't reflect on my boss," he said.

> *"My boss would never do anything like that, for $5,000 or $50,000." — Abdnor aide*

Andrews said he wasn't aware of the tribe's motion. "And if all the contributions came from individuals, our people would assume they would be legitimate individual contributions."

Lynn Crooks, assistant U.S. attorney in Fargo, said no public money can be used for a private campaign.

In this case, tribal members say, the money is the tribe's own funds based on a federal law under which land is purchased and then leased.

Crooks said he couldn't comment without researching election laws but acknowledged the matter sounded as though there was "some irregularity."

Tribal members, however, say they don't see anything improper with what they did.

Grady Renville, a tribal council member, denied that the tribe made any donation.

"I guess it was a matter of a number of individuals who made a contribution," Renville said. "Personally I feel that was all proper. It sounds to me like someone is dumping garbage on you. What you have is distorted information."

But the Sept. 3 council meeting minutes obtained by The Tribune say that Motion No. 22 was "made by Grady Renville, seconded by John Two Stars, that the Sisseton-Wahpeton tribe contribute $5,000 to Sen Abdnor, and the funds to come from the Land Acquisition account. If we're successful in getting Senate Bill 2118 passed, the $5,000 plus the Sen Andrews contribution will be refunded to that account."

The motion was passed, according to Felix Renville But he added that he feels the contribution was handled properly as individual donations.

> *"Personally I feel that was all proper. It sounds to me like someone is dumping garbage on you." — Tribal council member*

Grady Renville said contact was made with an Andrews aide who said that the tribe couldn't make a contribution because it wasn't a political action committee. However, he couldn't remember who the aide was.

Andrews said that if such advice was given, "they told them the legal stuff. There is no way they can contribute because they're not a PAC, unless it is as individuals."

Tribal Chairman Robert Hawkins couldn't be reached for comment. His opponent in this fall's tribal election, Chief Tribal Judge Lorraine Rousseau, agreed that most tribal members supported the bill but not the political contributions.

"We've got people on this reservation who sit there with little or no money and they're giving money to political candidates," Rousseau said.

"They don't feel they should be doling out money to political candidates even though they could help our cause," she said. "This appears to many people to be a bribe."

She said she felt there was a need for any confrontation because Andrews, Abdnor and Republican South Dakota Rep. Tom Daschle all have been supportive of Indian legislation in the past.

Sioux Falls Argus Leader 9-16-86

Panel passes Indian claim payment plan

By CHUCK RAASCH
Garnett News Service

WASHINGTON — A controversial payment for an Indian land claim in South Dakota passed a crucial Senate test Monday.

But Congress is not likely to approve the bill before adjourning next month. If it doesn't, a lawyer for the Sisseton-Wapheton Sioux Tribe says he'll file a lawsuit in federal court.

At issue is who should get the $6 million left from a 1967 Indian Claims Commission award to Sioux Indians in South Dakota, North Dakota and Montana, whose ancestors had land seized in violation of an 1867 treaty.

The tribes and their members, who initially got more than $4 million in payments from the suit in the 1970s, say the remaining money belongs to them. In 1972, however, Congress passed a law mandating that lineal descendants of the Sisseton-Wapheton Sioux — people who don't belong to the tribe but have ancestral ties to the original treaty Indians — should get a share.

It has taken the Bureau of Indian Affairs 14 years to compile the list of at least 1,935 lineal descendants, and the fund has climbed to $6 million since then. The bureau admits it accidentally purged the list out of its computers two years ago, but says it could have a reconstructed list by next spring.

Several senators, including Larry Pressler, R-S.D., have introduced a bill to cut out the lineal descendants and divide the $6 million between the Sisseton-Wapheton, the Devils Lake Sioux of North Dakota, and the Sioux and Assiniboine Indians of Fort Peck, Mont. All three tribal councils have urged passage of the new bill. Gov. William Janklow favors it, too.

Monday, the Senate's Select Committee on Indian Affairs voted 6-3 to send the bill to the full Senate. But a key opponent, Sen. John Melcher, D-Mont., warned that he will try to keep consideration of the bill off the Senate's busy agenda for the rest of the year.

Melcher dislikes the bill because he says it goes back on a promise Congress made to the lineal descendants, many of whom live in his state.

Another committee member, Sen. James Abdnor, R-S.D., was on his way back to Washington from a campaign trip home, but cast a proxy vote for the new bill. Abdnor aide Dick Doubrava said that with Melcher's opposition, and the heavy Senate floor agenda before adjournment, prospects of getting the bill to the floor this year appear slim.

Sisseton-Wapheton lawyer Bert Hirsch said if the bill doesn't pass, the next battle may be in federal court in South or North Dakota or Montana.

21040330916

The Forum
FARGO-MOORHEAD
WEDNESDAY, OCTOBER 22, 1986
35 CENTS

Dems pressing Andrews over Indian donation

By Randy Bradbury
STAFF WRITER

BISMARCK, N.D. — Democrats continued Tuesday to press the issue of possibly illegal contributions from a South Dakota Indian tribe to U.S. Sen. Mark Andrews' re-election campaign.

Democratic-NPL chairman George Gaukler said he will file a formal complaint against Andrews with the Federal Election Commission.

And Kent Conrad, Andrews' Democratic opponent, held a press conference to emphasize what he says are unanswered questions surrounding five $1,000 contributions to Andrews from individual members of the Sisseton-Wahpeton Sioux Tribe.

Andrews campaign manager Bill Sorensen, meanwhile, said that, because questions were raised about the contributions, campaign workers are looking into the matter.

Andrews has said he will return the money if the donations are found to be illegal.

Conrad said the contributions raise specific questions, including whether Andrews' aides helped the tribe funnel tribal funds through individuals, whether there was any tie between the contributions and Andrews' stance on a bill to change an Indian lands claim award, and whether the contributions were made using federal funds.

But Gaukler flatly stated that the contributions came from federal funds and said, "the money was ... laundered through five individuals who each wrote checks to Mark Andrews for $1,000."

Gaukler continued: "What's more, according to the tapes reports, an aide to Mark Andrews showed the tribe how to make the contributions."

Democratic party executive secretary Joel Jensen said Gaukler based his remarks on an article in last Sunday's Bismarck Tribune.

The Tribune article said only that a tribe member contacted an Andrews aide "who said that the tribe couldn't make a contribution because it wasn't a political action committee."

Andrews said that, if anyone on his staff was contacted, they simply told tribal members what the law is.

Sorensen said he's checked and no member of Andrews' re-election campaign staff remembers talking with members of the tribe. He said he was still checking with members of Andrews' senate staff.

Conrad maintains that an Andrews aide must at least have been aware that a contribution was being considered, and that the senator's campaign staff should have recognized a potential problem when it accepted the five donations.

(Campaign
Back page, Column 2

Oct 22, 1986

Campaign

Continued from Page A1

Although the contributions were reported in an Andrews campaign report filed last December, Conrad said he didn't make an issue of it before because he didn't know about the situation.

Tribal council members have been quoted as saying they were ... ongoing to support both Andrews and South Dakota Republican Sen. Jim Abdnor in return for support on U.S. Senate Bill 2118.

The bill changes a land claims award from a 1967 Indian Claims Commission ruling directing government payment for reservation lands taken by the federal government over the years.

According to a later court ruling, 75 percent of the award was to go to tribes while 25 percent was to go to lineal descendants of original tribal members.

The bill would shift the 25 percent back to tribes. It would affect the Sisseton-Wahpeton Sioux, the Devils Lake Sioux Tribe in North Dakota and two tribes in Montana.

Both Andrews and Abdnor deny any knowledge of the contributions, and deny that their votes or actions on the bill were influenced by the contributions.

Roy Behr, press secretary for Rep. Tom Daschle, Abdnor's challenger in South Dakota, said the ... does not plan to question the contributions.

But he said the South Dakota Democratic Party may file a complaint with the FEC.

"It's a question of who is in the best position to make an issue of it," Behr said.

It is illegal for a corporation, including an incorporated tribe, to contribute to a federal election campaign, and it's illegal to contribute money in someone else's name.

Conrad said the contributions are "clearly" illegal and Tuesday morning called on Andrews to return them within 24 hours.

He admitted the 24 hour limit was arbitrary. He said he would raise the issue again if the money is returned within that time frame.

Sorensen said the money will be returned if and when it is determined that the contributions were improper, but that the Andrews campaign wouldn't base its decision on Conrad's 24 hour limitation.

2104030918

Candidate looks into donations

Legality of money from tribe unclear

By STAN STELTER
Tribune Staff Writer

The campaign chairman for Sen. Mark Andrews said $5,000 in contributions possibly tied to a South Dakota Indian tribe will be returned if the donations are illegal or improper.

Bill Sorenson, who heads the Republican incumbent's campaign, said this morning workers were researching Federal Election Commission reports on the contributions.

Records indicate Andrews received five $1,000 contributions from members of the Sisseton-Wahpeton Sioux tribal council last December. Based on meeting minutes, the council in September mentioned the Andrews' contribution when it voted to also give $5,000 to the campaign of Sen. James Abdnor of South Dakota.

Abdnor also received five $1,000 contributions from individual tribal council members, according to federal campaign reports.

Federal election laws prevent

(More on TRIBE, Page 10A)

Tribe bill on 'hold'

CONTINUED FROM PAGE 1A

corporations, including incorporated tribes, from donating to political campaigns. Unincorporated tribes would be limited, like individuals, to $1,000 in donations per election.

Contributions also legally cannot be made in the name of someone else.

Sorensen said a check normally wouldn't be made on individual contributions that appear to be legitimate, but in this case they will be investigated.

"If we find that those contributions can't be made legally, then they would be returned," said Sorensen.

He said it's likely Andrews also wouldn't accept the money if the contributions were filtered from the tribe through individuals.

No immediate comment could be obtained from Abdnor's campaign headquarters.

An FEC spokesman would not confirm or deny this morning if any complaint had been filed in the matter.

The motion by the tribal council tied the contributions to the attempt in getting a bill passed that would redirect $3.4 million from "lineal descendants" back to the tribe. The bill has cleared the Senate's Select Committee on Indian Affairs, but several senators opposing it have put a "hold" on the legislation.

Tribal council members acknowledged they had been attempting to get support from the senators for passage of the bill — Senate Bill 2118. However, they maintain th individual contributions were mad legitimately.

Both Andrews and an aide f Abdnor earlier said that they wer unaware of the contributions.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert F. Bauer, Esquire
North Dakota Democratic Party
Perkins Coie
1110 Vermont Avenue, NW
Suite 1200
Washington, DC 20005

RE: MUR 2283

Dear Mr. Bauer:

This letter is to acknowledge receipt of your complaint on October 28, 1986, against the Honorable Mark Andrews, the People For Mark Andrews Committee and Mr. Robert Rust as treasurer, Mr. Jerry Flute, Mr. Michael Simon, Mr. Felix Renville, Mr. Grady Renville, Mr. Russell Hawkins, and the Sisseton-Wahpeton Sioux Tribe, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosure

2140339219

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Sisseton-Wahpeton Sioux Tribe
PO Box 509
Agency Village, SD 57262

RE: MUR 2283

Gentlemen:

This letter is to notify you that on October 28, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2283. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104033092O

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

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Procedures
Envelope

9104033092 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October31, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. Russell Hawkins
PO Box 509
Agency Village, SD 57262

RE: MUR 2283

Dear Mr. Hawkins:

This letter is to notify you that on October 28, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2283. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2140339922

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

21040830923

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. Grady Renville
PO Box 509
Agency Village, SD 57262

RE: MUR 2283

Dear Mr. Renville:

This letter is to notify you that on October 28, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2283. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104030924

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
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Procedures
Envelope

2104033092 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

The Honorable Mark Andrews
United States Senate
724 Senate Hart Building
Washington, DC 20510

RE: MUR 2283

Dear Senator Andrews:

This letter is to notify you that on October 28, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2283. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104030926

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2104033927

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Robert Rust, Treasurer
People For Mark Andrews Committee
PO Box 1773
Fargo, ND 58107

RE: MUR 2283

Dear Mr. Rust:

This letter is to notify you that on October 28, 1986, the Federal Election Commission received a complaint which alleges that the People For Mark Andrews Committee and you, as treasurer, have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2283. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the People For Mark Andrews Committee in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104033092 8

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
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2140330929

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. Jerry Flute
PO Box 509
Agency Village, SD 57262

RE: MUR 2283

Dear Mr. Flute:

This letter is to notify you that on October 28, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2283. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104083093O

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

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Procedures
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. Felix Renville
PO Box 509
Agency Village, SD 57262

RE: MUR 2283

Dear Mr. Renville:

This letter is to notify you that on October 28, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2283. Please refer to this number in all future correspondence.

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You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104030932

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2104033093

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 31, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Mr. Michael Simon
PO Box 509
Agency Village, SD 57262

RE: MUR 2283

Dear Mr. Simon:

This letter is to notify you that on October 28, 1986, the Federal Election Commission received a complaint which alleges that you have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2283. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

2104033934

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

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2104083009335

RECEIVED AT THE FEC
GCC#1973
86 NOV 10 P12:07

November 6, 1986

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
86 NOV 10 P3:35

Federal Election Commission
999 E Street, N. W.
Washington, D. C. 20463

Re: MUR 2283

Attention: Charles N. Steele and Lawrence M. Noble

This is in reply to your letter dated October 31, 1986.

The complaint filed by the North Dakota Democratic Party-NPL has no substance and we hereby advise the Federal Election Commission that we deny all of the allegations.

Sincerely,

Robert C. Rust

Robert C. Rust, Treasurer
People for Mark Andres Committee
P. O. Box 1773
Fargo, North Dakota 58107

2104033936

Sisseton-Wahpeton Sioux Tribe

Lake Traverse Reservation

P. O. Box 509
Agency Village, South Dakota 57262
Phone (605) 698-3911

OFFICE OF THE TRIBAL CHAIRMAN

RECEIVED AT THE FEC
GCC 2004
86 NOV 14 AM : 49

November 12, 1986

Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

REF: MUR2283
MUR2274

ATTN: Anne Weissenborn, Esquire

Dear Federal Election Commission:

In reference to the above mentioned complaint(s), the Sisseton-Wahpeton Sioux Tribe will be represented before the Commission by Bertram E. Hirsch, Tribal General Counsel.

Bertram E. Hirsch
Attorney-at-Law
81-33 258th St.
Floral Park, NY 11004

Mr. Hirsch is authorized in behalf of the Sisseton-Wahpeton Sioux Tribe to receive all Commission notifications and other communications. Thank you.

Sincerely,

Russell Hawkins,
Tribal Chairman
Sisseton-Wahpeton Sioux Tribe

cc: Bertram E. Hirsch
file

86 NOV 14 P3:03
RECEIVED
GENERAL COUNSEL

2104033937

RECEIVED AT THE FEC
GCC#2032
86 NOV 18 P12:03

November 12, 1986

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
86 NOV 19 A11:10

Federal Election Commission
999 E Street, N. W.
Washington, D. C. 20463

RE: MUR 2283 (Detailed Information)

Attention: Charles N. Steel and Lawrence M. Noble

This response is filed with the Federal Election Commission pursuant to 2 USC 437 (g) (a) (1) and on behalf of Senator Mark Andrews and his principal campaign committee, the People for Mark Andrews Committee.

It is relevant for the Commission to note that the complaint filed by the North Dakota Democrat Committee-NPL was filed just one week before a very close general election. Although the events on which the allegations are based took place in December of 1985 and were fully reported in January 1986, the complaintant obviously was attempting only to gain political mileage by waiting until just before a crucial election.

The complaint alleges that five $1,000 contributions made by five individuals to Senator Andrews' committee were somehow illegal and in violation of various provisions of the Federal Election Campaign Act of 1971, as amended (FECA). However, a brief review of the facts will show that neither Senator Andrews nor his committee did anything inappropriate.

The charge in the compaint that the alleged violation may have been "knowing and willful" will be shown to be particularly wrong and offensive. The entire complaint was simply an attempt to use the Commission and its members in an unseemly attempt to further a candidate willing to win at all costs.

In December of 1985, Senator Andrews met with a group of individuals who were members of the Sisseton Wahpeton Sioux Tribe ("the Tribe") in his office in North Dakota. At this meeting five of the individuals wanted to make contributions totalling $5,000 in cash. Senator Andrews politely thanked the individuals but explained the FECA prohibited the acceptance of cash contributions of over $100. The Senator was then asked how a legal contribution could be made. He explained that individuals could give up to $1,000.00 each per election and such contributions

2104030938

must be in the form of a personal check or money order. At that point, the subject was dropped and the meeting discussing the constituents' concerns continued. When the meeting was over, the individuals thanked the Senator and left.

Later that day five of the individuals returned to the Senator's office and stated they each wanted to make a contribution of $1,000.00 to the Senator's campaign. Each individual produced a money order for $1,000. The staff person accepted the contributions, took their names and other information required by the FECA. The money orders were then forwarded to the campaign committee within the requisite time period. All the contributions (as the complaint points out) were fully disclosed.

The complaintant makes much of a document it states is the record of a meeting of the Tribe held September 2-3, 1986. This meeting is 10 months after Senator Andrews' committee accepted the contribution which complaintant is so disturbed about. No support for the complaintant's allegations is found in the minutes. "Motion No.22" seems to indicate that the Tribe voted to support Senator Abnor with a $5,000 contribution but in reference to Senator Andrews it only states"...plus the Senator Andrews contribution will be refunded to that account." Is "the Senator Andrews contribution" supposed to be an obvious reference to five $1,000 contributions made by five individuals 10 months earlier?

However, the absurdity of the complaint is nowhere as obvious as when, after describing the September 1986 meeting, the complaintant states on page three of its complaint, "Thereafter, four of the Tribal Council members voting and present joined with another member of the Tribe in making a series of individual contributions, $1,000 a piece, to Mark Andrews." As proof, the complaintant attaches a copy of the Andrews Committee's Schedule A showing five members of the Tribe making contributions in December of 1985.

The complaintant offers no proof that any illegal contribution was made. Surely, it is not the policy of the Commission that contributions from members of an Indian Tribe are all somehow suspect and that every committee accepting such contributions must doubt the word of Indians and ask for proof that the money they are offering is really theirs. The repugnancy of such a policy is readily apparent. The Committee simply accepted five $1,000 contributions from five citizens wanting to assist Senator Andrews' reelection bid.

2104303939

Based upon the facts and requirements set out above, the Commission should find no reason to believe against Senator Andrews or his committee and close the file.

Repectfully submitted,

Robert C. Rust, Treasurere
People for Mark Andrews Committee

I swear to the best of my knowledge, that the above is fact and true.

Robert C. Rust, Treasurer

ACKNOWLEDGMENT OF PRINCIPAL (Individual)

STATE OF North Dakota
COUNTY OF Cass } ss.:

On this 14th day of November, in the year 19 86, before me personally come(s) Robert C. Rust, to me known and known to me to be the person(s) who (is) (are) described in and who executed the foregoing instrument and acknowledge(s) to me that he executed the same.

DOREEN CARLSON
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires SEPT. 12, 1990

NOTARY PUBLIC

RECEIVED AT THE FEC
SCC#2931
86 NOV 18 P12:

I, Mark Andrews, swear that to the best of my knowledge and belief the allegations against me and the People for Mark Andrews Committee, as alleged in MUR2283 are totally without substance or fact.

Sincerely,

Mark Andrews

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
86 NOV 19 AM:18

ACKNOWLEDGMENT OF PRINCIPAL (Individual)

STATE OF North Dakota
COUNTY OF Cass } ss.:

On this 14th day of November, in the year 19 86, before me personally come(s) Mark Andrews, to me known and known to me to be the person(s) who (is) (are) described in and who executed the foregoing instrument and acknowledge(s) to me that he executed the same.

DOREEN CARLSON
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires SEPT. 12, 1990

NOTARY PUBLIC

GCC#2062
RECEIVED AT THE FEC
86 NOV 21 P12:

November 17, 1986

Federal Election Commission
999 E Street, N. W.
Washington, D. C. 20463

RE: MUR 2283(Further Information)

Attention: Charles N. Steel and Lawrence M. Noble

Please add the following Press Release from Russell Hawkins, Tribal Chairman, of the Sisseton-Wahpeton Sioux Tribe to our response of November 6 and November 12, 1986.

We think the Federal Election Commission shoud see this material.

Sincerely,

Robert C. Rust
Treasurer
People for Mark Andrews Committee

21040830942

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
86 NOV 21 P 4:36

DRAFT RELEASE

PRESS RELEASE

October 22, 1986

Because of recent coverage on contributions to Senators Mark Andrews and James Abdnor, it is important to clarify this matter.

First, while there were contributions made by members of the Sisseton-Wahpeton Sioux Tribe, these were made as individual contributions. All donations were made within the requirements of the law.

The fact that contributions came from members of this Tribe make it no different than other contributions made by non-Indian contributors to these or other candidates, organizations and corporations which contribute to candidates because of their beliefs and philosophy. This is true of Democrats and Republicans. As to our interest in the S. Bill 2118, it is important to note that our Tribe filed suit against the federal government for land illegally taken. The Tribe won the law suit, but Congress added an amendment to the judgement award paying 25% of the funds to lineal descendants, most of them non-members of the Sisseton-Wahpeton Sioux Tribe, and not part to the law suit. The money that would be paid by this bill is hardly a "windfall", but money that rightfully belongs to the Sisseton-Wahpeton Sioux Tribe for lands illegally taken. Our effort is to see that this matter is fairly and justly resolved. I don't believe that contributions to candidates have been tied to the conduct or actions of the candidates on any single issue. Tribal members have supported both Democrates and Republicans. We have tribal members supporting and contributing to Tom Daschle and other supporting and contributing to Jim Abdnor. The Lineal Descendancy Bill has been a bi-partisan issue and effort with both Democrats and Republicans in the House and Senate alike, in North Dakota and South Dakota, our Tribe is located in North and South Dakota.

The American political system has always accounted for interest groups and the democratic system has fostered and built a relationship between political candidates and those interests. What is disconcerting is that apparently non-Indian interest - that is individuals, organizations and major corporations - can participate through contributtions, but are not subject to the same kind of scrutiny as new participants such as American Indians. It seems that the press is content to see tribal members in the welfare line, the unemployment lines, and in the state penitentaries.

210830943

But let a few tribal members make political contributions and we are immediately under the scrutiny of a federal committee.

I would sincerely hope that the non-Indian press examines its role and responsibility to all of the public - including American Indians. There are those who confuse the issues, often times because of their lack of understanding and knowledge of American Indians and American Indian law. Again, I restate that the efforts of the individuals are well within the ethics and parameters of the law.

2104033094

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION_____

MUR #2283
DATE COMPLAINT RECEIVED
BY OGC 10/28/86
DATE OF NOTIFICATIONS TO
RESPONDENTS 10/31/86
STAFF MEMBER Anne Weissenborn

COMPLAINANT'S NAME: The North Dakota Democratic Party

RESPONDENTS' NAMES: The Sisseton-Wahpeton Sioux Tribe
Jerry Flute
Russell Hawkins
Felix Renville, Jr.
Grady Renville
Michael Simon
People for Mark Andrews Committee
Robert C. Rust, as treasurer
Senator Mark Andrews

INTERNAL REPORTS CHECKED: People for Mark Andrews Committee
FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The complainant alleges that Senator Mark Andrews and his principal campaign committee, the People for Mark Andrews Committee ("the Committee"), accepted a $5000 contribution from the Sisseton-Wahpeton Sioux Tribe ("the Tribe") on or about December 2, 1985, in violation of the FECA. The complainant also alleges that the contribution was made through five individual members of the Tribe each of whom made a contribution of $1000 in his own name.

Attached to the complaint are copies of itemized contributions reported by the Committee as received on December 2, 1985, from Jerry Flute, Michael Simon, Felix Renville, Jr., Grady Renville and Russell Hawkins. In each instance the amount of the contribution is $1000 and the name of the contributor's employer is the

2104033945

Sisseton-Wahpeton Sioux Tribe. Also attached to the complaint are a copy of minutes of the September 2-3, 1986, meeting of the Tribal Council and a separate listing of motions passed. Included in each of these documents is a Motion No. 22 which reads

> made by Grady Renville, seconded by John Two Stars, that the Sisseton-Wahpeton Sioux Tribe contribute $5000 to Senator Abnor, and the funds to come come from the Land Acquisition account. If we're successful in getting Senate Bill 221B passed, the $5000, plus the Senator Andrews contribution will be refunded to that account.
> MOTION PASSED. (Emphasis added). 1/

All respondents were notified on October 31, 1986. On November 1, 1986, counsel for the Tribe requested an extension of time to December 5, 1986, in which to respond to the complaints in this matter and in MUR 2274. This request was granted. Once the response has been received, this Office will prepare a General Counsel's Report for submission to the Commission, such report to recommend, inter alia, that this matter be merged with MUR 2274.

Charles N. Steele
General Counsel

12/5/86
Date

BY: Lois G. Lerner
Associate General Counsel

1/ On October 24, 1986, this Office received a complaint from the South Dakota Democratic Party alleging that illegal contributions had been made by the Tribe to Friends for U.S. Senator Jim Abnor. This complaint is being addressed in MUR 2274. (See Expedited First General Counsel's Report in MUR 2274 signed October 28, 1986.)

2104030946

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MWE MARJORIE W. EMMONS/CHERYL A. FLEMING CAF

DATE: DECEMBER 9, 1986

SUBJECT: MUR 2283 - FIRST GENERAL COUNSEL'S REPORT
SIGNED DECEMBER 5, 1986

The above-captioned matter was received in the Office of the Secretary of the Commission MOnday, December 8, 1986 at 10:23 A.M. and circulated to the Commission on a 24-hour no-objection basis Monday, December 8, 1986 at 4:00 P.M.

There were no objections received in the Office of the Secretary of the Commission to the First General Counsel's Report at the time of the deadline.

2140339947

CCC#2216

RECEIVED AT THE FEC

86 DEC 8 P12:35

GERALD HEMINGER, SR.
R.R. 1
PEEVER, SOUTH DAKOTA 57257

86 DEC 9 A9:59

December 3, 1986

Federal Election Commission
999 E. Street, Northeast
Washington, D.C. 20463

REF: MUR2283
MUR2274

ATTN: Anne Weissenborn, Esquire

Dear Federal Election Commission:

In reference to the above mentioned complaint(s), I will be represented before the Commission by Bertram E. Hirsch, General Counsel.

Bertram E. Hirsch
Attorney-at-Law
81-33 258th St.
Floral Park, NY 11004

Mr. Hirsch is authorized in my behalf to receive all Commission notifications and other communications. Thank you.

Sincerely,

Gerald Heminger Sr

Gerald Heminger, Sr.

21040339438

GCC#2217

RECEIVED AT THE FEC

86 DEC 8 P12:36

FELIX RENVILLE, JR.
P.O. BOX 509
AGENCY VILLAGE, SOUTH DAKOTA 57262

86 DEC 9 A9:59

December 3, 1986

Federal Election Commission
999 E. Street, Northeast
Washington, D.C. 20463

REF: MUR2283
MUR2274

ATTN: Anne Weissenborn, Esquire

Dear Federal Election Commission:

In reference to the above mentioned complaint(s), I will be represented before the Commission by Bertram E. Hirsch, General Counsel.

Bertram E. Hirsch
Attorney-at-Law
81-33 258th St.
Floral Park, NY 11004

Mr. Hirsch is authorized in my behalf to receive all Commission notifications and other communications. Thank you.

Sincerely,

Felix Renville Jr.

Felix Renville, Jr.

2104033029 49

CCA#2222
RECEIVED AT THE FEC

86 DEC 8 P12:07

MICHAEL SIMON
P.O. BOX 509
AGENCY VILLAGE, SOUTH DAKOTA 57262

December 3, 1986

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
86 DEC 9 A9:58

Federal Election Commission
999 E. Street, Northeast
Washington, D.C. 20463

REF: MUR2283
MUR2274

ATTN: Anne Weissenborn, Esquire

Dear Federal Election Commission:

In reference to the above mentioned complaint(s), I will be represented before the Commission by Bertram E. Hirsch, General Counsel.

Bertram E. Hirsch
Attorney-at-Law
81-33 258th St.
Floral Park, NY 11004

Mr. Hirsch is authorized in my behalf to receive all Commission notifications and other communications. Thank you.

Sincerely,

Michael Simon

2104033029 50

GCC#2221
RECEIVED AT THE FEC

86 DEC 8 P12:37

EDWARD WILLIAMS
RT. 2, BOX 455
SISSETON, SOUTH DAKOTA 57262

December 3, 1986

86 DEC 9 A9:58

Federal Election Commission
999 E. Street, Northeast
Washington, D.C. 20463

REF: MUR2283
MUR2274

ATTN: Anne Weissenborn, Esquire

Dear Federal Election Commission:

In reference to the above mentioned complaint(s), I will be represented before the Commission by Bertram E. Hirsch, General Counsel.

Bertram E. Hirsch
Attorney-at-Law
81-33 258th St.
Floral Park, NY 11004

Mr. Hirsch is authorized in my behalf to receive all Commission notifications and other communications. Thank you.

Sincerely,

Edward Williams

Edward Williams

2140030951

RECEIVED AT THE FEC
ACC#2220
86 DEC 9 P12:06

GRADY RENVILLE
P.O. BOX 509
AGENCY VILLAGE, SOUTH DAKOTA 57262

December 3, 1986

RECEIVED
GENERAL COUNSEL
86 DEC 9 A9:58

Federal Election Commission
999 E. Street, Northeast
Washington, D.C. 20463

REF: MUR2283
MUR2274

ATTN: Anne Weissenborn, Esquire

Dear Federal Election Commission:

In reference to the above mention complaint(s), I will be represented before the Commission by Bertram E. Hirsch, General Counsel.

Bertram E. Hirsch
Attorney-at-Law
81-33 258th St.
Floral Park, NY 11004

Mr. Hirsch is authorized in my behalf to receive all Commission notifications and other communications. Thank you.

Sincerely,

Grady Renville

2104033952

RECEIVED AT THE FEC
GCC#2219
86 DEC 8 P12:

JERRY FLUTE
P.O. BOX 509
AGENCY VILLAGE, SOUTH DAKOTA 57262

December 3, 1986

86 DEC 9 A9:59

Federal Election Commission
999 E. Street, Northeast
Washington, D.C. 20463

REF: MUR2283
MUR2274

ATTN: Anne Weissenborn, Esquire

Dear Federal Election Commission:

In reference to the above mentioned complaint(s), I will be represented before the Commission by Bertram E. Hirsch, General Counsel.

Bertram E. Hirsch
Attorney-at-Law
81-33 258th St.
Floral Park,NY 11004

Mr. Hirsch is authorized in my behalf to receive all Commission notifications and other communications. Thank you.

Sincerely,

Jerry Flute

Jerry Flute

2140309553

RECEIVED AT THE FEC
CCC#2218
86 DEC 8 P12:36

JOHN TWO STARS, SR.
P.O. BOX 507
SISSETON, SOUTH DAKOTA 57262

December 3, 1986

86 DEC 9 A9:59
RECEIVED
FEDERAL ELECTION COMMISSION

Federal Election Commission
999 E. Street, Northeast
Washington, D.C. 20463

REF: MUR2283
MUR2274

ATTN: Anne Weissenborn, Esquire

Dear Federal Election Commission:

In reference to the above mention complaint(s), I will be represented before the Commission by Bertram E. Hirsch, General Counsel.

Bertram E. Hirsch
Attorney-at-Law
81-33 258th St.
Floral Park, NY 11004

Mr. Hirsch is authorized in my behalf to receive all Commission notifications and other communications. Thank you.

Sincerely,

John TwoStars, Sr.

2140329354

RECEIVED AT THE FEC
COM-2277
86 DEC 15 P12:40
MUR 2302E

November 28, 1986

86 DEC 15 P3:15

Mr. Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 2274

Dear Mr. Steele:

On behalf of myself as a member of the Sisseton Wahpeton Sioux Tribe, I am submitting this letter and requesting that a thorough investigation be conducted, including, if necessary, the filing of criminal complaints. Although I am submitting this letter individually, I have talked with many tribal members who are waiting to see if the Federal Election Commission will do anything about what we view as wrong.

I have read the Complaint filed by the South Dakota Democratic Party and am aware a similar Complaint was filed by the North Dakota Democratic party. Therefore, I will not reiterate the allegations in those complaints inasmuch as I view them to be true. I feel, however, that details of the illegal contributions to the campaigns of Senator Andrews, Senator Abdnor and Governor Janklow should be included. Therefore, I have enclosed a Fact Sheet beginning with when the Indian people first discovered the illegal contributions to the Andrews Campaign.

Viewed from my perspective, I believe there was a deliberate attempt to circumvent the law. I do not know if the various councilmembers knew they were violating the law, or whether the whole affair was simply masterminded by the Tribal Chairman or a few individuals. The fact remains that at least $15,000 of tribal funds were misappropriated to the detriment of tribal members and in violation of both federal law and an Act of Congress mandating that Land Acquisition Funds be used for just that.

In order to truly understand the picture, I feel it is necessary to know the financial circumstances of the Tribe. Presently, the Tribe is on the verge of financial collapse. Various tribal members and organizations over the years have demanded accurate accountings but have always received the runaround from the Tribal Council and the Bureau of Indian Affairs. They have requested investigations from the Office of Inspector General but have always had the door slammed in their faces because federal agencies say "that's an internal matter." We know there is embezzlement, fraud and other wrongs but have no forum to address our concerns.

Because of the financial situation of the Tribe, it may have been sheer desperation that prompted the above contributions. The Tribe is in dire need of money because of past misuse of federal and tribal funds. Whatever the case may be, if wrongs were committed by individuals, we believe those individuals should be held to answer.

2140039055

The interesting facet of this matter is that the Tribe may be ultimately financially responsible for any violations since they were committed by councilmembers. We believe, however, that any fines or penalties should be borne by the individuals. Clearly, if any fraud, embezzlement or conspiracy to commit a violation is involved here, those persons involved were acting outside the scope of their authority.

I hope the Fact Sheet which I have enclosed is helpful. If there is any way I can assist this investigation, I will be happy to do so. Many tribal members will be anxiously awaiting the outcome of this investigation.

Sincerely,

Edward D. Seaboy Jr.

EDWARD D. SEABOY, JR.

Enclosure

Subscribed and sworn to before me this 4th day of December, 1986, at Sisseton, Roberts County, South Dakota.

Barbara Ryan

BARBARA RYAN, Notary Public

(SEAL)

My Commission expires 7/6/87.

9104023009956

FACT SHEET

In the winter of 1985-86 while snow was on the ground, Vernon Crawford was walking near the Post Office at Agency Village. He discovered five envelopes containing cashiers checks blowing around in the snow. He took them to his wife, Noreen Crawford, and they opened three of them. Noreen called a friend, Shirley DeCoteau (now Seaboy).

Shirley advised Vernon to give them to Dick Stewart since they were issued by the Sisseton Wahpeton Federal Credit Union. Stewart is Manager of the Credit Union. Also employed there are the sister-in-law of the Tribal Chairman, Barbara Bravebull, and Louella Cloud, the wife of the brother-in-law of the Tribal Chairman. Deanne German Bohn is also employed at the Credit Union. She is the daughter of Gerald German, a councilman whose name was used on one of the cashier's checks as having personally donated $1,000 to Governor Janklow.

These five cashiers checks were made out to Senator Andrews Campaign and were each in the amount of $1,000. They were "supposedly" purchased by Russell Hawkins, Tribal Chairman; Felix Renville, Tribal Secretary; Grady Renville, Old Agency Councilman; Mike Simon, Long Hollow Councilman; and Jerry Flute, former Tribal Chairman. Gradey Renville told the news media these were individual contributions but admitted privately he had lied to the news media.

Dale Crawford apparently told some of his Buffalo Lake District members, including Pauline Kipp, Tribal Court Clerk, that the money for the $5,000 contribution to Governor Janklow came from the Land Acquisition Account. He was apparently called in by the Tribal Chairman to sign the check, or be advised of it. He was unaware of the matter until then.

After the discovery of the checks, the Tribal Council may have taken action to retroactively approve the contribution to the Andrews Campaign from the Land Acquisition Account. At any rate, pursuant to 9/86 Council minutes, a Motion was made to repay the Andrews contribution from the Land Acquisition Account. Therefore, it could not have been individual contributions. Executive Committee action may have been taken previously to approve the contribution. The Committee has full power to act when Council is not in session. Enclosed is a copy of the Sisseton Wahpeton Sioux Tribal Constitution. If the Executive Committee did take action, it should have been by resolution. Resolutions should be numbered and accounted for and are in the custody of the Chairman (original) and Tribal Secretary (copy).

The Land Acquisition Account is money specifically earmarked for land acquisition pursuant to a plan approved by Congress for use of claim money received as a result of an Indian Land Claim payment. The money was appropriated by Congress from the U.S. Treasury. Ed Red Owl or Mike Selvage, of the Tribal Planning Department, know the details of this land claim payment.

2104033057

At the September, 1986, Council meeting, the Tribal Council took action to contribute $5,000 to Abdnor's Campaign at the suggestion of the Tribal Chairman, Russell Hawkins. The following councilmembers took the $5,000 - in five $1,000 bills in an envelope - to Abdnor's Campaign in Aberdeen, South Dakota: Ed Williams, Old Agency Councilman; John Two Stars, Sr., Old Agency Councilman; Gerald Heminger, Big Coulee Councilman; David Selvage, Lake Traverse Councilman; Grady Renville, Old Agency Councilman; Russell Hawkins; and Felix Renville. Gary Waubaunsee, Service Unit Director of the Indian Health Service, Sisseton, went along.

Maynard Bernard, a councilman from Enemy Swim District, received a thank you from the Abdnor Campaign for his $1,000 contribution. Maynard did vote in Council to give the contribution from the Land Acquisition Account but declined to be a part of the matter after that. He did not make a $1,000 contribution, nor did he give anyone permission to use his name. He should be a willing witness for the Federal Election Commission.

This contribution of five "individual" contributions was made by Ed Williams, John Two Stars, Sr., Gerald Heminger, David Selvage, and Maynard Bernard (by using his name without his permission). This proves it was tribal funds.

At the October, 1986, Council meeting, the first Motion was to delete Motion 22 from the September Council minutes in its entirety. Motion 22 was the action taken to contribute the Land Acquisition money to the Abdnor Campaign.

Another contribution of $5,000 was made to Governor Janklow's Campaign from the Land Acquisition Account in late April or early May, 1986. This again was five "individual" contributions. Only two individuals names are known - Gerald German and Dale Crawford. Tribal members were angered by this contribution. So the Chairman purchased a $5,000 cashier's check from First State Bank in Sisseton, South Dakota, made payable to the Sisseton Wahpeton Sioux Tribe Land Acquisition Account and replaced the $5,000. A copy of that check is attached. The Tribal Chairman publicly stated on October 23, 1986, at the forum for candidates that this contribution to Janklow was his own money.

There is a possibility that other contributions may have been made to congressmen from Arizona. If so, these contributions were not approved by Council. If the funds were taken from the Land Acquisition Account, records should be available from the SWST Credit Union.

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9 1 0 4 0 8 3 0 9 5 9

FIRST STATE BANK
SISSETON, SOUTH DAKOTA

17299

REMITTER

Russell Hawkins

6-30 1986

78-50
814

PAY TO THE ORDER OF Sisseton Wahpeton Sioux Tribe/Land Acquisition $ 5,000.00

FIRST STATE BANK SISSETON, S. DAK. 5,000.00 DOLLARS

CASHIER

CASHIER'S CHECK

CASHIER

⑈017299⑈ ⑆091400509⑆ 004 2099⑈

REVISED CONSTITUTION AND BY-LAWS OF THE SISSETON-WAHPETON SIOUX TRIBE

PREAMBLE

We, the Sisseton-Wahpeton Sioux Tribe, in order to form a better tribal government, exercise tribal rights and responsibilities and promote the welfare of the people, do hereby establish this revised Constitution and By-Laws.

ARTICLE I - JURISDICTION

The jurisdiction of the Sisseton-Wahpeton Sioux Tribe shall extend to lands lying in the territory within the original confines of the Lake Traverse Reservation as described in Article III of the Treaty of February 19, 1867.

ARTICLE II - MEMBERSHIP

SECTION 1. The membership of the Sisseton-Wahpeton Sioux Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1940, which shall be the basic tribal membership roll. Corrections may be made in this roll by the Tribal Council, with the approval of the Secretary of the Interior;

(b) All persons of Indian blood born after January 1, 1940, the date of the basic membership roll, and prior to October 16, 1946, the date of approval of the original Constitution, to members of the tribe.

(c) Children born on or after October 16, 1946 the date of approval of the original Constitution, and prior to December 21, 1959, to members of the Tribe who were residents of the Lake Traverse Reservation at time of the birth of said children.

(d) All persons of one-eighth (1/8) degree or more Sisseton-Wahpeton Sioux Indian blood born to members on or after December 21,

2 1 5 4 0 3 0 9 6 0

1959, and prior to November 21, 1978. (As amended by, Amendment No. IV, effective November 21, 1978);

(e) All persons of one-fourth (1/4) degree or more Sisseton-Wahpeton Sioux Indian blood born to members on or after November 21, 1978, (This section added by, Amendment No. IV, effective November 21, 1978);

(f) All persons applying for membership under Article II, Section (a), (b), (c), and (d) (on or after the effective date of this amendment) must be one-fourth (1/4) degree or more Sisseton-Wahpeton Sioux Indian blood. (As amended by, Amendment No. XI, effective December 20,1985);

SECTION 2. (deleted by, Amendment No. VII, effective November 21, 1978, and reworded and added to Powers - Article VII, Section 1a).

ARTICLE III - ORGANIZATION

SECTION 1. The Sisseton-Wahpeton Sioux Tribe shall be governed by a Tribal Council consisting of fifteen (15) councilmen and three (3) officers. Councilmen shall be elected from each of the seven districts according to population. A Chairman, a Secretary and a Treasurer of the Tribal Council shall be elected at large, which officers shall constitute an executive committee. (As amended by, Amendment No. III, effective November 10, 1976)

SECTION 2. The executive committee, in formal session, shall have the power to speak and act for the Tribe when the Tribal Council is not in session and to carry into effect all properly enacted resolutions and ordinances of the Tribal Council and to appoint any boards, committees, or associations necessary to the transaction of tribal business. The Tribal Council shall review any action taken by the executive committee not delegated to it either in this revised Constitution or in the enactments of the Tribal Council. The review shall be limited only to the next meeting of the Tribal Council following notification of the action of the executive committee.

2104083096

SECTION 3. Members of the Tribal Council shall hold office for a term of two (2) years commencing on the date of the first regular meeting in January of each odd numbered and until their successors have been elected and seated.

SECTION 4. There shall be a general council composed of the enrolled members of the tribe eighteen (18) years of age and over. A quorum for a general council shall be at least ten (10) percent of the eligible members. It shall be the duty of the Tribal Council to call and notice, at least once in each calendar year, a General Council meeting. The General Council may be convened only by action of the Tribal Council. At each General Council meeting, the Tribal Council, all Tribal Committees, Associations, and Organizations shall present a report on the past years activities, and, insofar as it is possible explain the proposed programs for the ensuing year. (As amended by: Amendment No. I, effective October 18, 1972)

(Section 5 added by: Amendment No. V, effective November 21, 1978)

SECTION 5. (a) There shall be a judicial branch comprised of a three member appellate court, a tribal court consisting of one chief judge and two associate judges with supportive staff;

(b) Judges shall be appointed by a two-thirds (2/3) vote of the Tribal Council for a term of four (4) years;

(c) Upon appointment, judges may be removed only by provision of recall and impeachment procedure by tribal ordinance;

(d) Rules of operation shall be provided by the tribal ordinance;

ARTICLE IV - DISTRICT ORGANIZATION

SECTION 1. There shall be seven (7) deliberate district councils, viz: (1) Veblen, (2) Long Hollow, (3) Buffalo Lake, (4) Enemy Swim, (5) Big Coulee, (6) Old Agency, and (7) Lake Traverse.

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SECTION 2. Each district council shall consist of the adult members of the Tribe registered on a district voting roster which will be maintained by the district secretary.

SECTION 3. The Tribal Councilmen elected from each district shall call a district election in January of odd numbered years to elect for the district: (1) a Chairman; (2) a Vice Chairman; (3) a Secretary; (4) a Treasurer; and such other officers and committees as may be deemed necessary. (as amended by; Amendment No. III, effective November 10, 1976)

SECTION 4. Each district shall manage its own local affairs but any matters involving more than one district shall be decided by the Tribal Council. It shall be the function of the district councils to advise and make recommendations to the Tribal Council.

ARTICLE V - NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Tribal Council under this revised Constitution shall be called, held and supervised by the present Tribal Council within one hundred twenty (120) days after its approval. Successful candidates at this first election shall assume office when duly seated at the regular January 1967, meeting of the Council Where more than two (2) members have filed for an office, a primary election shall be held at least thirty (30) days prior to the general election. Only the two (2) candidates for each office receiving the most votes at such primary election or convention shall be eligible to run for office in the general election. Where no more than two (2) members have filed for an office, a primary election will be unnecessary.

SECTION 2. Any qualified registered member of the Sisseton-Wahpeton Sioux Tribe twenty one (21) years of age or over may announce his candidacy for the Tribal Council in writing of his candidacy at least forty-five (45) days prior to the election It shall be the duty of the Secretary to post at least ten (10) days before the primary election the names of all qualified candidates who have met this requirement. Notice of all elections shall be given as prescribed by ordinance.

21-0403309963

(a) Candidates for Tribal Council Officers shall file for the office of their choice at least sixty (60) days before the general election.

(b) Councilman shall be elected from each of the seven (7) voting districts according to population. (As amended by: Amendment No. III, effective November 21, 1976)

(c) No person may be a candidate for more than one office.

SECTION 3. The Tribal Council, or an election board appointed by the Council, shall supervise the maintenance of the district voting rosters,and shall determine rules and regulations governing elections, including absentee voting, qualifications for office, election dates and recall elections. The Tribal Council shall certify to the election of members after the election has been held.

SECTION 4. Any enrolled member of the Sisseton-Wahpeton Sioux Tribe who is eighteen (18) years of age or over, on the date of election, shall be entitled to vote in the district in which he is registered. (As amended by: Amendment No. I effective October 18, 1972)

SECTION 5. Members of the tribe shall register, vote and hold office in the district of their residence, or if they are non-residents, in the district of their former residence, or if they never were residents, in the district of their choice. Tribal members who have never been residents, registering in the district of their choice, cannot change their voting district unless duly authorized to do so by the Tribal Council.

ARTICLE VI - VACANCIES, REMOVAL AND RECALL FROM OFFICE

SECTION 1. If a councilman or officer shall die, resign or be removed from office for cause, the Tribal Council shall declare the position vacant and appoint a person to fill the vacancy, provided the appointment of any councilman shall be made from the appropriate district council or from the reservation at large in the case of a member of the executive committee.

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SECTION 2. Any councilman or officer who is proven guilty of improper conduct or gross neglect of duty may be removed from the Tribal Council by a vote of ten (10) council members, provided that the member shall be given full opportunity to reply to any and all charges at a designated council meeting; and provided further that the member shall have been given a written statement of the charges against him at least five (5) days before the meeting at which he is to be given the opportunity to reply. The councilman or officer found guilty of improper action shall not vote on his own removal. (As amended by: Amendment No. III, effective November 10, 1976)

SECTION 3. The voters of any district, by petition signed by ten (10) percent of the eligible voters in the district, may request the recall of a district councilman for improper conduct. The recall of members of the executive committee may be requested by a petition signed by twenty (20) percent of the eligible voters from the whole reservation. The Tribal Council shall hold a special election on all such recall petitions. Any resulting vacancies shall be filled under SECTION 1, of this ARTICLE. No more than one recall election for each councilman or officer shall be held for each term of office. (As amended by: Amendment No. III, effective November 10, 1976)

SECTION 4. Any councilman or officer who fails to attend three (3) successive monthly meetings without excuse, shall be considered to have resigned his office. The Tribal Council shall then declare the position vacant and fill the vacancy pursuant to the provisions of SECTION 1, of this ARTICLE.

ARTICLE VII - POWERS

SECTION 1. The Tribal Council shall have the following powers which may be exercised pursuant to this revised Constitution and any applicable Federal statutes or regulations.

(a) To represent the tribe in all negotiations with Federal, State and Local governments and to advise and consult with representatives of the Department of the Interior on all matters affecting the tribe.

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(b) To acquire, own, use, manage, lease and otherwise encumber, and to dispose of tribal property, both real and personal, wherever situated.

(c) To engage in any business that will further the economic development of the Tribe and its members, and to use tribal funds or other resources for such purposes. (As amended by, Amendment No. XII, effective December 20, 1985);

(d) To make rules governing the relationship of the members to the tribe, to tribal property, and to one another as members of the tribe, and to assess fees of members to effectuate tribal purposes.

(e) To hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services. The choice of counsel and fixing of fees to be subject to approval of the Secretary of the Interior, so long as such approval is required by Federal Law.

(f) To deposit tribal funds to the credit of the tribe, without limitation of the amount in any account, in any National or State bank whose deposits are insured by an agency of the United States, and security authorized by the laws of the State of South Dakota or the District of Columbia for trust investments, and in addition, to invest and reinvest tribal funds in any security issued by a company in which the tribe has a majority or greater interest.

(g) To take any action by ordinance, resolution or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the foregoing purposes and to add such further powers, as may by permitted by law, through appropriate amendment to this revised Constitution.

(h) To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe.

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(i) To adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of tribal affairs.

(j) i. No authorities contained in this revised Constitution may be delegated by the Tribal Council to tribal officials, district councils, or associations to carry out any function for which the Tribal Council assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Council in legal session and excepting also those specific requirements contained in the by-laws of the Sisseton-Wahpeton Sioux Tribe.

ii. The Tribal Council is hereby authorized to recognize any district committees, associations or other organizations open to the members of the Sisseton-Wahpeton Sioux Tribe and to approve such organizations, subject, however, to the provision that no such committee, association or organization may assume authorities specifically granted to the Tribal Council unless by a proper delegation of authority by the Tribal Council.

(k) To promulgate and enforce ordinances governing the conduct of persons under the jurisdiction of the Sisseton-Wahpeton Sioux Tribe. (As amended by; Amendment No. II, effective June 8, 1973 and further amended by; Amendment No. V, effective November 21, 1978)

(l) To enact resolutions or ordinances not inconsistent with ARTICLE II of this revised Constitution and By-Laws concerning membership in the Sisseton-Wahpeton Sioux Tribe. (This section added to Powers by; Amendment No. VII, effective November 21, 1978)

SECTION 2. Manner of Review: Any ordinance or resolution which may be subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten (10) days after receipt, approve or disapprove the same. If the Superintendent shall approve said ordinance or resolution, it shall thereupon become effective, but the

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Superintendent shall transmit a copy of the same bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of receipt, rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution, he shall within ten (10) days after its receipt advise the Sisseton-Wahpeton Sioux Tribe Tribal Council of his reasons therefore. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SECTION 3. The Tribal Council can reapportion its fifteen representatives according to population. (As amended by; Amendment No. III, effective November 10, 1976 and further amended by; Amendment No. VIII, effective November 21, 1978)

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ARTICLE VIII - MEETINGS

SECTION 1. The Tribal Council shall meet regularly on the first Tuesday of each month, or upon call of the Chairman of the Tribal Council. It shall be the duty of the Chairman to call a special meeting upon request of a majority of the council.

SECTION 2. At any meeting of the Tribal Council, a simple majority of four (4) districts shall be present to constitute a quorum, with no less than eight (8) councilmen present. (As amended by; Amendment No. III, effective November 10, 1976)

SECTION 3. The executive committee shall meet upon call of the Chairman. At any meeting of the executive committee two (2) members shall constitute a quorum.

ARTICLE IX - BILL OF RIGHTS

SECTION 1. All members of the Sisseton-Wahpeton Sioux Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the tribe, and no person shall be denied freedom of conscience,

speech, association or assembly, or due process of law, or the right to petition for the redress of grievances. The members of the tribe shall continue undisturbed in their religious beliefs and nothing in this revised Constitution and by-laws will authorize either the Tribal Council or the General Council to interfere with these traditional religious practices according to their customs.

ARTICLE X - INITIATIVE AND REFERENDUM

SECTION 1. Any matter of concern to the tribe not previously considered or acted upon by the Tribal Council may be presented for action by the Tribal Council or vote of the qualified voters, provided a petition signed by at least ten (10) percent of the qualified voters of the tribe and setting forth the matter to be considered is filed with the Chairman. The Tribal Council shall consider the matter presented in the petition at its next regular or special meeting. If the Tribal Council fails to act or disapprove the matter within ninety (90) days after filing of a proper petition with the Chairman, it shall be put to a vote at the next meeting of the General Council or shall appear on the ballot at the next general election, whichever occurs first. The vote of a majority of the qualified voters voting on the issue shall be conclusive and binding upon the Tribal Council.

SECTION 2. Upon the filing of a petition with the Chairman of the Tribal Council, signed by at least ten (10) percent of the eligible voters of the Sisseton-Wahpeton Sioux Tribe within sixty (60) days of the enactment or upon the request of a majority of the members of the Tribal Council within a like period, any enacted ordinance or resolution of the Tribal Council shall submitted by the Tribal Council to a popular referendum, such referendum to be called and held within thirty (30) days of the date of filing or request. The vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the Tribal Council.

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ARTICLE XI - AMENDMENTS

SECTION 1. This revised Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Commissioner of Indian Affairs, provided at least thirty (30) percent of the eligible voters shall vote in such election. It shall be the duty of the Commissioner of Indian Affairs to call an election on any proposed amendment at the request of a majority of the Tribal Council or upon the presentation of a petition signed by at least ten (10) percent of the qualified voters of the tribe, but no amendment shall become effective until it is approved by the Commissioner of Indian Affairs.

BY-LAWS

OF THE

SISSETON-WAHPETON SIOUX TRIBE

ARTICLE I - DUTIES OF OFFICIALS

SECTION 1. Chairman

(a) He shall preside at all regular and special meetings of the General Council, Tribal Council, and executive committee. The Chairman shall be an ex-officio member of all subordinate committees.

(b) He shall have general and active management of the business activities of the tribe except that he shall not act on matters binding the tribe until either the General Council, the Tribal Council, or the executive committee has deliberated and enacted appropriate resolutions or motions.

(c) He shall see that all ordinances and resolutions of both the General Council and the Tribal Council are carried into effect.

(d) He shall sign on behalf of the tribe all official papers when authorized to do so.

(e) He shall give supervision to all other officers and employees of the tribe and see that they carry out their duties.

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(f) He shall prepare a report of the activities of the Tribal Council and shall make this report at each regular meeting of the General Council. He shall include in this report all matters within his knowledge which the interest of the tribe may require be brought to its attention.

(g) He shall not vote in either the General Council or Tribal Council except in case of a tie.

(h) It shall be the duty of the Chairman to designate who, from the other members of the executive committee, shall preside in his absence. When the Chairman refuses or is unable to act, the Secretary shall assume the duties of the chair.

SECTION 2. Secretary

(a) He shall keep minutes at the principal place of business of the tribe of all meetings of the General Council, the Tribal Council and the executive committee.

(b) He shall give and serve all notices of the General Council and the Tribal Council as required by this revised Constitution and by-laws.

(c) He shall keep the membership roll of the tribe, showing all changes as required by this revised Constitution. In addition, he shall keep a current voting list.

(d) He shall attend to all such correspondence assigned to him by the Chairman and perform all other duties of his office or as prescribed by the General Council or Tribal Council.

SECTION 3. Treasurer

(NEW SECTION 3 PURSUANT TO AMENDMENT NO. IX EFFECTIVE JUNE 9, 1980)

(a) He shall keep and maintain, open to inspection by members of the tribe, at all reasonable times adequate and correct accounts of the properties and business transactions of the tribe.

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(b) He shall have care and custody of the funds and valuables of the tribe. He shall deposit all funds in the name of and to the credit of the Sisseton-Wahpeton Sioux Tribe with such depository as the Tribal Council may direct.

(c) The Treasurer and all officers and employees whose duties involve handling of tribal money or other valuables shall be bonded as required by the Tribal Council.

(d) The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Tribal Council and such times as the Tribal Council may direct.

(New SECTION added by: Amendment No. VI, effective November 21, 1978, as follows:)

SECTION 4. Code of ethnics for all elected or selected officials. Gross neglect and improper conduct of ARTICLE VI, Vacancies, Removal and Recall from office should be interpreted by the Tribal Council in accordance with these definitions.

(a) Gross Neglect: As evidenced through any or all of the following;

1. Gross incompetency; unable or unwilling to perform the duties of office.

2. Inability to handle private affairs as evidenced through garnishment proceedings or court actions or ordering payments of delinquent loans or debts.

3. Abandonment of office: not attending three consecutive district meetings or moving out of the area or district elected from.

4. Excessive absenteeism: five days of unexcused absence in any thirty (30) day period.

(b) Improper Conduct: Determined by Tribal Council or District Chairmen Association.

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1. Converting tribal property or monies without authorization through omission or misrepresentation of facts.

2. Misuse of office: unauthorized personal use of tribal equipment, manpower or materials.

3. Public conduct so as to question the integrity of the Sisseton-Wahpeton Sioux Tribe.

4. Malfeasance of office: including gross partiality or oppression.

(c) Improper Conduct: Conviction by legal courts:

1. Conviction of a felony.

2. Three low-misdemeanor convictions within a twelve (12) month period.

3. Crimes in office: corruption, extortion, fraudulent claims for; compensation, salary, mileage and per diem or an unaccountable period of time.

4. Contempt of court.

5. Any high-misdemeanor, including but not limited to malicious mischief, statutory rape, hit and run, assault, battery or assault and battery.

6. Driving while under the influence of alcohol twice in a twelve (12) month period.

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plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

December 23, 1986

Mr. Edward D. Seaboy, Jr.
c/o Ruby Seaboy
Waubay, SD 57273

Dear Mr. Seaboy:

This letter will acknowledge receipt of your complaint which we received on December 15, 1986, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Senator Mark Andrews, the People For Mark Andrews Committee and Mr. Robert Rust as treasurer, Senator James Abdnor, Friends For U.S. Senator Jim Abdnor and Ms. Mary Wiese as treasurer, Mr. Jerry Flute, Mr. Michael Simon, Mr. Felix Renville, Mr. Grady Renville, Mr. Russell Hawkins, the Sisseton-Wahpeton Sioux Tribal Council, Mr. John Two Stars, Sr., Mr. Gerald Heminger, Sr., Mr. Maynard Bernard, Mr. Edward Williams, and Mr. David Selvage. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as the original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RDT)

By: Lois G. Lerner
Associate General Counsel

Enclosure

2102402302/4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Sisseton-Wahpeton Sioux Tribal Council
PO Box 509
Agency Village, SD 57262

Re: MUR 2302

Gentlemen:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (ecm)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. John Two Stars, Sr.
PO Box 507
Sisseton, SD 57262

Re: MUR 2302

Dear Mr. Two Stars:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RVB)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. Grady Renville
PO Box 509
Agency Village, SD 57262

Re: MUR 2302

Dear Mr. Renville:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission s analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RHTE)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. Russell Hawkins
PO Box 509
Agency Village, SD 57262

Re: MUR 2302

Dear Mr. Hawkins:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RUM)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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Plan

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. Felix Renville
PO Box 509
Agency Village, SD 57262

Re: MUR 2302

Dear Mr. Renville:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RVD)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. Michael Simon
PO Box 509
Agency Village, SD 57262

Re: MUR 2302

Dear Mr. Simon:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RVD)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. Gerald Heminger, Sr.
RR 1
Peever, SD 57257

Re: MUR 2302

Dear Mr. Heminger:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RWE)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

2104033938

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. Jerry Flute
PO Box 509
Agency Village, SD 57262

Re: MUR 2302

Dear Mr. Flute:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (KWR)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Robert Rust, Treasurer
People For Mark Andrews Committee
PO Box 1773
Fargo, ND 58107

Re: MUR 2302

Dear Mr. Rust:

The Federal Election Commission received a complaint which alleges that the People For Mark Andrews Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the People For Mark Andrews Committee in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the mat be made public. If you intend to be represented by co in this matter please advise the Commission by completing enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a br description of the Commission's procedure for handl complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (Rhet)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. Maynard Bernard
RR 1
Grenville, SD 57239

Re: MUR 2302

Dear Mr. Bernard:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RVC)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

2140530994

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. Edward Williams
Route 2
Sisseton, SD 57262

Re: MUR 2302

Dear Mr. Williams:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of complaint is enclosed. We have numbered this matter 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

2104083029295

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RLO)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

2104033926

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mr. David Selvage
PO Box 216
Sisseton, SD 57262

Re: MUR 2302

Dear Mr. Selvage:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

2140033997

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (2[illegible] 376-5690. For your information, we have attached a description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RVCE)
By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

2140039798

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Mary Wiese, Treasurer
Friends For U.S. Senator Jim Abdnor
PO Box 1001
Sioux Falls, SD 57101

Re: MUR 2302

Dear Ms. Wiese:

The Federal Election Commission received a complaint which alleges that Friends For U.S. Senator Jim Abdnor and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and Friends For U.S. Senator Jim Abdnor in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

2 1 5 4 0 3 3 9 2 9 2 9

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

lois G. Lerner (RVH)
By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

2140631000

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

The Honorable Mark Andrews
United States Senate
724 Senate Hart Office Building
Washington, DC 20510

Re: MUR 2302

Dear Senator Andrews:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

2140631001

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RTG)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

2140231002

Plan

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

The Honorable James Abdnor
United States Senate
309 Senate Hart Office Building
Washington, DC 20510

Re: MUR 2302

Dear Senator Abdnor:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2302. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission s analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

2140831003

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RVW)

By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

2140231004

SENSITIVE

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION _____

MUR # 2302
STAFF MEMBER Anne Weissenborn
DATE COMPLAINT RECEIVED BY OGC 12/15/86
DATE OF NOTIFICATION OF RESPONDENTS 12/23/86

COMPLAINANT'S NAME: Edward D. Seaboy

RESPONDENTS' NAMES:
Sisseton-Wahpeton Sioux Tribe
Friends for U.S. Senator Jim Abnor
Cleo Urban and Mary Weise, as treasurers
People for Mark Andrews Committee
Robert C. Rust, as treasurer
Maynard Bernard
Gerald Heminger, Sr.
David Selvage
John Two Stars, Sr.
Edward Williams
Jerry Flute
Russell Hawkins
Felix Renville, Jr.
Grady Renville
Michael Simon

RELEVANT STATUTE: 2 U.S.C. § 441a(a)(1)(A)
2 U.S.C. § 441f

INTERNAL REPORTS CHECKED: Friends for U.S. Senator Jim Abnor
People for Mark Andrews Committee
See also First General Counsel's Reports in MUR's 2274 and 2283

2140033005

SUMMARY OF ALLEGATIONS

On December 15, 1986, the Commission received a complaint filed by Edward D. Seaboy on behalf of himself as a member of the Sisseton-Wahpeton Sioux Tribe. In his complaint Mr. Seaboy refers to complaints filed by the South Dakota Democratic Party and the North Dakota Democratic Party against the Sisseton-Wahpeton Sioux Tribe/Tribal Council and certain individuals (See MUR 2274 and MUR 2283) and asserts that he views the allegations

in those earlier complaints to be true. Mr. Seaboy further states that he has enclosed a "Fact Sheet" concerning what he terms "illegal contributions to the campaigns of Senator Andrews, Senator Abnor and Governor Janklow." The complainant asserts that he believes "there was a deliberate attempt to circumvent the law" and that "at least $15,000 of tribal funds were misappropriated . . . ."

The "Fact Sheet" submitted by Mr. Seaboy discusses, inter alia, five $1000 cashiers checks assertedly delivered to the Andrews campaign as contributions from individuals and five $1000 bills allegedly handcarried to the Abnor campaign office again as contributions from another group of individuals. The complainant states that one of the latter persons, Maynard Bernard, "did not make a $1000 contribution, nor did he give anyone permission to use his name," a statement supported by Mr. Bernard's own response in MUR 2274. The complainant in the present matter alleges in effect that all of the monies came from the Tribe's Land Acquisition Account.

Given the overlapping of allegations and respondents in the present matter with those involved in MUR's 2274 and 2283, this Office will prepare a consolidated General Counsel's Report recommending that the three matters be merged and specific determinations be made. Such a report will be submitted to the Commission in the near future.

Charles N. Steele
General Counsel

12-30-86
Date

BY: Lois G. Lerner
Associate General Counsel

2140310306

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MWE MARJORIE W. EMMONS/JOSHUA MCFADDEN JM

DATE: JANUARY 5, 1987

SUBJECT: MUR 2302 - FIRST GENERAL COUNSEL'S REPORT SIGNED DECEMBER 30, 1986

The above-captioned matter was received in the Office of the Secretary of the Commission Wednesday, December 31, 1986 at 11:32 A.M. and circulated to the Commission on a 24-hour no-objection basis Wednesday, December 31, 1986 at 4:00 P.M.

There were no objections received in the Office of the Secretary of the Commission to the First General Counsel's Report at the time of the deadline.

(Please note that due to suspension of deadlines on voting, the deadline for this matter was at 4:00 p.m. on Monday, January 5, 1987.)

2140310007

MARK ANDREWS
UNITED STATES SENATOR
NORTH DAKOTA

RECEIVED AT THE FEC
QCC# 2397
87 JAN 5 AM 9:43
JAN 5 AM 9:43
GENERAL COUNSEL

December 30, 1986

Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2302

Dear Mr. Steele:

I have your letter of December 23, 1986. I refer you to the information we filed on November 12, 1986, in response to an earlier complaint on this matter. Let me add further that in response to the "Fact Sheet" submitted in the most recent complaint, I have checked again with Mr. Russell Hawkins, the Chairman of the Tribe, who assures me that the monies contributed to my campaign were non-Federal monies, that they were not, as the Fact Sheet alleges, cashiers checks, but rather Postal Money Orders. This secondary complaint by Mr. Seaboy represents nothing more than inter-tribal politics.

I would suggest that you could check with the Tribe or their attorneys to verify this information given to me by their Chairman.

Sincerely,

MARK ANDREWS

To the best of my knowledge and belief, I swear that the above information as related to me by Russell Hawkins is true and correct.

MARK ANDREWS

Sworn to before me this 30th day
of December, 1986 at Washington, D.C.

Notary Public

NOT PRINTED AT GOVERNMENT EXPENSE

RECEIVED AT THE FEC
GCC# 2402
87 JAN 5 A9:35

December 31, 1986

RECEIVED
GENERAL COUNSEL
87 JAN 5 A10:42

Mr. Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, N. W.
Washington, D. C. 20463

Re: MUR 2302

Dear Mr. Steele:

On behalf of myself, Senator Mark Andrews, and his principal campaign committee, the People for Mark Andrews Committee, we are filing this response with the Federal Election Commission.

The allegations to this complaint are untrue and no action should be taken against me or the People for Mark Andrews Committee. The allegation that our Committee recieved cashier checks issued by the Sisseton Wahpeton Federal Credit Union is incorrect, for we received money orders.

Please refer to MUR 2283 that we filed with you on November 12, 1986. That response gives the detailed information to this whole matter.

Again, based upon the facts in response MUR 2283 and MUR 2302, the Commission should find no reason to believe these allegations against Senator Andrews, myself or his Committee and close the file.

Respectfully submitted,

Robert C. Rust

Robert C. Rust, Treasurer
People for Mark Andrews Committee

I swear to the best of my knowledge and belief, that the above is fact and true.

Robert C. Rust

Robert C. Rust, Treasurer

JACK R. STRICKLAND
Notary Public, CASS COUNTY, N. DAK.
My Commission Expires AUGUST 15, 1987

Jack R Strickland

21040831009

DEPOSIT TICKET 77-3/913

THE RE-ELECT SENATOR
MARK ANDREWS COMMITTEE

THE FARGO NATIONAL BANK
AND TRUST COMPANY
MAIN AT BROADWAY & VILLAGE WEST
FARGO, NORTH DAKOTA 58124

DATE 12-2-85

	DOLLARS	CENTS
CURRENCY		
COIN		
CHECKS LIST EACH SEPARATELY		
1 Jerry Tibbetts	500	—
2 Jerry Tibbetts	500	—
3 Michael Swanson	500	—
4 Michael Swanson	500	—
5 Felix Kenville Jr	500	—
6 Felix Kenville Jr	500	—
7 Grady Kenville	500	—
8 Grady Kenville	500	—
9 Russell Hawkins	500	—
10 Russell Hawkins	500	—
11 R & J Sagvolden	50	—
12 Raymond Skokem	25	—
13 P.E. Bankirer	50	—
14 Harry Mowbray	50	—
15 Howard Bird	50	—
16 Howard Dodgson	25	—
17 Casey Cady	50	—
18 Mark Hilstad	100	—
19 Am. Bankers Assn	2500	—
20		
21		
22		
23		
24		
25		
26		
27		
TOTAL FROM OTHER SIDE OR ATTACHED LIST		
PLEASE RE-ENTER TOTAL HERE TOTAL	7900	—

Checks and other items are received for deposit subject to the provisions of the Uniform Commercial Code or any applicable collection agreement

7900

⑈09730003611⑈ 37 824 0⑈ 220FNBT12-02-85#213 $7,900.00 D

⑈0000790000⑈

UNITED STATES OF AMERICA POSTAL MONEY ORDER

4950438268 851127 581020 500*00

Pay to the Order of Sen Mark Andrews
Federal Bldg
Fargo ND

From Felix Renville Jr
Just P.O. 509 57262
Agency Village SD

:000800 20: 3495043826 8" 00000 50000"

UNITED STATES OF AMERICA POSTAL MONEY ORDER

3495043824 6 851127 581020 500*00

Pay to the Order of Sen Mark Andrews
Federal Bldg
Fargo, ND

From Grady Renville
SWST
Agency Village SD 57262

:000800 20: 3495043826" 00000 50000"

UNITED STATES OF AMERICA POSTAL MONEY ORDER

4950438303 851127 581020 500*00

Pay to the Order of People for Mark Andrews
Box 1773
Fargo ND 58107

From Felix Renville Jr
Just P.O. 509 57262
Agency Village S.D.

:000800 20: 3495043830 3" 00000 50000"

UNITED STATES OF AMERICA POSTAL MONEY ORDER

3495043822 4 851127 581020 500*00

Pay to the Order of People for Mark Andrews
Box 1773
Fargo ND 58107

From Russell Hawkins
SWST PO 509 57262
Agency Village SD

:000800 20: 3495043822 4" 00000 50000"

UNITED STATES OF AMERICA POSTAL MONEY ORDER

4950438257 851127 581020 500*00

Pay to the Order of Sen Mark Andrews
Federal Bldg
Fargo ND

From Grady Renville
SWST
Agency Village, SD 57262

:000800 20: 3495043825 7" 00000 50000"

UNITED STATES OF AMERICA POSTAL MONEY ORDER

3495043823 5 851127 581020 500*00

Pay to the Order of People for Mark Andrews
Box 1773
Fargo ND 58107

From Russell Hawkins
SWST PO 509 57262
Agency Village SD

:000800 20: 3495043823 5" 00000 50000"

UNITED STATES OF AMERICA POSTAL MONEY ORDER

34950438314 851127 581020 500*00

PAY TO People for Mark Andrews
Fargo N. Dak
MONEY ORDER

FROM Jerry Fluge
Sisseton-Wahpeton Sioux
Agency Village
S Dak 57262

:00000800 2: 34950438314 :00000 50000

UNITED STATES OF AMERICA POSTAL MONEY ORDER

34950438292 851127 581020 500*00

PAY TO People for Mark Andrews
Fargo NDak
MONEY ORDER

FROM Jerry Fluge
Sisseton-Wahpeton Sioux
Agency Village
South Dakota 57262

:00000800 2: 34950438292 :00000 50000

UNITED STATES OF AMERICA POSTAL MONEY ORDER

34950438270 851127 581020 500*00

PAY TO People for Mark Andrews
Box 1773
Fargo, ND 58107
MONEY ORDER

FROM Michael Simons
Sisseton-Wahpeton Sioux Tribe
Agency Village, SD 57262

:00000800 2: 34950438270 :00000 50000

UNITED STATES OF AMERICA POSTAL MONEY ORDER

34950438281 851127 581020 500*00

PAY TO People for Mark Andrews
Box 1773
Fargo, ND 58107
MONEY ORDER

FROM Michael Simons
Sisseton-Wahpeton Sioux Tribe
Agency Village, SD 57262

:00000800 2: 34950438281 :00000 50000

QCC#2414

BEFORE THE

FEDERAL ELECTION COMMISSION

JAN 7 P2:10

In re:

Complaint of **MUR 2302**

Edward D. Seaboy, Jr.

In response to the complaint filed by Mr. Edward D. Seaboy, Jr., dated November 28, 1986, and incorporating the allegations of the South Dakota Democratic Party (presumably MUR 2274), the Friends of Jim Abdnor respond as follows:

1. Attention is directed to the response to MUR 2274 heretofore filed on November 18, 1986, such response being incorporated by reference.

2. No new information concerning contributions to Friends of Jim Abdnor are contained in Mr. Seaboy's complaint and the attached "fact sheet"; the allegations of the later not being under oath.

3. No cash contributions as alleged in the "fact sheet" were received by the Friends of Jim Abdnor, but on the contrary, Credit Union Money Orders were received from the five persons designated, John Two Stars, Sr., Edward Williams, Maynard Bernard, David Selvage and Gerald Heminger, Sr. See attached photo copy of said Credit Union Money Orders, No. 353 3220 100, 353 3220 101, 353 3220 103, 353 3220 104 and 353 3220 105.

2140313

4. Said contributions still remain in an escrow account as stated in the response to MUR 2274.

James F. Schoener

James F. Schoener
Counsel to Respondents
1015 Fifteenth Street, N.W.
Suite 1200
Washington, D.C. 20005
Telephone: (202) 789-8640

Dated at Washington, D.C.
5 January 1987

2140831014

Travelers Express Company Inc. 353 3220 104

CREDIT UNION MONEY ORDER

DATE 9/3/86

PAY TO THE ORDER OF FRIENDS OF JIM ABDNOR

NOT VALID FOR OVER ONE THOUSAND UNITED STATES DOLLARS

TRAVELERS 1108 1000 DOLS 00 CTS

AMOUNT SUBJECT TO CONTRACT REFERRED TO ON REVERSE

Payable thru Norwest Bank Faribault, N.A. Faribault, MN

JOHN TWO STARS SR. PURCHASER, SIGNER FOR DRAWER

BOX 507, SISSETON, S.D. PURCHASER'S ADDRESS

⑆091900533⑆ 353 3220 1044⑈ 90

Travelers Express Company Inc. 353 3220 101

CREDIT UNION MONEY ORDER

DATE 9/3/86

PAY TO THE ORDER OF FRIENDS OF JIM ABDNOR

NOT VALID FOR OVER ONE THOUSAND UNITED STATES DOLLARS

TRAVELERS 1108 1000 DOLS 00 CTS

AMOUNT SUBJECT TO CONTRACT REFERRED TO ON REVERSE

Payable thru Norwest Bank Faribault, N.A. Faribault, MN

EDWARD WILLIAMS PURCHASER, SIGNER FOR DRAWER

RT. 2, SISSETON, S.D. PURCHASER'S ADDRESS

⑆091900533⑆ 353 3220 1017⑈ 90

Travelers Express Company Inc. 353 3220 100

CREDIT UNION MONEY ORDER

DATE 9/3/86

PAY TO THE ORDER OF FRIENDS OF JIM ABDNOR

NOT VALID FOR OVER ONE THOUSAND UNITED STATES DOLLARS

TRAVELERS 1108 1000 DOLS 00 CTS

AMOUNT SUBJECT TO CONTRACT REFERRED TO ON REVERSE

Payable thru Norwest Bank Faribault, N.A. Faribault, MN

MAYNARD BERNARD PURCHASER, SIGNER FOR DRAWER

RR 1, GRENVILLE, S.D. PURCHASER'S ADDRESS

⑆091900533⑆ 353 3220 1008⑈ 90

SEP 10 1986

Travelers Express Company Inc. 353 3220 105

CREDIT UNION MONEY ORDER

DATE 9/3/86

PAY TO THE ORDER OF FRIENDS OF JIM ABDNOR

NOT VALID FOR OVER ONE THOUSAND UNITED STATES DOLLARS

David Selvage TRAVELERS 1108 1000 DOLS 00 CTS

Travelers Express Company Inc. CREDIT UNION MONEY ORDER 353 3220 103

DATE 9/3/86

PAY TO THE ORDER OF FRIENDS OF JIM ABDNOR

NOT VALID FOR OVER ONE THOUSAND UNITED STATES DOLLARS

TRAVELERS 1108 1000 DOLS 00 CTS

SUBJECT TO CONTRACT REFERRED TO ON REVERSE

Payable thru Norwest Bank Faribault, N.A. Faribault, MN

GERALD HEMINGER SR. PURCHASER, SIGNER FOR DRAWER

R.R. 1, PEEVER, S.D. PURCHASER'S ADDRESS

RECEIVED AT THE FEC
QCC#2455
87 JAN 12 A9:29

87 JAN 12 A10:33
RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, NW
Washington, D. C. 20463

Addendum to MUR 2302 and MUR 2283

Dear Mr. Steele:

Enclosed are photo copies of ten Postal Money Orders that we received from the individuals that were in question in this complaint. As it is apparent these are not Credit Union cashiers checks. I am also enclosing a copy of our deposit slip which verifies that we deposited these money orders on December 2, 1985. No further money was ever received from these people.

These allegations are indeed a misstatement of fact and this file should be closed.

Respectfully submitted,

Lorraine Losness

Lorraine Losness, Assistant Treasurer
People for Mark Andrews Committee

2104031016

RECEIVED AT THE FEC
87 JAN 12 P1:07

BERTRAM E. HIRSCH
ATTORNEY AT LAW

81-33 258TH STREET
FLORAL PARK, NEW YORK 11004

(718) 347-3022

January 7, 1986

RECEIVED
GENERAL COUNSEL
JAN 12 P4:28

Mr. Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Lois G. Lerner, Associate General Counsel
Anne Weissenborn, Esq.

Re: MUR 2302

Dear Mr. Steele,

I am writing in response to your respective letters of December 23, 1986 to the Sisseton-Wahpeton Sioux Tribal Council, Jerry Flute, Russell Hawkins, Gerald Heminger, Sr., Felix Renville, Grady Renville, David Shlvage, Michael Simon and Edward Williams regarding MUR 2302. The Tribal Council and each of the named individuals have requested that I represent them in this matter and respond to you December 23 letter. I just today received in the mail copies of your December 23 letter together with the attached documents.

The letter of November 28, 1986 from Edward D. Seaboy, Jr. to you, upon which MUR 2302 is based, purports to deal with matters presently before the Commission in MUR 2274 and MUR 2283.

In the interests of curtailing a multiplicity of complaints covering the same subject matter, a circumstance unfair to the respondents, MUR 2302 should be dismissed. Inasmuch as the subject matter of MUR 2302 is completely covered by MUR 2274 and MUR 2283, it would serve no useful purpose to proceed with MUR 2302.

More significantly, MUR 2302 should be dismissed because it is based entirely on hearsay. The "complaint" does not in any respect comply with the requirement of 11 C.F.R. 111.4(b)(2), (c), (d)(2) and (d)(4). The so-called "Fact Sheet" is not part of the notarized statement and is filled with supposition, conjecture and purported accounts of "facts" that are not even identified as having been given to Mr. Seaboy. In other words, the "complaint" is loaded with hearsay that is at least once, twice or even more removed.

Sincerely,

Bertram E. Hirsch

BERTRAM E. HIRSCH

2140331017

GGC#4465

RECEIVED AT THE FEC

87 JAN 12 P12:50

January 5, 1987

Charles Steele
General Counsel

RE: MUR 2302

87 JAN 12 P4:44

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Dear Mr. Steele:

I received your letter 12-29-86. I have the oppurtunity to demonstrate in writing. In condure to the fact sheet of Mr. Edward Seaboy's complaint. I Mr. Maynard Bernard dully swear that these statments are true. Maybe telling the truth may hurt me in the future with any tribal government fundings, but I really don't care because I sooner tell the truth then to purjure myself.

If you have any questions please feel free to contact me.

Thank you

Maynard Bernard

Maynard Bernard

2140310013

SENSITIVE

27 FEB 9 P 1:08
FEC MAIL CENTER

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Sisseton-Wahpeton Sioux Tribe	)	
Friends of U.S. Senator	)	
Jim Abdnor	)	
Cleo Urban and Mary Weise,	)	
as treasurer	)	MURs 2274, 2283, and 2302
The Honorable James Abdnor	)	
People for Mark Andrews Committee	)	
Robert C. Rust, as treasuer	)	
The Honorable Mark Andrews	)	
Maynard Bernard	)	
Gerald Heminger, Sr.	)	
David Selvage	)	
John Two Stars, Sr.	)	
Edward Williams	)	
Jerry Flute	)	
Russell Hawkins	)	
Felix Renville, Jr.	)	
Grady Renville	)	
Michael Simon	)	

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GENERAL COUNSEL'S REPORT

I. BACKGROUND

This report addresses the allegations contained in three separate complaints filed with the Commission concerning the making of contributions by the Sisseton-Wahpeton Sioux Tribe ("the Tribe") to Friends of U.S. Senator Jim Abdnor ("the Abdnor Committee") and to the People for Mark Andrews Committee ("the Andrews Committee"). It is alleged that contributions of $5,000 to each of these committees were made using tribal monies but that they were given, and reported, as being $1,000 contributions from individuals. The three complaints involved were filed by the South Dakota Democratic Party (MUR 2274), the North Dakota Democratic Party (MUR 2283), and Edward D. Seaboy, a member of the Sisseton-Wahpeton Sioux Tribe (MUR 2302).

LEGAL ANALYSIS

a. Adequacy of Complaint in MUR 2302

Council for the Tribe and for nine individual respondents, in his respone to MUR 2302, has objected to the complaint in that matter, stating that "it is based entirely on hearsay." (See Attachment 1). Counsel specifically alleges that the complaint does not comply with the requirements of 11 C.F.R. § 111.4(b)(2), (c), (d)(2) and (d)(4).

11 C.F.R. § 111.4(b)(2) requires that "(t)he contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized." The complaint in MUR 2302 is sworn to, signed and notarized in compliance with the regulation. Counsel's objection apparently goes to the "Fact Sheet" accompanying the complaint which he argues is not part of the notarized statement. The Fact Sheet is, however, cited in the language which proceeds the complainant's signature and the notarization. Therefore, this Office finds that the Fact Sheet is incorporated into the complaint.

11 C.F.R. § 111.4(c) states that a complaint "should differentiate between statements based upon personal knowledge and statement based upon information and belief." Counsel argues that the "'facts'" in the complaint "are not even identified as having been given to Mr. Seaboy."

The Commission's regulations which govern the filing of proper complaints contain both absolute requirements, i.e., ones with which a complaint "shall" comply, and a series of requests

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or preferences regarding information which a complainant "should" provide. Section 111.4(c) falls within the latter category. In the present instance the complainant does not expressly set forth the basis for his allegations; however, he identifies himself as a member of the Tribe and provides detailed factual allegations which appear at the least to constitute "information and belief."

11 C.F.R. § 111.4(d)(2) states that "(s)tatements which are not based upon personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainant's belief in the truth of such statements." Again, this section of the regulations comes within the "should" category. And, while the complainant does not expressly state the source or sources of his information, he names specific individuals are potential contacts for the Commission, and cites enough dates, places and other names of individuals to indicate that the sources of his information were numerous and cumulative.

Finally, 11 C.F.R. § 111.4(d)(4) states that a complaint should be accompanied by any documents supporting the facts, if available. Once more, this is not an absolute requirement; however, the complainant has attached to his complaint a copy of a cashiers check dated June 30, 1986, for $5000 apparently remitted by Russell Hawkins, one of the respondents in this matter, to the Sisseton-Wahpeton Sioux Tribe/Land Acquisition account as replacement for a non-federal contribution made with Tribal funds, as well as a copy of the Tribe's Constitution and By-laws.

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b. Discussion of Complaints

All of the complaints cite the proceedings of the Sisseton-Wahpeton Sioux Tribe's September 2-3, 1986, council meeting at which the council approved, inter alia, a Motion No. 22. This motion provided for the contribution of $5,000 to Senator Abdnor, with the monies to come from the "Land Acquisition Account." This same Motion also referred to "the Senator Andrews contribution" which was to be "refunded" if a particular Senate Bill passed. According to the complaint in MUR 2302, "the Land Acquisition Account is money specifically earmarked for land acquisition pursuant to a plan approved by Congress for use of claim money received as a result of an Indian Land Claim payment. The money was appropriated by Congress from the U.S. Treasury."

1. Contributions to the Andrews Committee

The complaint filed in MUR 2283 indicates that $5,000 was given to the Andrews Committee by the Tribe after the Tribal Council meeting in September, 1986, cited above. However, the complaint in MUR 2302 indicates that $5,000 was delivered to the Andrews Committee during the winter of 1985-86, long before the September council meeting, a scenario supported by reports filed by the Andrews Committee with the Commission and by the response to the complaint received from that committee. According to the complainant in MUR 2302, five envelopes containing cashiers checks made out to the Andrews campaign were discovered by an individual, Vernon Crawford, on an unspecified day that winter blowing in the snow. The five checks involved had been issued by the Sisseton Wahpeton Credit Union and had "'supposedly' [been]

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purchased by Russell Hawkins, Tribal Chairman; Felix Renville, Tribal Secretary; Grady Renville, Old Agency Councilman; Mike Simon, Long Hollow Councilman; and Jerry Flute, former Tribal Chairman." The checks were apparently delivered by Mr. Crawford to the manager of the credit union, Dick Stewart.

In his response to the complaint in MUR 2283 the treasurer of the Andrews Committee, Robert C. Rust, states that

> (i)n December of 1985, Senator Andrews met with a group of individuals who were members of the Sisseton Wahpeton Sioux Tribe ('the Tribe') in his office in North Dakota. At this meeting five of the individuals wanted to make contributions totalling $5000 in cash. Senator Andrews politely thanked the individuals but explained the FECA prohibited the acceptance of cash contributions of over $100. The Senator was then asked how a legal contribution could be made. He explained that individuals could give up to $1000 each per election and such contributions must be in the form of a personal check or money order....
>
> Later that day five of the individuals returned to the Senator's office and stated they each wanted to make a contribution of $1,000 to the Senator's campaign. Each individual produced a money order for $1,000." (Attachment 2).

The Andrews Committee reported itemized contributions of $1000 each as received on December 2, 1985, from Jerry Flute, Michael Simon, Felix Renville, Jr., Grady Renville and Russell Hawkins, the same five names listed by the complainant in MUR 2302 as having been the asserted "purchasers" of the cashiers checks cited in his complaint. The Committee notes that these contributions were received ten months before the council's vote on Motion 22 discussed in the complaints. Copies of the money orders have been produced. (Attachment 3).

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The response to the complaint in MUR 2283 received from counsel for the Sisseton-Wahpeton Sioux Tribe, Jerry Flute, Russell Hawkins, Felix Renville, Jr., Grady Renville, and Michael Simon does not deny the allegations in the complaint and asks to enter into negotiations with the Commission directed toward reaching a conciliation agreement. (Attachment 4).

Many factual questions remain to be answered. The relationship between the money orders cited by the Andrews Committee and the cashiers checks discussed by the complainant in MUR 2302 is not clear, i.e., whether one form of payment was substituted for another or whether someone is mistaken as to the initial nature of the instrument used. It is also not possible to ascertain from the evidence in hand whether the original payments involved personal funds of the five individuals or tribal funds, and, if personal funds were used, whether the individuals were ever in fact reimbursed by the tribe. Motion 22 as approved at the September, 1986, council meeting does not state who or what was to be reimbursed. On the other hand, the cashiers checks assertedly found in the winter of 1985-86 were all issued by the tribal credit union and apparently bore the names of the same persons who later presented money orders to the Andrews campaign in the same amounts per person as the cashiers checks. And, by approving Motion 22, the tribal council did apparently approve some form of reimbursement from tribal funds.

The information in hand is, however, sufficient to support a finding of reason to believe that the Sisseton-Wahpeton Sioux Tribe has violated 2 U.S.C. § 441a(a)(1)(A) by making an

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excessive contribution of $5,000 to the Andrews Committee and 2 U.S.C. § 441f by making this contribution in the names of others. There is also evidence to support a finding of reason to believe that Jerry Flute, Michael Simon, Felix Renville, Jr., Grady Renville and Russell Hawkins permitted their names to be used in the making of the Tribe's contribution to the Andrews Committee in violation of 2 U.S.C. § 441f. This Office recommends that the Commission make such determinations.

Given the need for additional information in order to establish the facts in this matter, this Office recommends that the Commission deny the respondents' request for conciliation at this time. In order to secure the needed information, this Office recommends that the Commission approve the attached requests for documents and questions to be sent to the Tribe and to the five individual respondents cited above.

As regards the recipient committee and candidate, this Office recommends that the Commission find no reason to believe at this time that the Honorable Mark Andrews or the Friends of Mark Andrews Committee violated 2 U.S.C. § 441a(f) or 2 U.S.C. § 441f by accepting excessive contributions or contributions made in the names of others. There is no evidence in hand that the Committee knew that the $1,000 contributions which it reported as received from five individuals in December, 1985 consisted of tribal funds, if, indeed, they did.

2. Contributions to the Abdnor Committee

As noted above, Motion 22 approved at the September, 1986 council meeting involved the making of a $5,000 contribution to

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the Abdnor campaign. The complainant in MUR 2302 states that seven named council members, Ed Williams, Old Agency Councilman; John Two Stars, Sr., Old Agency Councilman; Gerald Heminger, Big Coulee Councilman; David Selvage, Lake Traverse Councilman; Grady Renville, Old Agency Councilman; Russell Hawkins; and Felix Renville, plus Gary Waubaunsee, Service Unit Director of the Indian Health Service, Sisseton, delivered five $1,000 bills to the Abdnor Committee in Aberdeen, South Dakota.

The Committee reported receiving $1,000 contributions on September 10, 1986, from Maynard Bernard, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams. In his response to the complaint in MUR 2274 counsel for the Committee states that the contributions were made by means of money order and that, because they were received in this form, the treasurer made further inquiry. The same response goes on to state that the treasurer was assured by Russell Hawkins, tribal leader, that the contributions came from the personal funds of the individual contributors. When the committee received notification of the complaint in MUR 2274, the funds assertedly were placed in an escrow account. (Attachment 5). In his later response to the complaint in MUR 2203, counsel reiterates that the monies were received in the form of money orders. Copies of these money orders have been provided. (Attachment 6).

Counsel for the Tribe and for Gerald Henninger, Sr., David L. Selvage, John Two Stars, Sr., and Edward Williams, in his response to the complaint in MUR 2274, does not deny the

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allegations contained therein, but requests conciliation. (Attachment 4).

Maynard Bernard, one of the individuals reported as a contributor by the Abdnor Committee and cited as a respondent, has written personally to state that, while he voted for Motion 22, he did not attend the meeting with Senator Abdnor on September 10 and that he did not make a contribution. "(M)y name was used without my permission." (Attachment 7).

Given the language of Motion 22 and Mr. Bernard's denial, there is evidence in hand to support a finding of reason to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. § 44la(a)(1)(A) by making an excessive contribution of $5,000 to the Abdnor Committee and 2 U.S.C. § 441f by making that contribution in the names of others. There is also evidence that at least Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams were involved in the making of this contribution and permitted their names to be used in violation of 2 U.S.C. § 441f.

Again, additional information is needed before conciliation agreements can be drafted. This Office therefore recommends that the Commission deny at this time respondents' requests through counsel for conciliation negotiations pending receipt of additional information, and that the Commission approve the attached requests for documents and for answers to questions to be sent to the Tribe and to the individuals apparently

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involved in the contribution(s) to the Abdnor campaign. 1/

In light of Mr. Bernard's denial that he gave permission for his name to be used, this Office recommends that the Commission find no reason to believe at this time that he violated 2 U.S.C. § 441f.

There is also no evidence presently in hand that the Abdnor Committee was aware that the five $1000 contributions it reported as received from individuals on September 10 were an excessive contribution made with tribal funds. According to counsel for the Committee, the treasurer questioned the source of the funds and was reassured that they were from individuals. Thus this Office recommends that the Commission find no reason to believe at this time that the Honorable James Abdnor or the Friends of U.S. Senator Jim Abdnor and Cleo Urban and Mary Weise, as co-treasurer, violated 2 U.S.C. § 441f and 2 U.S.C. § 441a(f).

c. Contributions to Other Campaigns

The complainant in MUR 2302 states that "(t)here is a possibility that other contributions may have been made to

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1/ The questions which this Office proposes sending to Russell Hawkins address contributions to both the Andrews and Abdnor campaigns. They also deal with other areas of inquiry such as the authority of Mr. Hawkins, as tribal leader, to authorize expenditures and whether or not he authorized the use of tribal funds for contributions to the campaigns here at issue. Although Mr. Hawkins was not reported as an individual contributor to the Abdnor Committee, as he was to the Andrews Committee, he allegedly was one of the group of individuals who went to the Abdnor office in September, 1986. Given his involvement with the contributions to both committees and his role as tribal leader, there is a basis for asking more extensive questions of him than of other individuals involved.

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congressmen from Arizona." A review of reports filed by federal candidates from Arizona in 1985 and 1986 has not revealed any contributions which appear to have been made by the Tribe or by individual members of the Tribe.

c. Merger of MURs 2274, 2283 and 2302

Given the identity of respondents and issues in the three matters addressed in this report, this Office recommends that they be merged into a single matter.

RECOMMENDATIONS

1. Merge MURs 2274, 2283 and 2302.

2. Find reason to believe that the Sisseton/Wahpeton Sioux Tribe violated 2 U.S.C. § 441a(a)(1)(A).

3. Find reason to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. § 441f.

4. Find reason to believe that Russell Hawkins, Felix Renville, Jr., Grady Renville, Michael Simon, Jerry Flute, Gerald Henninger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams violated 2 U.S.C. § 441f.

5. Find no reason to believe at this time that Maynard Bernard violated 2 U.S.C. § 441f.

6. Find no reason to believe at this time that the Honorable James Abdnor or Friends of U.S. Senator Jim Abdnor and Cleo Urban and Mary Weise, as co-treasurers, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 441f.

7. Find no reason to believe at this time that the Honorable Mark Andrews or People for Mark Andrews Committee and Robert C. Rust, as treasurer, violated 2 U.S.C. § 441f and 2 U.S.C. § 441a(f).

8. Approve the attached letters.

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9. Approve the attached requests for documents and answers to questions to be sent to the Sisseton-Wahpeton Sioux Tribe and nine individual respondents.

Charles N. Steele
General Counsel

Date 2/9/87

By: Lawrence M. Noble
Deputy General Counsel

Attachments

1. Response on behalf of Tribe and nine individuals to MUR 2302
2. Response from Andrews Committee to MUR 2283
3. Copies of money orders furnished by Andrews Committee
4. Response on behalf of Tribe and nine individuals to MUR 2274 and MUR 2283
5. Response on behalf of Abdnor Committee to MUR 2274
6. Response on behalf of Abdnor Committee to MUR 2302
7. Response from Maynard Bernard
8. Letters to respondents (13)
9. Request for Documents to be sent to the Sisseton-Wahpeton Sioux Tribe
10. Requests for Answers to Questions to be sent to individuals (9)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Sisseton-Wahpeton Sioux Tribe	)	
Friends of U.S. Senator	)	
Jim Abdnor	)	
Cleo Urban and Mary Weise,	)	
as treasurers	)	MURs 2274, 2283, and 2302
The Honorable James Abdnor	)	
People for Mark Andrews Committee	)	
Robert C. Rust, as treasurer	)	
The Honorable Mark Andrews	)	
Maynard Bernard	)	
Gerald Heminger, Sr.	)	
David Selvage	)	
John Two Stars, Sr.	)	
Edward Williams	)	
Jerry Flute	)	
Russell Hawkins	)	
Felix Renville, Jr.	)	
Grady Renville	)	
Michael Simon	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 11, 1987, the Commission decided by a vote of 5-0 to take the following actions in MURs 2274, 2283, and 2302:

1. Merge MURs 2274, 2283 and 2302, as recommended in the General Counsel's Report signed February 9, 1987.

2. Find reason to believe that the Sisseton/ Wahpeton Sioux Tribe violated 2 U.S.C. § 441a(a)(1)(A).

3. Find reason to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. § 441f.

(continue)

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4. Find reason to believe that Russell Hawkins, Felix Renville, Jr., Grady Renville, Michael Simon, Jerry Flute, Gerald Henninger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams violated 2 U.S.C. § 441f.

5. Find no reason to believe at this time that Maynard Bernard violated 2 U.S.C. § 441f.

6. Find no reason to believe at this time that the Honorable James Abdnor or Friends of U.S. Senator Jim Abdnor and Cleo Urban and Mary Weise, as co-treasurers, violated 2 U.S.C. § 441a(f) and 2 U.S.C. § 441f.

7. Find no reason to believe at this time that the Honorable Mark Andrews or People for Mark Andrews Committee and Robert C. Rust, as treasurer, violated 2 U.S.C. § 441f and 2 U.S.C. § 441a(f).

8. Approve the letters, as recommended in the General Counsel's Report signed February 9, 1987.

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9. Approve the requests for documents and answers to questions to be sent to the Sisseton-Wahpeton Sioux Tribe and nine individual respondents, as recommended in the General Counsel's Report signed February 9, 1987.

Commissioners Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision.

Commissioner Aikens did not cast a vote.

Attest:

corrected cert.
2/17/87
Date

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 2-9-87, 1:08
Circulated on 48 hour tally basis: Mon., 2-9-87, 4:00
Deadline for vote: Wed., 2-11-87, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Robert C. Rust, Treasurer
People for Mark Andrews Committee
P.O. Box 1773
Fargo, North Dakota 58107

MURs 2283 and 2302

Dear Mr. Rust:

On October 31 and December 23, 1986, the Commission notified you of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 11, 1987, determined that on the basis of the information in the complaints and information which you provided, there is no reason to believe at this time that a violation has been committed by the People for Mark Andrews Committee or yourself as treasurer. Unless notified of reconsideration by the Commission, you may consider the files closed in these matters as they pertain to you and the Committee.

For your information, the Commission voted to merge the above-cited matters which will henceforth hear the designation MUR 2302.

This matter will become part of the public record within thirty days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will inform you when the complete file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 25, 1987

James F. Schoener, Esquire
1015 15th Street, N.W.
Washington, D.C. 20005

MURs 2274 and 2302
The Honorable James Abdnor
Friends of U.S. Senator
Jim Abdnor
Cleo Urban and Mary Wiese
as co-treasurers

Dear Mr. Schoener:

On October 27 and December 23, 1986, the Commission notified your clients of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 11, 1987, determined that on the basis of the information in the complaints and information which you provided, there is no reason to believe at this time that a violation has been committed by your clients. Unless notified of reconsideration by the Commission, you may consider the files closed in these matters as they pertain to your clients.

For your information, the Commission voted to merge the above-cited matters which will henceforth hear the designation MUR 2302.

This matter will become part of the public record within thirty days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will inform you when the complete file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Maynard Bernard
R.R. 1
Grenville, South Dakota 57239

MUR's 2274 and 2302

Dear Mr. Bernard:

On October 27 and December 23, 1986, the Commission notified you of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 11, 1987, determined that on the basis of the information in the complaints and information which you provided, there is no reason to believe at this time that you violated the Act. Unless notified of reconsideration by the Commission, you may consider the files closed in these matters as they pertain to you.

For your information, the Commission voted to merge the above-cited matters which will henceforth hear the designation MUR 2302.

This matter will become part of the public record within thirty days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will inform you when the complete file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2283,and 2302
Russell Hawkins

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 31 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and of information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f, a provision of the Act. Specifically, it appears that Mr. Hawkins permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to the People for Mark Andrews Committee.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

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Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

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Russell Hawkins: Please submit answers to the following questions:

1. Do you have a position of leadership in the Sisseton-Wahpeton Sioux Tribe ("the Tribe")? If so, please specify your position.

2. Do you have the authority to make expenditures, either directly or indirectly, from accounts of the Tribe?

3. Please identify by name and title all persons who made up the executive committee of the Tribal Council during 1985 and 1986. What authority does the executive committee have to make expenditures, either directly or indirectly, from accounts of the Tribe?

4. Please outline the procedures involved in the authorization and making of expenditures from accounts of the Tribe.

5. Did you attend a meeting with Senator Mark Andrews at his office in North Dakota on or about December 2, 1985?

6. If you were present at the meeting cited at #5 above, please name the other individuals who attended the meeting.

7. Did you personally offer to make a cash contribution to Senator Andrews' campaign at the meeting on December 2 cited at #1 above? How much cash were you prepared to contribute?

8. If you personally offered to make a cash contribution to Senator Andrews' campaign on or about December 2, 1985, did you have the cash with you at the time the offer was made?

9. If you personally did have the cash with you, where or how had you obtained it? (If the cash came from your personal bank account, please submit a copy of the relevant bank statement showing such a withdrawal.)

10. If the cash came from a source other than your own personal account, please name the source of the cash.

11. Did other individuals at the meeting with Senator Andrews on or about December 2, 1985, offer to make cash contributions to the Andrews campaign?

12. If such offers of cash contributions were made by other individuals at the meeting cited at #11 above, what was the source of the cash offered by the other individuals?

13. Did you authorize the use of funds from an account held by the Tribe to make these cash contributions? Did the funds come from such an account?

14. Were you and the other individuals at the meeting with Senator Andrews cited at #5 and #11 above told by Senator Andrews that his committee could not accept cash contributions in excess of $100?

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15. After leaving Senator Andrews' office the first time on or about December 2, 1985, did you personally purchase money orders totaling $1000 for purposes of making a contribution to the Andrews campaign?

16. If you did purchase a money order on the date and for the purpose cited at #15 above, what money did you use to make the purchase?

17. Did any of the other individuals who attended the meeting with Senator Andrews on or about December 2, 1985, purchase money orders after leaving the Andrews office for purposes of making a contribution to the Andrews campaign? Did these individuals include Jerry Flute, Felix Renville, Grady Renville and Michael Simon?

18. If other individuals purchased money orders on the date and purpose cited at #17 above, what money did they use to make the purchases?

19. Did you personally return to Senator Andrews' office on or about December 2, 1985, with money orders?

20. Did other individuals accompany you on a return visit to Senator Andrews' office on or about December 2, 1985, to make contributions to the Andrews campaign with money orders? Did they include the individuals named at #17 above?

21. Did you personally complete the information on any of the money orders used to make contributions to the Andrews campaign, including making them payable to the Andrews' committee?

22. If the money used to purchase the money orders which you personally delivered to Senator Andrews' office came originally from your personal funds, did you make the contribution with the understanding that you would be reimbursed by the Tribe?

23. If the money used to purchase the money orders which you personally delivered to Senator Andrews' office was from your personel funds, were you ever in fact reimbursed by the Tribe for your contribution to Senator Andrews' campaign?

24. If you received a reimbursement for your contribution, please state the date of the reimbursement, the form in which it was received (check, money order, cash), and the source of the reimbursement (e.g., The Tribe's Land Acquisition account).

25. If you did receive a reimbursement for your contribution from the Tribe, did you authorize that reimbursement?

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26. If the source of their contributions was their personal funds, did the other individuals who returned to Senator Andrews' office on or about December 2, 1985, receive reimbursements of their contributions to the Andrews campaign from the Tribe?

27. Did you authorize reimbursements by the Tribe of contributions made to the Andrews campaign made by the other individuals cited #17 and #20 above?

28. Did you visit the office of Friends of U.S. Senator Jim Abdnor in Aberdeen, South Dakota, on or about September 3, 1986?

27. If you did make the visit cited at #26 above, please name the other individuals who accompanied you.

28. During the visit cited in #26 above, did John Two Stars, Sr., Edward Williams, Maynard Bernard, David Selvage, and Gerald Heminger, Sr. make $1000 contributions to the Abdnor campaign?

29. In what form did the individuals cited at #28 above make their contributions to the Abdnor campaign (i.e., cash, money orders, cashiers checks)?

30. What was the source of the funds used by the individuals cited at #28 above to make their contributions to the Abdnor campaign, e.g., personal funds, funds of the Tribe?

31. If personal funds were used by the individuals cited at #28 above to make contributions to the Abdnor campaign, were they ever reimbursed by the Tribe?

32. If the individuals cited at #28 above received reimbursements from the Tribe for their contributions to the Abdnor campaign, did you authorize those reimbursements?

33. Did you receive a telephone call from Mary Weise, co-treasurer of Friends of U.S. Senator Jim Abdnor, on September 8 or 9, 1986, asking the sources of the funds used by the individuals cited at #28 above to make their contributions to the Abdnor campaign? If you received such a call, what did you tell Ms. Weise?

J-J40831041

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MURs 2274 and 2302
Gerald Heminger, Sr.

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 27 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and of information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f, a provision of the Act. Specifically, it appears that Mr. Heminger permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to Friends of U.S. Senator Jim Abdnor.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2104023310042

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

2104023100043

Gerald Heminger, Sr.: Please submit answers to the following questions:

1. Did you visit the office of Friends of U.S. Senator Jim Abdnor in Aberdeen, South Dakota, on or about September 3, 1986?

2. If you were present, please name the other individuals who went with you to the Abdnor campaign office on or about September 3, 1986.

3. Did you have in your possession when you went to the Abdnor campaign office on September 3, 1986, either $1000 in cash or $1000 in money orders? If so, please specify whether the money was in cash or money order form.

4. Did you contribute the $1000 discussed at #3 above to the Abdnor campaign?

5. If you did make a contribution to the Abdnor campaign, what was the source of the money you used? (If the money came from your personal account, please submit a copy of the relevant bank statement showing such a withdrawal.)

6. If the money came from a source other than your personal amount, please name the source and the person or persons who supplied the money to you.

7. If the money used to make your contribution to the Abdnor campaign came from personal funds, did you make the contribution with the understanding that you would be reimbursed by the Sisseton-Wahpeton Sioux Tribe? If you had such a understanding, with whom did you discuss a reimbursement before you made your contribution?

8. If the money used to make your contribution to the Abdnor campaign came from personal funds, were you ever reimbursed by the Sisseton-Wahpeton Sioux Tribe?

9. If you received a reimbursement of your contribution to the Abdnor campaign, please state the date of the reimbursement, the form in which it was made (check, money order, cash) and any knowledge you have of the source of the reimbursement (e.g., the Tribe's Land Acquisition Account).

10. If you received a reimbursement of your contribution from the Tribe, please identify the entity or person(s) who authorized the reimbursement.

2104033104

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2274 and 2302
David L. Selvage

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 27 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and of information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f, a provision of the Act. Specifically, it appears that Mr. Selvage permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to Friends of U.S. Senator Jim Abdnor.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2104031045

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

9104033104 46

David L. Selvage: Please submit answers to the following questions:

1. Did you visit the office of Friends of U.S. Senator Jim Abdnor in Aberdeen, South Dakota, on or about September 3, 1986?

2. If you were present, please name the other individuals who went with you to the Abdnor campaign office on or about September 3, 1986.

3. Did you have in your possession when you went to the Abdnor campaign office on September 3, 1986, either $1000 in cash or $1000 in money orders? If so, please specify whether the money was in cash or money order form.

4. Did you contribute the $1000 discussed at #3 above to the Abdnor campaign?

5. If you did make a contribution to the Abdnor campaign, what was the source of the money you used? (If the money came from your personal account, please submit a copy of the relevant bank statement showing such a withdrawal.)

6. If the money came from a source other than your personal amount, please name the source and the person or persons who supplied the money to you.

7. If the money used to make your contribution to the Abdnor campaign came from personal funds, did you make the contribution with the understanding that you would be reimbursed by the Sisseton-Wahpeton Sioux Tribe? If you had such a understanding, with whom did you discuss a reimbursement before you made your contribution?

8. If the money used to make your contribution to the Abdnor campaign came from personal funds, were you ever reimbursed by the Sisseton-Wahpeton Sioux Tribe?

9. If you received a reimbursement of your contribution to the Abdnor campaign, please state the date of the reimbursement, the form in which it was made (check, money order, cash) and any knowledge you have of the source of the reimbursement (e.g., the Tribe's Land Acquisition Account).

10. If you received a reimbursement of your contribution from the Tribe, please identify the entity or person(s) who authorized the reimbursement.

0040313047

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2274 and 2302
John Two Stars, Sr.

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 27 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f, a provision of the Act. Specifically, it appears that Mr. Two Stars permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to Friends of U.S. Senator Jim Abdnor.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2104033048

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

2140310049

John Two Stars, Sr., : Please submit answers to the following questions:

1. Did you visit the office of Friends of U.S. Senator Jim Abdnor in Aberdeen, South Dakota, on or about September 3, 1986?

2. If you were present, please name the other individuals who went with you to the Abdnor campaign office on or about September 3, 1986.

3. Did you have in your possession when you went to the Abdnor campaign office on September 3, 1986, either $1000 in cash or $1000 in money orders? If so, please specify whether the money was in cash or money order form.

4. Did you contribute the $1000 discussed at #3 above to the Abdnor campaign?

5. If you did make a contribution to the Abdnor campaign, what was the source of the money you used? (If the money came from your personal account, please submit a copy of the relevant bank statement showing such a withdrawal.)

6. If the money came from a source other than your personal amount, please name the source and the person or persons who supplied the money to you.

7. If the money used to make your contribution to the Abdnor campaign came from personal funds, did you make the contribution with the understanding that you would be reimbursed by the Sisseton-Wahpeton Sioux Tribe? If you had such a understanding, with whom did you discuss a reimbursement before you made your contribution?

8. If the money used to make your contribution to the Abdnor campaign came from personal funds, were you ever reimbursed by the Sisseton-Wahpeton Sioux Tribe?

9. If you received a reimbursement of your contribution to the Abdnor campaign, please state the date of the reimbursement, the form in which it was made (check, money order, cash) and any knowledge you have of the source of the reimbursement (e.g., the Tribe's Land Acquisition Account).

10. If you received a reimbursement of your contribution from the Tribe, please identify the entity or person(s) who authorized the reimbursement.

2104083050

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2274 and 2302
Edward Williams

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 27, and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and of information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f, a provision of the Act. Specifically, it appears that Mr. Williams permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to Friends of U.S. Senator Jim Abdnor.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2134023105 1

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

2104083105 2

Edward Williams: Please submit answers to the following questions:

1. Did you visit the office of Friends of U.S. Senator Jim Abdnor in Aberdeen, South Dakota, on or about September 3, 1986?

2. If you were present, please name the other individuals who went with you to the Abdnor campaign office on or about September 3, 1986.

3. Did you have in your possession when you went to the Abdnor campaign office on September 3, 1986, either $1000 in cash or $1000 in money orders? If so, please specify whether the money was in cash or money order form.

4. Did you contribute the $1000 discussed at #3 above to the Abdnor campaign?

5. If you did make a contribution to the Abdnor campaign, what was the source of the money you used? (If the money came from your personal account, please submit a copy of the relevant bank statement showing such a withdrawal.)

6. If the money came from a source other than your personal amount, please name the source and the person or persons who supplied the money to you.

7. If the money used to make your contribution to the Abdnor campaign came from personal funds, did you make the contribution with the understanding that you would be reimbursed by the Sisseton-Wahpeton Sioux Tribe? If you had such a understanding, with whom did you discuss a reimbursement before you made your contribution?

8. If the money used to make your contribution to the Abdnor campaign came from personal funds, were you ever reimbursed by the Sisseton-Wahpeton Sioux Tribe?

9. If you received a reimbursement of your contribution to the Abdnor campaign, please state the date of the reimbursement, the form in which it was made (check, money order, cash) and any knowledge you have of the source of the reimbursement (e.g., the Tribe's Land Acquisition Account).

10. If you received a reimbursement of your contribution from the Tribe, please identify the entity or person(s) who authorized the reimbursement.

2140331053

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2283 and 2302
Michael Simon

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 31 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and of information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f, a provision of the Act. Specifically, it appears that Mr. Simon permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to the People for Mark Andrews Committee.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2104033105 4

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

7140831055

Michael Simon: Please submit answers to the following questions:

1. Were you present at a meeting with Senator Mark Andrews at his office in North Dakota on or about December 2, 1985?

2. If you were present, please name the other individuals who attended the meeting.

3. Did you offer to make a cash contribution to Senator Andrews' campaign at the meeting on December 2 cited at #1 above? How much cash were you prepared to contribute?

4. If you offered to make a cash contribution, did you have the cash with you at the time?

5. If you did have the cash with you, where or how had you obtained it? (If the cash came from your personal bank account, please submit a copy of the relevant bank statement showing such a withdrawal.)

6. If the cash came from a source other than your own personal account, please name both the source of the cash and the person or persons who supplied it to you.

7. Were you told by Senator Andrews that his committee could not accept cash contributions in excess of $100?

8. After leaving Senator Andrews' office the first time on December 2, 1985, did you purchase a money order for $1000?

9. If you did purchase a money order, what money did you use to make the purchase?

10. Did you return to Senator Andrews' office on December 2, 1985, with a money order for $1000?

11. Did you write in information on the money order, including making it payable to the Andrews committee?

12. If the money used to purchase the money order delivered to Senator Andrews' office came from your personal funds, did you make the contribution with the understanding that you would be reimbursed by the Tribe? If you had such an understanding, with whom did you discuss a reimbursement before you made your contribution?

13. If the money used to purchase the money orders delivered to Senator Andrews' office came from your personal funds, were you ever in fact reimbursed by the Sisseton-Wahpeton Sioux Tribe for your contribution to Senator Andrews' campaign?

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14. If you received a reimbursement for your contribution, please state the date of the reimbursement, the form in which it was made (check, money order, cash), and any knowledge you have of the source of the reimbursement (e.g., The Tribe's Land Acquisition account).

15. If you received a reimbursement for your contribution from the Tribe, please identify the entity or person(s) who authorized that reimbursement.

2104031057

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2283 and 2302
Grady Renville, Jr.

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 31 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and of information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f a provision of the Act. Specifically, it appears that Mr. Renville permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to the People for Mark Andrews Committee.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2104033058

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

2140331059

Grady Renville: Please submit answers to the following questions:

1. Were you present at a meeting with Senator Mark Andrews at his office in North Dakota on or about December 2, 1985?

2. If you were present, please name the other individuals who attended the meeting.

3. Did you offer to make a cash contribution to Senator Andrews' campaign at the meeting on December 2 cited at #1 above? How much cash were you prepared to contribute?

4. If you offered to make a cash contribution, did you have the cash with you at the time?

5. If you did have the cash with you, where or how had you obtained it? (If the cash came from your personal bank account, please submit a copy of the relevant bank statement showing such a withdrawal.)

6. If the cash came from a source other than your own personal account, please name both the source of the cash and the person or persons who supplied it to you.

7. Were you told by Senator Andrews that his committee could not accept cash contributions in excess of $100?

8. After leaving Senator Andrews' office the first time on December 2, 1985, did you purchase a money order for $1000?

9. If you did purchase a money order, what money did you use to make the purchase?

10. Did you return to Senator Andrews' office on December 2, 1985, with a money order for $1000?

11. Did you write in information on the money order, including making it payable to the Andrews committee?

12. If the money used to purchase the money order delivered to Senator Andrews' office came from your personal funds, did you make the contribution with the understanding that you would be reimbursed by the Tribe? If you had such an understanding, with whom did you discuss a reimbursement before you made your contribution?

13. If the money used to purchase the money orders delivered to Senator Andrews' office came from your personal funds, were you ever in fact reimbursed by the Sisseton-Wahpeton Sioux Tribe for your contribution to Senator Andrews' campaign?

2104083106O

14. If you received a reimbursement for your contribution, please state the date of the reimbursement, the form in which it was made (check, money order, cash), and any knowledge you have of the source of the reimbursement (e.g., The Tribe's Land Acquisition account).

15. If you received a reimbursement for your contribution from the Tribe, please identify the entity or person(s) who authorized that reimbursement.

2 1 3 4 0 8 3 1 0 6 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2283 and 2302
Felix Renville, Jr.

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 31 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and of information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f, a provision of the Act. Specifically, it appears that Mr. Renville permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to the People for Mark Andrews Committee.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2140831062

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

2340310363

Felix Renville: Please submit answers to the following questions:

1. Were you present at a meeting with Senator Mark Andrews at his office in North Dakota on or about December 2, 1985?

2. If you were present, please name the other individuals who attended the meeting.

3. Did you offer to make a cash contribution to Senator Andrews' campaign at the meeting on December 2 cited at #1 above? How much cash were you prepared to contribute?

4. If you offered to make a cash contribution, did you have the cash with you at the time?

5. If you did have the cash with you, where or how had you obtained it? (If the cash came from your personal bank account, please submit a copy of the relevant bank statement showing such a withdrawal.)

6. If the cash came from a source other than your own personal account, please name both the source of the cash and the person or persons who supplied it to you.

7. Were you told by Senator Andrews that his committee could not accept cash contributions in excess of $100?

8. After leaving Senator Andrews' office the first time on December 2, 1985, did you purchase a money order for $1000?

9. If you did purchase a money order, what money did you use to make the purchase?

10. Did you return to Senator Andrews' office on December 2, 1985, with a money order for $1000?

11. Did you write in information on the money order, including making it payable to the Andrews committee?

12. If the money used to purchase the money order delivered to Senator Andrews' office came from your personal funds, did you make the contribution with the understanding that you would be reimbursed by the Tribe? If you had such an understanding, with whom did you discuss a reimbursement before you made your contribution?

13. If the money used to purchase the money orders delivered to Senator Andrews' office came from your personal funds, were you ever in fact reimbursed by the Sisseton-Wahpeton Sioux Tribe for your contribution to Senator Andrews' campaign?

9104033106 64

14. If you received a reimbursement for your contribution, please state the date of the reimbursement, the form in which it was made (check, money order, cash), and any knowledge you have of the source of the reimbursement (e.g., The Tribe's Land Acquisition account).

15. If you received a reimbursement for your contribution from the Tribe, please identify the entity or person(s) who authorized that reimbursement.

2104031065

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2283 and 2302
Jerry Flute

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 31 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint and of information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441f, a provision of the Act. Specifically, it appears that Mr. Flute permitted his name to be used by the Sisseton-Wahpeton Sioux Tribe to effect a contribution to the People for Mark Andrews Committee.

The Commission considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Answers should be submitted under oath. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2104083100566

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Answers to Questions

2104033106 7

Jerry Flute: Please submit answers to the following questions:

1. Were you present at a meeting with Senator Mark Andrews at his office in North Dakota on or about December 2, 1985?

2. If you were present, please name the other individuals who attended the meeting.

3. Did you offer to make a cash contribution to Senator Andrews' campaign at the meeting on December 2 cited at #1 above? How much cash were you prepared to contribute?

4. If you offered to make a cash contribution, did you have the cash with you at the time?

5. If you did have the cash with you, where or how had you obtained it? (If the cash came from your personal bank account, please submit a copy of the relevant bank statement showing such a withdrawal.)

6. If the cash came from a source other than your own personal account, please name both the source of the cash and the person or persons who supplied it to you.

7. Were you told by Senator Andrews that his committee could not accept cash contributions in excess of $100?

8. After leaving Senator Andrews' office the first time on December 2, 1985, did you purchase a money order for $1000?

9. If you did purchase a money order, what money did you use to make the purchase?

10. Did you return to Senator Andrews' office on December 2, 1985, with a money order for $1000?

11. Did you write in information on the money order, including making it payable to the Andrews committee?

12. If the money used to purchase the money order delivered to Senator Andrews' office came from your personal funds, did you make the contribution with the understanding that you would be reimbursed by the Tribe? If you had such an understanding, with whom did you discuss a reimbursement before you made your contribution?

13. If the money used to purchase the money orders delivered to Senator Andrews' office came from your personal funds, were you ever in fact reimbursed by the Sisseton-Wahpeton Sioux Tribe for your contribution to Senator Andrews' campaign?

0040310568

14. If you received a reimbursement for your contribution, please state the date of the reimbursement, the form in which it was made (check, money order, cash), and any knowledge you have of the source of the reimbursement (e.g., The Tribe's Land Acquisition account).

15. If you received a reimbursement for your contribution from the Tribe, please identify the entity or person(s) who authorized that reimbursement.

210403310569

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 25, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR's 2274, 2283, 2302
Sisseton-Wahpeton
Sioux Tribe

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 27, October 31 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(1)(A) and 2 U.S.C. § 441f, provisions of the Act. Specifically, it appears that the Tribe made excessive contributions to the Friends of U.S. Senator Jim Abdnor and to People for Senator Mark Andrews and that the Tribe made these contributions in the names of others.

The Commission has considered your request on behalf of your client to enter into conciliation negotiations, but voted to deny this request at this time. Additional information is needed before such negotiations can begin. Upon completion of the necessary investigation, your request will be reconsidered.

The Commission voted to merge the three above-cited matters. Henceforth this matter will be designated MUR 2302.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. Please submit responses to the enclosed request for documents within fifteen days of receipt of this letter. You may also submit any additional factual and legal materials which you believe are relevant to the Commission's analysis of this matter.

2104083107O

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Anne A. Weissenborn, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Scott E. Thomas
Chairman

Enclosures
Procedures
Request for Documents

2104031371

Sisseton-Wahpeton Sioux Tribe

Please produce the following documents:

1. All documents and materials in the possession, custody or control of the Sisseton-Wahpeton Tribe ("the Tribe"), its officers or agents, including resolutions passed by the executive committee of the Tribal Council, related to contributions to be made to People for Senator Mark Andrews and/or Friends of U.S. Senator Jim Abdnor by the Tribe or by individual members of the Tribe.

2. All bank or credit union account statements, invoices, billing forms, and checks and other negotiable paper which reflect payments from accounts of the Sisseton-Wahpeton Sioux Tribe to People for Senator Mark Andrews and/or to Friends of U.S. Senator Jim Abdnor.

3. All bank or credit union account statements, invoices, billing forms, and checks and other negotiable paper which reflect payments from accounts of the Sisseton-Wahpeton Sioux Tribe to the following persons as reimbursements of their contributions to People for Senator Mark Andrews or Friends of U.S. Senator Jim Abdnor:

Maynard Bernard
Gerald Heminger, Sr.
David Selvage
John Two Stars, Sr.
Edward Williams
Jerry Flute
Russell Hawkins
Felix Renville, Jr.
Grady Renville
Michael Simon

2104031372

2951

BERTRAM E. HIRSCH
ATTORNEY AT LAW

81-33 258TH STREET
FLORAL PARK, NEW YORK 11004

(718) 347-3022

March 20, 1987

87 MAR 23 AM 11:25

Mr. Scott E. Thomas, Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 2302

Dear Chairman Thomas,

In response to your letters to me (ten in number) dated February 25, 1987 which make inquiries of the Sisseton-Wahpeton Sioux Tribe, Russell Hawkins, Felix Renville, Jr., Grady Renville, Jerry Flute, Michael Simon, Edward Williams, David Selvage, John Two Stars, Sr. and Gerald Heminger with respect to the above referenced matter, please find enclosed on behalf of each of the aforementioned individuals the answers to the questions asked of them by the Commission.

Inasmuch as I am still awaiting receipt of the documents that you have requested from the Sisseton-Wahpeton Sioux Tribe, I am not at this time providing a response to your letter addressed to the Tribe. I do expect to receive the requested documents shortly and will provide them to the Commission immediately thereafter.

Sincerely,

Bertram E. Hirsch

BERTRAM E. HIRSCH

87 MAR 23 P4:00

2140031073

RUSSELL HAWKINS - Answers to Federal Election Commission questions dated February 25, 1987.

1. Yes. I am the Chairman of the Tribe.

2. Yes.

3. During 1985 and 1986 the Executive Committee of the Tribal Council consisted of myself, Felix Renville, Jr., Secretary, and Arnold Ryan, Treasurer. The Executive Committee has authority to expend up to $5,000.00 without the authorization of the Tribal Council.

4. Executive Committee or Tribal Council approval.

5. Yes.

6. Russell Hawkins, Felix Renville, Jr., Grady Renville, Jerry Flute, and Michael Simon.

7. Yes. I had never made a political campaign contribution before and asked whether it would be appropriate to make a $5,000.00 cash contribution. I did not know the requirements of law pertaining to such contributions or the appropriate procedure for making such a contribution and requested information as to the appropriate procedure. I was informed that it would not be appropriate to make a $5,000.00 cash contribution or any cash contribution.

8. Yes.

9. I obtained it from the Sisseton-Wahpeton Sioux Tribe credit union.

10. The Sisseton-Wahpeton Sioux Tribe credit union.

11. No.

12. Not applicable.

13. Yes. Yes.

14. No.

15. Yes.

2140331074

16. See answers to questions 9 and 10.

17. Yes. Yes.

18. See answers to questions 9 and 10.

19. Yes.

20. Yes. Yes.

21. Yes.

22. Not applicable.

23. Not applicable.

24. Not applicable.

25. Not applicable.

26. Not applicable.

27. Not applicable.

28. No. The meeting was at the Sheraton Hotel.

29. Edward Williams, Maynard Bernard, John Two Stars, Sr., David Selvage, and Gerald Heminger.

30. Yes.

31. Money orders or cashiers checks.

32. Funds of the Tribe. No federal funds were used.

33. Not applicable.

34. Not applicable.

35. Ms. Weise telephoned and asked whether the contributions had been from the Tribe or individuals. Since I had no knowledge that it would be inappropriate or unlawful for the Tribe to provide funds to individuals which in turn the individuals could use to make a political campaign contribution, I informed Ms. Weise that the individuals had made the contributions. I assumed that the Tribe could provide such funds to individuals for such a purpose because Senator Andrews had stated that contributions could only be accepted from individuals.

0 0 0 4 0 3 1 0 7 5

MICHAEL SIMON - Answers to Federal Election Commission questions dated February 25, 1987.

1. Yes.

2. Russell Hawkins, Felix Renville, Jr., Grady Renville and Jerry Flute.

3. No.

4. Not applicable.

5. Not applicable.

6. Russell Hawkins provided me with the cash.

7. No.

8. Yes.

9. Money that I had obtained from Russell Hawkins.

10. Yes.

11. Yes.

12. Not applicable.

13. Not applicable.

14. Not applicable.

15. Not applicable.

4031076

GRADY RENVILLE - Answers to Federal Election Commission questions dated February 25, 1987.

1. Yes.

2. Russell Hawkins, Felix Renville, Jr., Jerry Flute, and Michael Simon.

3. No.

4. Not applicable.

5. Not applicable.

6. Russell Hawkins provided me with the cash.

7. No.

8. Yes.

9. Money that I had obtained from Russell Hawkins.

10. Yes.

11. Yes.

12. Not applicable.

13. Not applicable.

14. Not applicable.

15. Not applicable.

2140310077

FELIX RENVILLE, JR. - Answers to Federal Election Commission questions dated February 25, 1987.

1. Yes.

2. Russell Hawkins, Jerry Flute, Grady Renville, Michael Simon.

3. No.

4. Not applicable.

5. Not applicable.

6. Russell Hawkins provided me with the cash.

7. No.

8. Yes.

9. Money that I had obtained from Russell Hawkins.

10. Yes.

11. Yes.

12. Not applicable.

13. Not applicable.

14. Not applicable.

15. Not applicable.

21040310078

JERRY FLUTE - Answers to Federal Election Commission questions dated February 25, 1987.

1. Yes.

2. Felix Renville, Jr., Grady Renville, Michael Simon, and Russell Hawkins.

3. No.

4. Not applicable.

5. Not applicable.

6. Russell Hawkins provided me with the cash.

7. No.

8. Yes.

9. Money that I had obtained from Russell Hawkins.

10. Yes.

11. Yes.

12. Not applicable.

13. Not applicable.

14. Not applicable.

15. Not applicable.

2140310079

EDWARD WILLIAMS - Answers to Federal Election Commission questions dated February 25, 1987.

1. No. The meeting was at the Sheraton Hotel.

2. Russell Hawkins, Maynard Bernard, John Two Stars, Sr., David Selvage and Gerald Heminger.

3. Yes. Money order.

4. Yes.

5. Funds of the Sisseton-Wahpeton Sioux Tribe.

6. Funds of the Tribe. The money came from a Sisseton-Wahpeton Sioux Tribe credit union account of the Tribe.

7. Not applicable.

8. Not applicable.

9. Not applicable.

10. Not applicable.

21340331030

John Two Stars, Sr. - Answers to Federal Election Commission questions dated February 25, 1987.

1. No. The meeting was at the Sheraton Hotel.

2. Russell Hawkins, Edward Williams, Maynard Bernard, David Selvage and Gerald Heminger.

3. Yes. Money order.

4. Yes.

5. Funds of the Sisseton-Wahpeton Sioux Tribe.

6. Funds of the Tribe. The money came from a Sisseton-Wahpeton Sioux Tribe credit union account of the Tribe.

7. Not applicable.

8. Not applicable.

9. Not applicable.

10. Not applicable.

21040331031

DAVID SELVAGE - Answers to Federal Election Commission questions dated February 25, 1987.

1. No. The meeting was at the Sheraton Hotel.

2. Russell Hawkins, Edward Williams, Maynard Bernard, John Two Stars, Sr. and Gerald Heminger.

3. Yes. Money order.

4. Yes.

5. Funds of the Sisseton-Wahpeton Sioux Tribe.

6. Funds of the Tribe. The money came from a Sisseton-Wahpeton Sioux Tribe credit union account of the Tribe.

7. Not applicable.

8. Not applicable.

9. Not applicable.

10. Not applicable.

21040331032

GERALD HEMINGER - Answers to Federal Election Commission questions dated February 25, 1987.

1. No. The meeting was at the Sheraton Hotel.

2. Russell Hawkins, Edward Williams, Maynard Bernard, John Two Stars, Sr. and David Selvage.

3. Yes. Money order.

4. Yes.

5. Funds of the Sisseton-Wahpeton Sioux Tribe.

6. Funds of the Tribe. The money came from a Sisseton-Wahpeton Sioux Tribe credit union account of the Tribe.

7. Not applicable.

8. Not applicable.

9. Not applicable.

10. Not applicable.

21040831083

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 15, 1987

Bertram E. Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

Re: MUR 2302
Sisseton-Wahpeton Sioux Tribe

Dear Mr. Hirsch:

The Federal Election Commission notified your client on October 27, October 31 and December 23, 1986, of complaints alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). Copies of the complaints were forwarded to your client at those times.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on February 11, 1987, determined that there is reason to believe that your client has violated 2 U.S.C. § 441a(a)(1)(A) and 2 U.S.C. § 441f, provisions of the Act.

Your client's response to the Commission's initial notification of this complaint did not provide complete information regarding the matters in question. On February 25, 1987, this Office requested that your client produce the following documents:

1. All documents and materials in the possession, custody or control of the Sisseton-Wahpeton Tribe ("the Tribe"), its officers or agents, including resolutions passed by the executive committee of the Tribal Council, related to contributions to be made to People for Senator Mark Andrews and/or Friends of U.S. Senator Jim Abdnor by the Tribe or by individual members of the Tribe.

2. All bank or credit union account statements, invoices, billing forms, and checks and other negotiable paper which reflect payments from accounts of the Sisseton-Wahpeton Sioux Tribe to People for Senator Mark Andrews and/or to Friends of U.S. Senator Jim Abdnor.

2104031034

3. All bank or credit union account statements, invoices, billing forms, and checks and other negotiable paper which reflect payments from accounts of the Sisseton-Wahpeton Sioux Tribe to the following persons as reimbursements of their contributions to People for Senator Mark Andrews or Friends of U.S. Senator Jim Abdnor:

Maynard Bernard
Gerald Heminger, Sir.
David Selvage
John Two Stars, Sr.
Edward Williams
Jerry Flute
Russell Hawkins
Felix Renville, Jr.
Grady Renville
Michael Simon

Your client should have submitted the requested documents within fifteen days of receipt of the February 25, 1987 request for production.

More than fifteen days have passed since your receipt of the request for documents. In your letter of March 20, 1987, you mentioned that you had not received the documents from your client, but expected to receive them shortly. However, you did not request an extension of time, which must be made in writing at least five days prior to the due date of the response.

Please advise your client to submit the requested documents immediately. If the requested documents are not provided to us promptly, this Office will request the Commission to subpoena such documents,

If you have any questions, please contact Delanie D. Painter, the attorney now assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
Acting General Counsel

2140310035

RECEIVED AT THE FEC
Doc# 3203
87 APR 27 A8:06

BERTRAM E. HIRSCH
ATTORNEY AT LAW

81-33 258TH STREET
FLORAL PARK, NEW YORK 11004

(718) 347-3022

April 21, 1987

87 APR 27 A11:02
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL

Mr. Lawrence M. Noble, Esq.
Acting General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 2302

Dear Mr. Noble,

I am writing in response to your letter to me of April 15, 1987 and in response to Scott Thomas's letter to me of February 25, 1987, both requesting documents from the Sisseton-Wahpeton Sioux Tribe with respect to the above referenced matter. I apologize for the delay in responding. The delay was caused by my unavailability during the past few weeks and not because of any action by the Tribe.

In response to the request for documents, please find enclosed:

1. Exhibit A - an account statement of the Sisseton-Wahpeton Federal Credit Union with Check No. 12131 attached with respect to contributions to People for Senator Mark Andrews.

2. Exhibit B - United States Postal Service Customer's Receipts with respect to ten $500.00 money orders related to contributions to People for Senator Mark Andrews.

3. Exhibit C - Council Resolution No. 86-79 related to contributions to Friends of U.S. Senator Jim Abdnor. The minutes of the September 2, 1986 Council meeeting at which this resolution was adopted are not attached inasmuch as they were included as an exhibit in the complaints in this matter.and therefore are already in the Commission's file.

4. Exhibit D - an account statement of the Sisseton-Wahpeton Federal Credit Union with Check No. 15021 attached with respect to contributions to Friends of U.S. Senator Jim Abdnor.

5. Exhibit E - Bank money order receipts with respect to five $1,000.00 money orders related to contributions to Friends of U.S. Senator Jim Abdnor.

2104003310386

I am informed that the attached exhibits constitute the total documentary record related to the contributions at issue in MUR 2302

Sincerely,

Bertram E. Hirsch

BERTRAM E. HIRSCH

21040331037

Page ___ of ___

CU NO. 460 CU NAME MEMBERS 0 3 1 0 3 8 DATE 11-27-85

ACCOUNT NUMBER	DATE	CHECK NO.	TRANS CODE	AMT. OF REG PAY	INT RATE	MODE DUE DATE	SHARES PLEDGED	CREDIT LIMIT	PUR/ COL	TRANS AMT
214-003	11/27	12130	80							50.00
643-002	11/27	12131	80							5000.00
776-005	11/27	12132-12134	80							8,044.13
1CC9	11/27	12136	80							755.67
831-001	11/27	12137	65	50.00	19	2 12-13-85	50			500.00
258-001	11/27	12139	55	82.50	19	4 D-27-85				600.00
2-007	11/27	12140	80							50.00
806-001	11/27	12141	55	205.92	19	9 1-25-86				184.71
811-007	11/27	12142	65	360.36	19	9 1-25-86				335.00
531 000	11-27	12143	80							4,000.00
16-007	11-27	12144	55	100.00	19	2 12-3-85				500.00
605-000	11-27	12145	55	125.00	19	4-12-27-85				474.00
177-005	11-27	12146	55	50.00	19	2-12-13-85				190.00
720-000	11/27	12147	80							100.00
21-003	11/27	12148	80							25.00
642-004	11/27	12149	55	38.96	19	2 12-13-85				456.33
297-006	11/27	12150	55	35.00	19	2 12-13-85				100.00
45 2-004	11/27	12151	80							100.00
116-005	11/27	12152	55	45.84	19	8 12-13-85	5			200.00

EXHIBIT A

12131

SISSETON WAHPETON FEDERAL CREDIT UNION
P. O. BOX 627
AGENCY VILLAGE, SD 57262

-27-85

78-50/914

PAY TO THE ORDER OF SWST OR GRADY PENNINGTON Nov. 26 1985 $ 5,000.00

FIVE THOUSAND AND NO/100 DOLLARS

FIRST STATE BANK
SISSETON, SOUTH DAKOTA

FOR

Audrey Crawford

"012131" :091400509: 002 3787" "0000500000"

-27-85

240231103039

CUSTOMER'S RECEIPT KEEP IT FOR YOUR RECORDS

3495043831

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO People for Mark Andrews
STREET
CITY Fargo STATE N.Dak ZIP
CUSTOMER RECEIPT

FROM Jerry Flute
STREET Sisseton Wahpeton Sioux
CITY Agency Village STATE SD ZIP
COD NO. OR USED FOR S. Dak 57262

This receipt is your guarantee of 100% refund if your money order is lost or stolen provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT KEEP IT FOR YOUR RECORDS

3495043829

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO People for Mark Harris
STREET
CITY Fargo STATE N.Dak ZIP
CUSTOMER RECEIPT

FROM Jerry Flute
STREET Sisseton-Wahpeton Sioux
CITY Agency Village STATE SD ZIP
COD NO. OR USED FOR South Dakota 57262

This receipt is your guarantee of 100% refund if your money order is lost or stolen provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT KEEP IT FOR YOUR RECORDS

3495043828

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO People for Mark Andrews
STREET Box 1773
CITY Fargo STATE ND ZIP 58107
CUSTOMER RECEIPT

FROM Michael Simon
STREET Sisseton-Wahpeton Sioux Tribe
CITY Agency Village, SD STATE ZIP 57262
COD NO. OR USED FOR

This receipt is your guarantee of 100% refund if your money order is lost or stolen provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT KEEP IT FOR YOUR RECORDS

3495043827

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO People for Mark Andrews
STREET Box 1773
CITY Fargo STATE ND ZIP 58107
CUSTOMER RECEIPT

FROM Michael Simon
STREET Sisseton-Wahpeton Sioux Tribe
CITY Agency Village, SD STATE ZIP 57262
COD NO. OR USED FOR

This receipt is your guarantee of 100% refund if your money order is lost or stolen provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT KEEP IT FOR YOUR RECORDS

3495043822

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO
STREET
CITY STATE ZIP
CUSTOMER RECEIPT

FROM
STREET
CITY STATE ZIP
COD NO. OR USED FOR

This receipt is your guarantee of 100% refund if your money order is lost or stolen provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

EXHIBIT 2

21040331090

CUSTOMER'S RECEIPT KEEP IT FOR YOUR RECORDS

3495043822

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO [illegible]

STREET [illegible]

CITY [illegible] STATE [illegible] ZIP [illegible]

FROM [illegible]

STREET [illegible]

CITY [illegible] STATE [illegible] ZIP [illegible]

COD NO. OR USED FOR

CUSTOMER RECEIPT

This receipt is your guarantee of 100% refund if your money order is lost or stolen, provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT KEEP IT FOR YOUR RECORDS

3495043830

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO [illegible]

STREET [illegible]

CITY [illegible] STATE [illegible] ZIP [illegible]

FROM [illegible]

STREET [illegible]

CITY [illegible] STATE [illegible] ZIP [illegible]

COD NO. OR USED FOR

CUSTOMER RECEIPT

This receipt is your guarantee of 100% refund if your money order is lost or stolen, provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT KEEP IT FOR YOUR RECORDS

3495043823

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO [illegible]

STREET [illegible]

CITY [illegible] STATE [illegible] ZIP [illegible]

FROM [illegible]

STREET [illegible]

CITY [illegible] STATE [illegible] ZIP [illegible]

COD NO. OR USED FOR

CUSTOMER RECEIPT

This receipt is your guarantee of 100% refund if your money order is lost or stolen, provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT KEEP IT FOR YOUR RECORDS

3495043824

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO Sen Mark Andrews

STREET Federal Bldg

CITY Fargo, ND STATE ZIP

FROM Grady Renville

STREET SW ST

CITY Agency Village SD 5726

COD NO. OR USED FOR

CUSTOMER RECEIPT

This receipt is your guarantee of 100% refund if your money order is lost or stolen, provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

CUSTOMER'S RECEIPT DO NOT SEND THIS RECEIPT FOR PAYMENT KEEP IT FOR YOUR RECORDS

3495043825

SERIAL NUMBER | YEAR MONTH DAY | POST OFFICE | U.S. DOLLARS AND CENTS

PAY TO Sen Mark Andrews

STREET Federal Bldg

CITY Fargo, ND STATE ZIP

FROM Grady Renville

STREET SW ST

CITY Agency Village SD 5726

COD NO. OR USED FOR

CUSTOMER RECEIPT

This receipt is your guarantee of 100% refund if your money order is lost or stolen, provided you fill in the Pay To and From information on the money order in the space provided. No claim for improper payment permitted 2 years after payment.

If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 30 days for the issue of a replacement money order.

21340331091

SISSETON-WAHPETON SIOUX TRIBE
OF THE
LAKE TRAVERSE RESERVATION
SISSETON, S.DAK. 57262

COUNCIL RESOLUTION NO. 86-79

WHEREAS, The Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966; approved by the Commissioner of Indian Affairs on August 25, 1966; and,

WHEREAS, Article VII, Section 1, (a), (g), and (h) of the Constitution authorizes the Tribal Council to: (a) represent the Tribe in all negotiations with Federal, State, and local governments: (g) to take any action by ordinance, resolution, or otherwise which are reasonably necessary, through committees, boards, agents, or otherwise, to carry into effect the foregoing purposes; and (h) to promote public health, education, charity, and other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe; and,

WHEREAS, The Tribal Council of the Sisseton-Wahpeton Sioux Tribe has authorized previously the drafting and introduction of Senate Bill 2118, which would provide for the distribution of funds awarded to the Sisseton and Wahpeton Tribes in Indian Claims Commission dockets numbered 142, and 359; and,

WHEREAS, Opposition by members of the Senate has arisen despite intensive lobbying efforts by the three Sisseton and Wahpeton Tribes of Sisseton, Devils Lake, and Fort Peck.

NOW, THEREFORE BE IT RESOLVED, by the Tribal Council of the Sisseton-Wahpeton Sioux Tribe that authorization herein is granted to pay from tribal funds $5,000.00 to the Friends of Jim Abdnor Campaign; and,

FINALLY BE IT RESOLVED, that upon eneactment of S. 2118, the monetary contribution to James Abdnor and Mark Andrews as well as related costs of lobbying for the bill shall be refunded to the Tribal fund account that provided for such costs.

EXHIBIT C

C E R T I F I C A T I O N

We, the undersigned, duly elected Chairman and Secretary of the Sisseton-Wahpeton Sioux Tribal Council do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council, which is composed of 18 members, of whom 17 members, constituting a quorum were present at a Tribal Council meeting duly noticed, called, convened, and held at TiWakan Center, Sisseton, South Dakota on September 2, 1986, by a vote of 13 for, 2 opposed, 1 abstain, and 1 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 2nd day of September,1986.

Felix Renville Jr., Tribal Secretary
Sisseton-Wahpeton Sioux Tribal Council

ATTEST:

Russell Hawkins, Tribal Chairman
Sisseton-Wahpeton Sioux Tribal Council

2-1040331093

CU NO. 466 CU NAME Glenwood 3174 DATE 9/3/86

ACCOUNT NUMBER	DATE	CHECK NO.	TRANS CODE	AMT. OF REG PAY	INT RATE	MODE DUE DATE	SHARES PLEDGED	CREDIT LIMIT	PUR/ COL	TRANS AMT
1656-024	9/3	15008	80							20.00
584-003	" "	15009	80							3160.05
979-008	" "	15010	80							100.00
893-001	"	1502	80							80.00
203-008	"	15013	80							20.00
3446-008	"	15014	80							46.00
76-011	9/3	15015	55	93.35	17	2 9/3/86				1,835.00
979-002	9/3	15016	80							200.00
584-003	9/3	15017	80							798.53
146-009	9/3	15018	80							50.00
1643-002	9/5	15021	80							5,100.00
203-008	9/5	15019	80							100.00
312-004	9/5	15020	80							50.00
										8675.97

EXHIBIT D

SISSETON WAHPETON FEDERAL
CREDIT UNION
P. O. BOX 627
AGENCY VILLAGE, SD 57262

PAID

15021

9/5 19 86 78-50/914

PAY TO THE ORDER OF Money Orders $ 5,100.00

Five Thousand one Hundred & 00/100 DOLLARS

PAID

FIRST STATE BANK
SISSETON, SOUTH DAKOTA

- 9 - - 5 - 86

FOR Land Acquisition Jacqueline Kampeska

⑈050214⑈ ⑆091400509⑆ 00 PAID ⑈0000510000⑈

2140 3

Travelers Express Company Inc. 353 3220 104
MONEY ORDER

DATE 9/3/86

PAY FRIENDS OF JIM ABDNOR

TRAVELERS 1108 I000 DOLS 00 CTS

JOHN TWO STARS SR. BOX 507, SISSETON, S.D.

⑆091900533⑆353 3220104⑈ 90

AGENT DETACH THIS COPY

Travelers Express Company Inc. 353 3220 103
MONEY ORDER

DATE 9/3/86

PAY FRIENDS OF JIM ABDNOR

TRAVELERS 1108 I000 DOLS 00 CTS

GERALD HEINEGER SR. R.R. 1, PEEVER, S.D.

⑆091900533⑆353 3220103⑈ 90

AGENT DETACH THIS COPY

Travelers Express Company Inc. 353 3220 101
MONEY ORDER

DATE 9/3/86

PAY FRIENDS OF JIM ABDNOR

TRAVELERS 1108 I000 DOLS 00 CTS

EDWARD WILLIAMS RT. 2, SISSETON, S.D.

⑆091900533⑆353 3220101⑈ 90

AGENT DETACH THIS COPY

Travelers Express Company Inc. 353 3220 105
MONEY ORDER

DATE 9/3/86

PAY FRIENDS OF JIM ABDNOR

TRAVELERS 1108 I000 DOLS 00 CTS

DAVID L. SPLVACK BOX 216, SISSETON, S.D.

⑆091900533⑆353 3220105⑈ 90

AGENT DETACH THIS COPY

Travelers Express Company Inc. 353 3220 100
MONEY ORDER

DATE 9/3/86

PAY FRIENDS OF JIM ABDNOR

TRAVELERS 1108 I000 DOLS 00 CTS

EXHIBIT E

1-40831096

SENSITIVE

87 MAY 4 P2:40

FEC OFFICE OF SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Sisseton-Wahpeton Sioux Tribe, et. al.	)	MUR 2302
	)	
	)	

COMPREHENSIVE INVESTIGATIVE REPORT #1

On February 11, 1987, the Commission found reason to believe that the Sisseton-Wahpeton Sioux Tribe (the "Tribe") violated 2 U.S.C. § 441a(a)(1)(A), and 2 U.S.C. § 441f. The Commission also found reason to believe that Russell Hawkins, Felix Renville, Jr., Grady Renville, Michael Simon, Jerry Flute, Gerald Henninger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams violated 2 U.S.C. § 441f. Letters were sent to all respondents on February 25, 1987. These letters included requests for information. The letters sent to the individual respondents included requests for answers to enclosed questions and the letter sent to the Tribe contained a request for certain documents pertaining to this matter.

Counsel for respondents sent the answers of the nine individual respondents to the Commission's questions on March 20, 1987. However, Counsel for respondents did not forward any of the documents requested from the Tribe. The only explanation provided was that Counsel for respondents was "still awaiting receipt of the documents that you requested from the Sisseton-Wahpeton Sioux Tribe" but expected to receive them "shortly". Respondents did not request an extension of time.

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On April 15, 1987, the Office of General Counsel sent a letter to Counsel for respondents, which stated that more than fifteen days had passed since the request for documents was received. The letter informed the Tribe that it should submit the requested documents immediately or this Office would request the Commission to subpoena the documents. Counsel replied with a letter dated April 21, 1987 with enclosed documents. This Office is currently reviewing these documents to determine if additional information is needed.

Lawrence M. Noble
Acting General Counsel

5/4/87
Date

BY: George F. Rishel
George F. Rishel
Acting Associate General
Counsel

2104031098

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MWE MARJORIE W. EMMONS/JOSHUA MCFADDEN JM

DATE: MAY 6, 1987

SUBJECT: MUR 2302 - COMPREHENSIVE INVESTIGATIVE REPORT #1
SIGNED MAY 4, 1987

The above-captioned matter was received in the Office of the Secretary of the Commission Monday, May 4, 1987 at 2:40 P.M. and circulated to the Commission on a 24-hour no-objection basis Tuesday, May 5, 1987 at 11:00 A.M.

There were no objections received in the Office of the Secretary of the Commission to the Comprehensive Investigative Report #1 at the time of the deadline.

9104083099

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2302
Sisseton-Wahpeton Sioux Tribe et al.	)	

SENSITIVE

87 AUG 6 AM 11:36

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Three complaints were filed with the Commission concerning contributions which the Sisseton-Wahpeton Sioux Tribe (the "Tribe") made to Friends of U.S. Senator Jim Abdnor and to the People for Mark Andrews Committee. According to the complainants, the Tribe contributed $5,000 to each of these committees using tribal funds, but this amount was given and reported as separate $1,000 contributions from individual members of the Tribe. The complaints were filed by the South Dakota Democratic Party, the North Dakota Democratic Party, and Edward D. Seaboy, Jr., a member of the Sisseton-Wahpeton Sioux Tribe.

On February 11, 1987, the Commission found reason to believe that the Tribe violated 2 U.S.C. § 441a(a)(1)(A) and 2 U.S.C. § 441f. The Commission also found reason to believe that Russell Hawkins, Felix Renville, Jr., Grady Renville, Michael Simon, Jerry Flute, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams violated 2 U.S.C. § 441f.1/

1/ The Commission found no reason to believe at that time that Maynard Bernard, another tribe member, violated the Act. This finding was based on Mr. Bernard's response to the complaint in which he stated that he did not attend the meeting with Senator Abdnor on September 10, 1986, that he did not make a contribution, and that his name was used without his permission. It should be noted that the answers to the Commission's questions by respondents Russell Hawkins, Edward Williams, John Two Stars, Sr., David Selvage and Gerald Heminger all state that Maynard Bernard visited the Abdnor Committee's Office, and made a $1,000 contribution to the Abdnor campaign. According to a representative of the Tribe, Mr. Bernard is an older man who

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Prior to this finding, in a letter dated December 4, 1986, Respondents requested pre-probable cause conciliation pursuant to 11 C.F.R. § 111.18(d). On February 25, 1987, the Commission declined to enter into conciliation at that time and approved letters to be sent to all respondents requesting answers to questions, and/or requesting documents pertaining to this matter. Counsel for respondents sent the answers of the nine individual respondents to the Commission's questions on March 20, 1987, and the documents requested from the Tribe on April 21, 1987. In a subsequent telephone conversation with a staff member, counsel for respondents mentioned that FBI agents had been questioning his clients about this matter. He expressed his understanding that under the Act, conciliation agreements may be used in relation to criminal charges. See 2 U.S.C. § 437g(d)(2) and (3). He also stated that his clients were very interested in a speedy resolution of this matter, and reiterated his request for preprobable cause conciliation.

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II. ANALYSIS

Respondent's answers to the Commission's questions do not deny the essential facts set forth in the complaints. According

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1/ (Footnote continued)
"does not have a good idea of what is going on around him; his mental faculties are not quite what you would hope." This description, coupled with the discrepancies in dates and other facts, indicates that Mr. Bernard may not understand the situation. Given Mr. Bernard's mental state, the conflicting accounts of his involvement, and the fact that the $1,000 with which he may or may not have been involved will be included in the Commission's determinations regarding violations by the Tribe, this Office does not recommend taking further action concerning Mr. Bernard.

to Respondents the facts are as follows. Respondents Russell Hawkins, Felix Renville, Jr., Grady Renville, Jerry Flute and Michael Simon attended a meeting with Senator Mark Andrews in his office in North Dakota on December 2, 1985. Russell Hawkins brought $5,000 in cash to the meeting. He had withdrawn this amount from the Sisseton-Wahpeton Credit Union, apparently from the Tribe's account. He offered a $5,000 cash contribution to the Andrews campaign, but was informed that such cash contributions are prohibited. Hawkins left Senator Andrews' office and purchased a $1,000 money order to contribute to the Andrews campaign. He gave $1,000 to each of the other four respondents, who also purchased money orders to contribute to the Andrews campaign. The five members of the Tribe returned to the Andrews campaign office and made the contributions.

The second incident was similar. Respondents Russell Hawkins, Edward Williams, John Two Stars, Sr., David Selvage and Gerald Henninger, and (according to Respondents) Maynard Bernard met with a representative of Friends of U.S. Senator Jim Abdnor at a hotel on September 3, 1986. Again, tribal funds were contributed by the tribe members in the form of five $1,000 money orders or cashiers' checks. Each tribe member contributed $1,000 of tribal funds, which had been withdrawn as a $5,000 lump sum from the Sisseton-Wahpeton Credit Union. These facts indicate

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that Respondents violated 2 U.S.C. § 441a(a)(1)(A) and 2 U.S.C. § 441f.[2/]

Respondents have supplied information which clarifies the ambiguities of this matter. Respondents' answers and documentation are detailed and complete, and the answers of all respondents are consistent. Therefore, there does not appear to be any impediment to pursuing pre-probable cause conciliation at this time.

According to 2 U.S.C. § 441f, "no person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution." Here, respondents admit that tribal funds were given to the Andrews and Abdnor campaigns as individual contributions from members of the Tribe. Because each respondent contributed tribal funds under his own name, the Tribe and the nine individual respondents violated 2 U.S.C. § 441f.

Since the Tribe is a person within the definition of 2 U.S.C. § 431(11), the Tribe may only contribute $1,000 to any candidate for federal office. Here, the Tribe was the sole source of the $10,000 given to the Andrews and Abdnor Committees. Under 2 U.S.C. § 441a(a)(1)(A), no person may make contributions

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2/ It should be noted that the facts according to Respondents are essentially the same as the facts alleged in the complaints. Based on the allegations of the complaints, this Office recommended a finding of no reason to believe at this time that the Abdnor and Andrews campaigns violated the Act. On February 11, 1987, the Commission found no reason to believe that the Honorable James Abdnor, the Friends of U.S. Senator Jim Abdnor and Cleo Urban and Mary Weise as co-treasurers, the Honorable Mark Andrews, and the People for Mark Andrews Committee and Robert C. Rust, as treasurer, violated 2 U.S.C. §§ 441a(f) and 441f.

to a federal candidate which, in the aggregate, exceed $1,000. In this case, the $5,000 contribution to the Andrews Committee was $4,000 over the limit, and the $5,000 contribution to the Abdnor committee was also $4,000 over the limit. Therefore, the Tribe made excessive contributions in the amount of $8,000, in violation of 2 U.S.C. § 441a(a)(1)(A).

Although the Tribe made contributions totalling $10,000 to the Abdnor and Andrews campaigns, the Tribe did not register as a political committee or file any reports of receipts and disbursements with the Commission. According to 2 U.S.C. § 431(4)(A), a "political committee" is any committee, club, association, or other group of persons which makes expenditures aggregating in excess of $1,000 during a calendar year. An "expenditure" includes any payment of money for the purpose of influencing any election for federal office. 2 U.S.C. § 431(9)(A)(i). Each committee must file a Statement of Organization within ten days after becoming a political committee. 2 U.S.C. § 433(a). In addition, the treasurer of a political committee must file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1).

When the Tribe made contributions in excess of $1,000, it crossed the threshold into political committee status, and incurred the obligation to register and report under the Act.

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However, it appears that the transactions at issue here were isolated events. Therefore, this Office recommends that the Commission find reason to believe the Tribe violated 2 U.S.C. § 434(a)(1) and § 433(a), include this finding in the conciliation agreement and assess a civil penalty for these violations, and require the Tribe to register and report as a political committee for this transaction. However, unless the Tribe intends to make contributions in the future, this report may also serve as a termination report.

There is ample evidence to indicate that these violations occurred, and Respondents are apparently willing to admit the violations and negotiate a conciliation agreement at this time. Therefore, this Office recommends that the Commission enter into conciliation with all respondents prior to findings of probable cause to believe.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Find reason to believe the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. § 434(a)(1) and 2 U.S.C. § 433(a).

2. Enter into conciliation with the Sisseton-Wahpeton Sioux Tribe, Gerald Henninger, Sr., David Selvage, John Two Stars, Sr., Edward Willams, Jerry Flute, Russell Hawkins, Felix Renville, Jr., Grady Renville, and Michael Simon prior to a finding of probable cause to believe.

3. Approve the attached proposed conciliation agreement and letter.

3/5/87
Date

Lawrence M. Noble
Acting General Counsel

Attachments
1. Request for Conciliation, December 4, 1986
2. Responses to interrogatories
3. Response to request for documents
4. Factual and Legal Analysis
5 Proposed agreement and letter.

2104031106

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN

DATE: AUGUST 7, 1987

SUBJECT: OBJECTIONS TO MUR 2302 - General Counsel's Report Signed August 5, 1987

The above-captioned document was circulated to the Commission on Thursday, August 6, 1987 at 11:00 A.M.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	
Commissioner Elliott	X
Commissioner Josefiak	X
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	

This matter will be placed on the Executive Session agenda for August 11, 1987.

Please notify us who will represent your Division before the Commission on this matter.

2104031107

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sisseton-Wahpeton Sioux) MUR 2302
Tribe, et al.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 11, 1987, do hereby certify that the Commission took the following actions in MUR 2302:

1. Decided by a vote of 4-1 to find reason to believe the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. § 434(a)(1) and 2 U.S.C. § 433(a).

   Commissioners Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Elliott dissented; Commissioner Aikens was not present at the time this matter was under consideration.

2. Decided by a vote of 5-0 to enter into conciliation with the Sisseton-Wahpeton Sioux Tribe, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., Edward Williams, Jerry Flute, Russell Hawkins, Felix Renville, Jr., Grady Renville, and Michael Simon prior to a finding of probable cause to believe.

   Commissioners Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Aikens was not present.

(continued)

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3. Decided by a vote of 4-1 to direct the Office of General Counsel to

   a) amend the proposed conciliation agreement as discussed in the meeting;

   b) make appropriate changes in the factual and legal analysis as agreed in the meeting.

   c) send an appropriate letter pursuant to the actions taken this date.

Commissioners Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Elliott dissented; Commissioner Aikens was not present.

Attest:

8-12-87
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

2140631109

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1987

Bertram E. Hirsch
81-33 258th Street
Floral Park, NY 11004

Re: MUR 2302
Sisseton-Wahpeton
Sioux Tribe et al.

Dear Mr. Hirsch:

On February 11, 1987, the Federal Election Commission found reason to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. § 441a(a)(1)(A) and 2 U.S.C. §441f, and found reason to believe that Russell Hawkins, Felix Renville, Jr., Grady Renville, Michael Simon, Jerry Flute, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams violated 2 U.S.C. §441f. On August 11 , 1987, the Commission found reason to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. § 434(a)(1) and 2 U.S.C. § 433(a). The Factual and Legal Analysis, which formed a basis for the Commission's most recent findings, is attached for your information. At your request, on August 11 , 1987, the Commission also determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Delanie D. Painter, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement
Factual and Legal Analysis

2140231110

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Sisseton-Wahpeton Sioux Tribe et al. MUR 2302

Although the Tribe made contributions totalling $10,000 to the Abdnor and Andrews campaigns, the Tribe did not register as a political committee or file any reports of receipts and disbursements with the Commission. According to 2 U.S.C. § 431(4)(A), a "political committee" is any committee, club, association, or other group of persons which makes expenditures aggregating in excess of $1,000 during a calendar year. An "expenditure" includes any payment of money for the purpose of influencing any election for federal office. 2 U.S.C. § 431(9)(A)(i). Each committee must file a Statement of Organization within ten days after becoming a political committee. 2 U.S.C. § 433(a). In addition, the treasurer of a political committee must file periodic reports of receipts and disbursements. 2 U.S.C. § 434(a)(1).

When the Tribe made contributions in excess of $1,000, it crossed the threshold into political committee status, and incurred the obligation to register and report under the Act. Therefore, the Commission found reason to believe the Tribe violated 2 U.S.C. § 434(a)(1) and § 433(a).

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CCC#4438

BERTRAM E. HIRSCH
ATTORNEY AT LAW

81-33 258TH STREET
FLORAL PARK, NEW YORK 11004

(718) 347-3022

September 17, 1987

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

Re: MUR 2302
Sisseton-Wahpeton
Sioux Tribe, et al.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 SEP 24 PM 12:23

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Dear Ms. Painter:

In accordance with our telephone conversation of September 15, I am writing on behalf of the Sisseton-Wahpeton Sioux Tribe to request an extension until September 28 to respond to the Commission's letter to me of August 20, 1987 proposing an agreement to conciliate the above-referenced matter.

As I explained to you, either I or my clients have been out of town during the past three weeks and have been unable to logistically get together to discuss the Commission's proposed agreement. Under these circumstances, the Commission's indulgence in giving us a few extra days to respond would be greatly appreciated. I apologize for any inconvenience this may incur and will do my best to avoid such requests for extensions as this process continues. Thank you.

Sincerely,

Bertram E. Hirsch

Bertram E. Hirsch

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Sisseton-Wahpeton Sioux Tribe, et al.	)	MUR 2302
	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On August 11, 1987, the Commission determined to enter into conciliation with the Sisseton-Wahpeton Sioux Tribe, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., Edward Williams, Jerry Flute, Russell Hawkins, Felix Renville, Jr., Grady Renville, and Michael Simon prior to a finding of probable cause to believe.*/ A proposed conciliation agreement was mailed to counsel for the respondents on August 20, 1987.

*/ On February 11, 1987, the Commission found reason to believe the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. § 441a(a)(1)(A) and § 441f by making excessive contributions to Friends of U.S. Senator Jim Abdnor and to People for Senator Mark Andrews and by making contributions in the names of others, and found reason to believe the individual respondents violated 2 U.S.C. § 441f by permitting their names to be used to effect contributions made by the Sisseton-Wahpeton Sioux Tribe. On August 11, 1987, the Commission found reason to believe the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433 and 434(a)(1).

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it is also recommended that no further action be taken against eight of the nine individual respondents in this matter, specifically, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., Edward Williams, Jerry Flute, Felix Renville, Jr., Grady Renville, and Michael Simon

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However, as to Russell Hawkins, the Chairman of the Tribe, this Office believes that he should continue to be considered a respondent in this matter. In addition to letting his name be used by the Tribe to make a contribution to Senator Andrews, he played a central role in the activity at issue herein by withdrawing tribal funds from the credit union and giving them to the Tribe's members to contribute in their own names to Senator Andrews' campaign. As a member of the Tribal Council, he also authorized the Tribe's contribution to Senator Abdnor and attended the

meeting at which the Tribe's members gave the contribution in their own names.

II. RECOMMENDATIONS

1. Take no further action against Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., Edward Williams, Jerry Flute, Felix Renville, Jr., Grady Renville, and Michael Simon, and close the file as to these respondents.

2. Approve the attached revised conciliation agreement and letter.

5/2/95
Date

Lawrence M. Noble
Lawrence M. Noble
General Counsel

Attachments
1. Letter from Hirsch
2. Proposed agreement and letter

Staff Assigned: Maura White Callaway

2140311117

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Sisseton-Wahpeton Sioux Tribe, et al.	)	MUR 2302
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 17, 1988, the Commission decided by a vote of 5-0 to take the following actions in MUR 2302:

1. Take no further action against Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., Edward Williams, Jerry Flute, Felix Renville, Jr., Grady Renville, and Michael Simon, and close the file as to these respondents, as recommended in the General Counsel's report signed May 12, 1988.

2. Approve the revised conciliation agreement and letter, as recommended in the General Counsel's report signed May 12, 1988.

Commissioners Aikens, Elliott, Josefiak, McGarry, and Thomas voted affirmatively for the decision;

Commissioner McDonald did not cast a vote.

Attest:

5/18/88
Date

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 5-12-88, 3:29
Circulated on 48 hour tally basis: Fri., 5-13-88, 4:00
Deadline for vote: Tues., 5-17-88, 4:00

2140311118

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 20, 1988

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, NY 11004

RE: MUR 2302
Sisseton-Wahpeton Sioux
Tribe, et al.

Dear Mr. Hirsch:

On May 17, 1988, the Commission took no further action against Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., Edward Williams, Jerry Flute, Felix Renville, Jr., Grady Renville, and Michael Simon. Accordingly, the file in this matter is now closed as it pertains to these individuals.

The Commission is still hopeful that this matter can be settled through a conciliation agreement. You should respond to the Commission within five days of receipt of this

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notification. If you have any questions, please contact Maura White Callaway, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure

21040831120

FEDERAL ELECTION COMMISSION
88 OCT 12 PM 3:31

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	MUR 2302
Sisseton-Wahpeton Sioux Tribe, and Russell Hawkins	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Previously, on February 11, 1987, the Commission had found reason to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433, 434, 441a(a)(1)(A), and 441f, and that Russell Hawkins violated 2 U.S.C. § 441f. The Commission's findings pertained to $5,000 contributions made by the Tribe, in the name of individual members of the Tribe, to the campaign committees of Senators Mark Andrews and James Abdnor in December 1985 and September 1986, respectively.

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Mr. Hawkins' testimony, under oath, as to his knowledge of the Act at the time of the contributions in question is essential to any finding that knowing and willfull violations of the Act occurred.

II. RECOMMENDATIONS

1. **Approve the attached Subpoena to Russell Hawkins.**

2. **Approve the attached letter.**

12/12/83
Date

Lawrence M. Noble
General Counsel

Staff assigned: Maura W. Callaway

2140331126

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN
COMMISSION SECRETARY

DATE: OCTOBER 17, 1988

SUBJECT: OBJECTION TO MUR 2302 - General Counsel's Report
Signed October 12, 1988

The above-captioned document was circulated to the Commission on Thursday, October 13, 1988 at 11:00 a.m..

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	
Commissioner Josefiak	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Thomas	X

This matter will be placed on the meeting agenda for October 25, 1988.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Sisseton-Wahpeton Sioux Tribe, and Russell Hawkins	)	MUR 2302
	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 20, 1988, the Commission decided by a vote of 6-0 to take the following actions in MUR 2302:

1. Approve the Subpoena to Russell Hawkins, as recommended in the General Counsel's report signed October 12, 1988.

2. Approve the letter, as recommended in the General Counsel's report signed October 12, 1988.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

Oct. 20, 1988
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Wed., 10-12-88, 3:31
Circulated on 48 hour tally basis: Thurs., 10-13-88, 11:00
Deadline for vote: Mon., 10-17-88, 11:00
Objection placed on agenda 10-25-88
Objection withdrawn 10-20-88 at 4:36 p.m.

2040311128

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1988

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Russell Hawkins
Sisseton-Wahpeton Sioux Tribe

Dear Mr. Hirsch:

On February 11, 1987, your clients, Russell Hawkins and the Sisseton-Wahpeton Sioux Tribe, were notified that the Federal Election Commission had found reason to believe they violated certain provisions of the Federal Election Campaign Act of 1971, as amended.

Pursuant to its investigation of this matter, the Commission has issued the attached subpoena requiring Russell Hawkins to appear and give sworn testimony on December 9, 1988, which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended.

Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid $30.00 plus mileage at the rate of 22.5 cents per mile. Your client will be given a check for the witness fee and mileage at the time of the deposition.

Within two days of your receipt of this notification, please confirm the scheduled appearance with Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200. Any questions you may have should also be directed to Mr. Marinelli.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Subpoena

2104033129

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 2302

SUBPOENA

To: Russell Hawkins
P.O. Box 509
Agency Village, SD 57262

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas you to appear for deposition with regard to MUR 2302. Notice is hereby given that the deposition is to be taken on December 9, 1988, in Room 657 at 999 E Street, N.W., Washington, D.C., beginning at 9:30 a.m. and continuing each day thereafter as necessary.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this First day of November, 1988.

Thomas J. Josefiak, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 1988

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Russell Hawkins
Sisseton-Wahpeton Sioux Tribe

Dear Mr. Hirsch:

In a letter dated November 2, 1988, you were sent a subpoena issued by the Commission for the deposition of Russell Hawkins on December 9, 1988, in Room 657 at 999 E Street, N.W., Washington, D.C., at 9:30 am. Pursuant to a phone conversation on November 18, 1988, between you and staff of this Office, it was agreed to reschedule the date of this deposition. This letter confirms the agreement that the deposition will be held on Friday, January 13, 1989, in Room 657 at 999 E Street, N.W., Washington, D.C., at 9:30 am.

If you have any questions, please direct them to Michael Marinelli, the attorney handling this matter, at (202) 276-8200.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 12, 1989

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Russell Hawkins
Sisseton-Wahpeton Sioux Tribe

Dear Mr. Hirsch:

In a letter dated November 2, 1988, you were sent a subpoena issued by the Commission for the deposition of Russell Hawkins on December 9, 1988, in Room 657 at 999 E Street, N.W., Washington, D.C., at 9:30 am. Pursuant to a phone conversation on December 28, 1988, between you and staff of this Office, it was agreed to reschedule the date of this deposition. This letter confirms the agreement that the deposition will be held on Thursday, January 19, 1989, in Room 657 at 999 E Street, N.W., Washington, D.C., at 9:30 am.

If you have any questions, please direct them to Michael Marinelli, the attorney handling this matter, at (202) 276-8200.

Sincerely,

Lawrence M. Noble
General Counsel

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TRANSCRIPT OF PROCEEDINGS

BEFORE THE

FEDERAL ELECTION COMMISSION

In the Matter of:	:	
SISSETON - WAHPETON SIOUX TRIBE and RUSSELL HAWKINS, as Chairman	:	MUR 2302

DEPOSITION OF RUSSELL D. HAWKINS

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Washington, D. C.

Thursday, January 19, 1989

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BEFORE THE

FEDERAL ELECTION COMMISSION

In the Matter of:	
SISSETON - WAHPETON SIOUX TRIBE and RUSSELL HAWKINS, as Chairman	MUR 2302

DEPOSITION OF RUSSELL D. HAWKINS

Washington, D. C.

Thursday, January 19, 1989

Deposition of RUSSELL D. HAWKINS, called for examination, pursuant to notice of deposition, at the offices of the Federal Election Commission, 999 E Street, N.W., Suite 657, before WENDY COX, a Notary Public within and for the District of Columbia, when were present on behalf of the respective parties:

MICHAEL G. MARINELLI, ESQ.
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463
On behalf of Federal Election Commission.

BERTRAM Z. HIRSCH, ESQ.
Attorney At Law
81-33 258 Street
Floral Park
New York, New York 11004
On behalf of the Defendant.

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EXHIBITS

HAWKINS EXHIBIT NUMBER	IDENTIFIED
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PROCEEDINGS

Whereupon,

RUSSELL HAWKINS

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. MARINELLI:

Q My name is Michael Marinelli and I am representing the FEC. Assisting me at this deposition is Sandra H. Robinson and observing is George F. Rishel, also with the FEC. The Commission is conducting this deposition pursuant to section 437GA of the Act. This deposition has been termed 2302.

What is your name?

A Russell Hawkins.

Q Your address.

A Rural Route 3, P.O. Box 199, Sisseton, South Dakota.

Q What is your phone number?

A My work phone number is area code 605-698-3911; my home phone is same area code 605-698-4189.

MR. HIRSCH: Can I interject something before you

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get going on the questions, for the record.

MR. MARINELLI: Okay.

MR. HIRSCH: I just want to observe for the record that Mr. Hawkins' participation at this deposition is not to be construed as an abandonment by either Mr. Hawkins or the Sisseton office of the Sioux tribe of its jurisdictional objection that has previously been noted in the record in our prior submissions to the Commission.

MR. MARINELLI: Fine.

BY MR. MARINELLI:

Q Mr. Hawkins, are you represented by counsel?

A Yes, I am.

Q Is counsel present here?

A Yes, he is.

Q Will you name your counsel?

A Bert Hirsch.

Q Let me explain the process that we will be following today.

A Okay.

Q We will be asking a series of questions. The court reporter here will be making a record. We ask you to respond using words and not gestures and to respond in

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sentences rather than single words where possible. Let me know if you don't understand a question. I would remind you that the perjury statute applies here. If the instructions are not clear at this point, please let me know.

A Okay.

Q Have you reviewed any documents or talked with any other person of your testimony today?

A Briefly, yes, I have, briefly.

Q Who have you talked to in regards to this?

A Well, I have talked to Bert Hirsch and I have talked to Pete Taylor.

Q Thank you. What are the documents which you have?

A I had just asked -- actually, I didn't ask, but I saw a copy of our old bill, 2118, and I just scanned it, folded it up, put it in my pocket. I didn't even read it word for word.

Q We would like to have a copy of that, if we can, the bill.

A The bill?

Q You are referring to the Senate bill, I believe?

A Right, yes.

MR. HIRSCH: You ought to be able to get a copy of

that.

THE WITNESS: Let me see if I have it in my jacket. I just had it yesterday. I didn't even really -- no, I guess I had it in my coat pocket. Yes, I could get you a copy of that.

BY MR. MARINELLI:

Q Again, if at some point we need a break, you can request one.

A Sure.

Q Who is Pete Taylor, by the way?

A He works with the Senate Select Committee on Indian Affairs.

Q I see. What did you discuss with him in particular?

A Well, I visited with him on some other issues yesterday, and basically just talked about what the Senate select committee had for the 101st Congress in terms of an itinerary, and what was the hot issues in Indian country type thing.

Then, incidentally, we discussed this. He said, hey, I have got a copy of the old bill right here. In fact he just threw it in the garbage can. So I said, do you mind

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if I have that.

Q I see. You discussed the legislative undertaking?

A Yes, nothing to do with this. Nothing at all to do with this.

Q Fine.

A What we had talked about were the Indian health care amendments that had went through recently. We had just discussed what it looks like with the Bush Administration in terms of relationship in Indian country.

Q Right.

A Who were the Cabinet-level selections, who was this Luhan now that's going to be seated for Secretary of Interior, what were some of the other choices, who was going to be assistant secretary. Then he asked what other business, if we came for the inauguration, I told him no, here under duress.

So he had a copy of that old bill. He threw it in the garbage and I said, do you mind if I have that. He said, no, take it. I didn't even read it cover to cover. It's just about five or six pages, but I left it folded and put it in my pocket. I will get you a copy of it.

Q Would you state what your occupation is?

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A Yes, I am the tribal chairman of the Sisseton-Wahpeton tribe.

Q How long have you been chairman?

A I was elected in November of '81 and I took office in January of '82.

Q How many terms have you had?

A I have fulfilled three two-year terms and I have been elected a fourth two-year term, which I have just started as of January 2 of this year.

Q I see. Can you describe the legislature of your government, for example, how many members it has and its powers.

A Sure. We have a tribal membership of about 9800 tribal members. We have an 18-member counsel, made up of the executive committee. The chairman, the secretary and the treasurer, who are elected at-large throughout the seven political districts of our reservation. Then from the seven political districts we have 15 council people. The council people are representative of the population of that particular district, the smallest district having one representative, the two largest having three representatives. They are elected for a two-year term.

We have a separation of powers with judicial system, court system; we have our own law enforcement system. And we basically have a separation of powers within our judicial and within our legislative branches of the government.

Q What are the powers of the executive council and who makes it up?

A The executive council is comprised of the chairman, the secretary and the treasurer, and the executive council has the authority to conduct business for the tribe when the council, the 18-member council, is on session.

Q Who has the power to authorize the spending of funds?

A It depends on how much the funds are. There are certain limits and these limits have changed periodically. The executive committee, I believe, is limited to $5000 per resolution.

Q So you are saying that the executive council can spend $5000 without gaining the prior authority of the full council?

A That's right.

Q What was the situation in 1985 and 1986?

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A That was approximately the same.

Q What are the powers of the chairman?

A The powers of the chairman are broad powers in the sense that they basically say you conduct the business of the tribe when the council is out of session. Then there is a flow chart, approximately 235 employees that are indirectly under the chairman. The chairman handles the administrative and duties of the tribe when the council is not in session.

Q For example, would that include the authority over the employees of the credit union?

A Not directly, because the employees of the credit union are tied under the treasurer. Under the treasurer they have their own separate board. Under their own separate board they do their own hiring and firing independent of the tribal personnel committee.

Q Could you get a description of what the credit union is? How would you describe it?

A It's a federal credit union. They have a board of directors that's independent of the tribe. The board of directors that are elected. They are an institution that, like most credit unions, makes loans to the members of the credit union. The tribe also has deposits of their own money

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deposited at the credit union. Individual members have their savings deposited there. They have savings accounts, they make car loans, through the revolving loan they make business loans to the individual businessmen who may be pursuing that. They are not like a commercial bank in that they have checking accounts. However, they do the savings accounts, the car loans and just the other loans.

Q Are the tribal funds, then, the general tribal funds which the legislature uses, is that kept with the credit union?

A Some are. We have a $500,000 deposit that was made some time back to give the credit union some life, so to speak. Then all our federal contracts are kept at a local bank in town where we have the FDIC insurance of $100,000 per account to cover that, because from time to time we have cash deposits in the bank that require the protection, and we did have one bank failure in the local area. But that's another story.

However, we do have our contract money, our federal funds for our federal contracts located in the local bank in the neighboring town and all that, of course, is run through our central finance system with the computer.

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But we do have deposits, different entities, different businessmen leave deposits in the credit union. But that is not our major banking institution.

Q Does the credit union keep its deposits in another bank, or does it, for example, go into a local bank? They deposit in a local bank?

A Yes.

Q The credit union itself maintains a separate account at a local bank?

A Yes.

Q Did you make political contributions in 1985?

A Yes, we did.

Q When you say "we," you mean yourself and who else?

A I mean the tribe.

Q The tribe.

A Yes.

Q Who are the other people?

A I could be just a little bit off on these dates here now.

(Witness consulted with counsel.)

THE WITNESS: Yes, I think we did in '85.

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BY MR. MARINELLI:

Q I would like to introduce as an exhibit a document.

A Sure.

(Hawkins Exhibit 1 identified.)

BY MR. MARINELLI:

Q Let me describe the document you are looking at. It is a Federal Election Commission document. It is a copy from the page of the 1985 year-end report for the People for Mark Andrews Committee. It is a two-page excerpt from the document. I would like to call your attention to the bottom of the --

A I see it.

Q The bottom of the first page and continuing on the next page.

A Sure.

Q Do you recognize the names on that document?

A Sure.

Q Could you read those names out, please.

A Jerry Flute, Mike Simon, Felix Renville, Jr., Grady Renville, Russ Hawkins.

Q Could you identify those individuals?

A Yes, I could.

Q Please do so.

A Do you want a physical description of them or --

Q No, who they are generally, what position they are.

A Mustache, beard.

Q We don't need it to be quite that specific.

A Jerry was a former business -- what was his title -- business manager of the tribe. Mike Simon is a councilman, was a councilman from the tribe elected from the Long Hollow district. Felix Renville, Jr. is tribal secretary elected at job, Grady Renville was a councilman elected from 08 council. I myself was chair tribal chairman.

Q The descriptions you gave were positions they all held in 1985?

A Right.

Q The document indicates that the committee, the Mark Andrews committee, received a $1000 contribution from yourself and the individuals you just named.

A Right.

Q On December 2, 1985.

A Sure.

Q Does that identify the date that you made the contribution?

A Yes. We made that contribution and like if you pulled out another piece of evidence, it was really December 6. I wouldn't know. I remember it was cold, it was in the wintertime. We were all there. We made the contribution.

The best I can recollect, it was December 2. It might have been the 5th, it might have been the 4th, but it was in the approximate time period.

Q Do you remember how the contribution was made, whether they used money order or cashier's check?

A Sure, I remember.

Q How was it made?

A Well, to back up a little bit, when we went up there, we had cash, we just had cash, maybe it was $50, maybe it was twenties, I don't remember, maybe it was hundreds. I don't remember. I wasn't carrying the cash. We went up there. We were in the lobby waiting for an appointment with Senator Andrews.

Q Right.

A At that time, one of the councilmen, Grady

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Renville, talked to Senator Andrews' aide, whose name I don't know. He said, on the side, we want to make a contribution, how do we do this. The guy said, well, you have got to make it individual amounts of no more than $1000, because he asked how much. We said 5000 -- not we, but Grady. So when we get in there I asked the Senator, I said, look, we have never made a contribution before and we want to do this. We want to contribute to your reelection effort and we have never done this. I did not want to do anything that was offensive or distasteful in terms of this. But I also didn't want him to think we were giving him a rubber check either that would bounce.

Q If I may interrupt a moment. When and where was this meeting?

A It was in Fargo at -- it was a federal building, there was a post office on the ground floor. The Senator's office was the third floor, maybe it was the fourth floor, maybe it was the fifth, we went up in an elevator, I don't remember how many floors. It was in a federal building. The Senator said he could not accept a cash contribution, but he said it has to be, one, it cannot be cash, it has to be a money order, something like this. He said it cannot be more

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than $1000. Individuals have to give -- not have to -- but cannot give more than $1000.

So I thought there's five of us, we wanted to give him 5000, go down to the post office. He said okay. We went down to the post office right downstairs and we said we want five money orders for 1000 each, there was five of us, put our John Henry on it, went back up there and he said yes, we gave it to him.

Q You are saying this is what the Senator told you, that the individuals, that the tribe could not make a $5000 contribution, that it had to be by individuals?

A Yes.

Q Did he give any specific reason why that was the case?

A No. He just said we can't accept $5000 cash. The limit is $1000 per individual, has to be individuals. At that time I thought, well, it does make sense, you know, you have got to have a name on there. You can't just have something on there. You mean like a tribe. Whether it's a tribe or any entity, there's somebody whose flesh and blood is sitting at the end of the desk who has got a name.

I said okay. Then when we were going down the

stairs, Grady confirmed this also saying, yes, that's what the aide said too, it can be $1000 per individual. Can't be five from one person.

So we went down and we cashed in the cash, got money orders and went back up there and gave them to the secretary.

Q I see. He didn't specifically tell you to go down and to make --

A He didn't tell us to go down to the post office. He just said he cannot accept 5000 from an individual, that a limit per individual is $1000 per individual, and a check or money order would be fine, but he couldn't accept cash. So he didn't direct us to do that, but we just went downstairs. We knew there was a post office down there and we thought we could get a money order or -- what's the other one, you know, money order.

Q Right. Who filled out the information on the money order? Did you write the information down yourselves, like the name of one individual in the tribe write down the information as to who was making the money order, who it was going to?

A Let's see, I am trying to remember, do they give

you blank ones and then we fill it in? But if that was the case, everybody signed their name to it on that one, like the local guys there, like Jerry, Mike, Felix, Grady and myself, you know, I didn't say you guys, wait out in the car, I am going to do something here. We all put our John Henrys on there.

Q Well, the funds that made up the contribution, the first time that you went.

A Yes.

Q What was the source of those funds?

A We got those out of the tribe's land acquisition account that we held at the credit union. Now, that is not federal dollars. The money we had in that account was for us purchasing land. We have land that we own that we rent out to farmers, and with that money we make an FHA repayment, and when things go well for us, we have money left over to buy more land above and beyond what the FHA payment was.

Q In other words, it was tribal funds and not personal funds that were used to make the series of contributions?

A Right.

MR. HIRSCH: Excuse me.

(Witness consulted with counsel.)

MR. MARINELLI: I would like to introduce a second document.

(Hawkins Exhibit 2 identified.)

MR. HIRSCH: May we go off the record.

(Discussion off the record.)

MR. MARINELLI: Back on the record, please.

BY MR. MARINELLI:

Q I would like you to describe the document, if you will.

A We have a cashier's check from First State Bank, remitter Russ Hawkins, pay to the order of Sisseton-Wahpeton Sioux Tribe/Land Acquisition, date of 6/30/86 on it.

Q Does this document or this check have anything to do with the contribution which you made and which the tibal members made in 1985?

A Would you repeat that? Repeat the question.

Q Sure. Does this check have anything to do with the contributions you and the other members of the tribe made in 1985?

A The other members being --

Q The other members being the name shown on the

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report, Renville, Simon, Jerry Flute.

MR. HIRSCH: On this exhibit?

BY MR. MARINELLI:

Q Yes.

A Absolutely not.

Q Did you refund the land acquisition fund, the amount of money that was used to make the contribution?

A Okay, contribution?

Q The contributions that we were discussing a few seconds ago.

A Absolutely not.

Q So, in other words, you didn't send $5000, write a check for $5000 back into the land acquisition fund after the contributions were made?

A After the contributions were made to Mark Andrews with the five individuals, including myself, that was December 2.

Q Right.

A Yes. No, I did not, I did not put money back in that fund for this. This check here is unrelated to that incident here.

Q Okay.

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A The funds, if I may add, that's what Bert was whispering to me a little bit ago, the funds for it is Mark Andrews contribution came at a regularly scheduled council meeting.

In fact, there was -- the motion was made by Grady saying let's make a contribution, regular scheduled meeting, the voice vote was made, it was recorded, it was published in the public papers, and that was where the source of funds came.

This incident here, this check, I am not denying this check, but this has nothing to do with this contribution.

This was a different story that we don't -- we are not talking about now.

MR. HIRSCH: The council authorized tribal funds in the amount of $5000 to be expended for the purpose of a contribution to Senator Andrews?

THE WITNESS: Yes.

MR. HIRSCH: At that time was it the intent of the tribal council that the contribution would be made in the tribe's name?

THE WITNESS: Yes, tribe's name.

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MR. HIRSCH: Let me just clarify this, because it's important. When you and the other tribal members went to Senator Andrews' office that day, was it your contemplation that the contribution would be made in the tribe's name?

THE WITNESS: Yes, it was. I thought we just forked it over.

MR. HIRSCH: It was only because of the advice that you received with respect to the procedure of making contributions that that changed; right?

THE WITNESS: That's right. I didn't want to do anything distasteful and not proper. That's why I asked the Senator and one of the councilmen asked the Senator's aide. Just to clarify it, I am not saying this is not fraudulent or anything like that, this here check, but this has nothing to do with Mark Andrews.

MR. HIRSCH: Let me ask you one other question. You and the other members of the tribe, when you went to Mark Andrews' office on that day in December of '85, were you there in your individual capacity or as representatives of the tribe?

THE WITNESS: As representatives of the tribe.

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MR. HIRSCH: Thank you.

BY MR. MARINELLI:

Q I would like to ask you, when this meeting which authorized the making of the $5000 contribution to Mark Andrews, when did that meeting occur, the tribal meeting?

A I couldn't tell you the date, or I couldn't tell you the day, if it was on a Tuesday or Wednesday. I really couldn't tell you what month. I am not being facetious, I truly don't remember.

But what I can tell you is that we do have it published. We published it -- we publish it in our local papers, which is a local paper, you can buy it at any store within our reservation, we send them out, we have subscriptions that go all over the United States. But I just don't remember what day. I didn't, before coming here, I didn't go through a big bunch of documents and memorize this and memorize that. But that information is available.

Q Did this meeting take place before the contribution?

A Oh, absolutely, I didn't do this after the fact. The meeting took place, make a contribution. Grady worked out the details of getting the cash. In fact, I was

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surprised that we had cash, but I didn't give any direction either way. He followed up on it, then we made the contribution to Andrews. It was not a case of having a meeting after we made the contribution.

We had the meeting first with the full council there, recorded it, in the papers. Then we went, made the contribution.

MR. HIRSCH: At the meeting --

THE WITNESS: I don't remember the exact date, what it was, you know. It's available, though.

MR. HIRSCH: At the meeting, was there any discussion about the federal laws pertaining to campaign contributions?

THE WITNESS: No.

MR. HIRSCH: Did any member of the council have any knowledge regarding that?

THE WITNESS: Not that I recall.

MR. HIRSCH: Did you?

THE WITNESS: No. Of course, you are under the impression everybody gives campaign contributions and so much contributed here. We didn't really look into that.

MR. HIRSCH: Excuse me, when you went to Senator

Andrews' office, did any of you have any knowledge then about federal campaign contribution requirements, the legal requirements?

THE WITNESS: No, we didn't. In fact, I think we were -- I don't know if this is pertinent or not. But we were thinking of contributing more, but we just couldn't afford it.

BY MR. MARINELLI:

Q I see. Why was the $5000 figure chosen? Is there any particular reason?

A No.

Q Why, when you went back, the five of you went back the second time to make the contributions to Andrews, why did each of you give $1000 instead of one person giving $2000, another person giving $500? Why did you choose that particular method?

A Remember, when we walked in and I saw the Senator. I said we have never done this before. What is the appropriate way to make the contribution. He said it cannot exceed $1000 per individual. Then when Grady asked the aide, he said the same thing, $1000 per individual. Five individuals, 5000, we just divided it by five.

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Q Did you speak with anyone before the meeting? Had you had any prior contact with people in the Mark Andrews campaign before you made the contribution that you met in December with him?

A Okay. I would like a clarification. Let me just tell you what. We worked with Senator Andrews in the past on Indian health care amendments. The Aberdeen area, where we are from, we have twice the infant mortality rate of anyplace in the nation. We have the shortest life expectancy of anyplace. That means you can pick the worst ghetto in Harlem. Our children die sooner than that. Mark Andrews has worked with us in the Indian health care area. He has worked with us in the area of Indian Health Care Act. So we have worked with him before. Now, if you are saying, have you had contact with him before, yes, we have. We have talked about that.

But we have never talked to him about making a contribution before. There have been times where he has mentioned -- we were discussing making him an honorary member of our tribe, different things like that. So we had contact with him, we have worked with him. He was a good Senator for Indian people in North and South Dakota, but we never sat

down and said, hey, we are going to make a campaign contribution to you. We never talked to him or his aides prior to that meeting. We just scheduled a meeting.

MR. HIRSCH: Prior to this, did the tribe have any previous experience in making campaign contributions?

THE WITNESS: No. This was the first time. This was the first time we were going to make contributions.

BY MR. MARINELLI:

Q So at the time these contributions were made, you knew that it would be illegal for the tribe to make contributions directly to Mark Andrews' committee?

A When you say at the time, at the time we had the council meeting, I didn't know that. I didn't really look at it as a legal thing, or more of a proper thing, you know. If somebody says, well, you come in here, you wear a suit and a tie, you know, I don't want to sound facetious here, but it's not a law you wear a suit and tie, but it's the proper thing. That's where I asked, what's the proper way to make the contribution. He said, well, it can't be $5000 cash, I did not have no regulation cited to me. I did not have a regulation book to look at. I just thought, this is the proper way to do it.

MR. HIRSCH: Were you actually told that it would be illegal for the tribe to?

THE WITNESS: No, I didn't hear that it was illegal, I didn't hear that it was a penalty, I didn't hear a section of the law, I didn't ask for them. I just asked what's the way of making a contribution. We hear about companies making hundreds of contributions here, we hear about the casinos making contributions here. I just asked what is the proper way to do this.

MR. MARINELLI: I would like to break for a five-minute interval.

THE WITNESS: Sure, I had a piece to show you --

MR. MARINELLI: We are off the record.

THE WITNESS: No, I was just going to show you.

MR. MARINELLI: We are on the record.

THE WITNESS: This is to do about the Bush election. Nothing to do about this.

(Recess.)

MR. MARINELLI: We will go back on the record.

BY MR. MARINELLI:

Q Was there a tribal meeting in 1986, September 2 or 3 thereabouts that discussed making contributions to

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candidates, Abdnor, for example?

A There very well could have been. When I say, I don't know that facetiously. I truly can't remember the exact date, but we did talk about it.

MR. MARINELLI: I would like to introduce as an exhibit the following document.

(Hawkins Exhibit 3 identified.)

BY MR. MARINELLI:

Q Can you describe the document?

A Sure. It's a council resolution number 86-79, that was conducted on September 2, 1986, and it says, "therefore be it resolved, that the council of the Sisseton-Wahpeton Sioux tribe that authorization herein is granted to pay from tribal funds $5000 to the friends of the Jim Abdnor campaign."

Q There's a second paragraph as well.

A It says "Finally be it resolved that upon enactment of S. 2118, the monetary contribution to James Abdnor and Mark Andrews as well as related costs of lobbying for the bill shall be refunded to the tribal fund account that provided for such costs."

MR. MARINELLI: Before we continue, there will be

a change in procedure. I would request that the attorney direct his examination for clarification after the respondent.

MR. HIRSCH: You mean after you are done with the whole deposition?

MR. MARINELLI: I will give you a chance to clarify and explain, question your client on the matters.

MR. HIRSCH: Sure.

BY MR. MARINELLI:

Q Were contributions made pursuant to this particular resolution?

A Yes, they were.

Q Were contributions made to Jim Abdnor?

A Yes, they were.

Q Do you remember, can you describe what those contributions were, whether they were made and who made them?

A Pretty much. Again, it was at that council meeting, I am sure it was at that council meeting, again, basing our information that we had from Senator Andrews on a procedure, I at some juncture informed the council that we have to go with individuals, $1000 each, and I asked if there was five volunteers to raise their hand, you know, who wanted

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to have their names affixed to the money orders or bank drafts, whatever they were.

Q Right.

A At that time we had a show of hands, so we got the money out of the credit union, and we typed in the names of the individuals who had raised their hands.

One individual -- and I don't know if I am getting ahead of the question -- one individual who served on council later denied raising his hand, whatever, as a show of hands, but the rest, nobody is refuting it. That was pretty much how it was.

MR. MARINELLI: I would like to introduce another document relating to this, this will be Exhibit 4. I will describe this document because it is a document of the Federal Election Commission.

(Hawkins Exhibit 4 identified.)

BY MR. MARINELLI:

Q What you have before you is a copy of the October quarterly record, the Friends of Senator Abdnor committee. You will note there are names on each page of the document. Do you recognize those names?

A Sure. Maynard Bernard, councilman; Gerald

Heminger, now, Gerald Heminger, member of the human service board. I cannot recall if he was on council, I believe he was. I think he was a one-termer. Dave Salvage, councilman; Larry Travers; Johnny Two Stars, councilman; Larry Travers, councilman.

Q The document alleges contributions were made or rather received by Friends of Senator Abdnor committee on September 10, 1986. Do you recognize that that is a date that the contributions were made?

A I can tell you this, that we did -- now, I couldn't tell you if it was the 10th. You might pull out a document and say it was really the 9th. I can tell you we did make them. I can't tell you if it was the 9th, if it was the 10th. I will not try to argue with anything here. I am not going to argue that it was 9 or 10, but we did make some, yes.

Q Was there a motion made to later delete the minutes of the September 2nd, 3rd, council meeting?

A Yes, there was at one point. We talked about not having this in the record.

Q Why was that?

A We were thinking that if the guy, and again, we

didn't know that this was all going to be typed up anyway. We thought if the other guy gets in and they are subscribers to our newspaper, that the other guy would get in, read in the newspaper our minutes, maybe an aide would, and say hey, look, the tribe contributed to this guy over here and he lost. Now we would have that other Senator mad at us. We thought, let's kind of keep this down so that the other guy doesn't get mad. We did not know that this would all be typed up and everybody would have a copy of it.

Q By the other guy you mean his opponent?

A Daschle.

Q Daschle, I see.

A You know, just business, if we contribute to one guy and he lost and we were printing it in the papers and sending it to both parties, they will see that. If our guy loses, see, then we will be dealing with a guy who may not be real favorable to us.

Q What were the source of the funds that were used to make the series of contributions to Senator Abdnor?

A Pretty much the same thing. Our land acquisition account, travel funds that we had in the credit union for buying land and stuff.

Q At the time that this council resolution was approved, did anyone in the tribe know that it would be illegal for the tribe to make a direct contribution of $5000?

A We didn't know that it would be that technical, that it would be illegal, the statutes, the penalties. What we were just basing it on is what we had conducted in Senator Andrews' office, when we said what's the proper way, he said individuals, $1000 each. So that was what we did. We didn't look up the regulation, we didn't really know it was going to turn into all of this either.

Q No one ever told you that it would be illegal for the tribe to give $5000?

A No.

Q Just improper?

A I worded that sentence when I asked them. I said, what's the proper way to do this. What is really the proper way. He said money orders or cashier's checks for individuals not exceeding $1000 each. So we didn't know that it was illegal. We later found out, when we started getting wind that this was all reported, that's when we started looking up the regulations and found that it is illegal for the tribe to give it to a member to give it to somebody

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else. That was kind of after the fact.

Q After all the contributions were made?

A Yes.

Q Do you remember the occasion on which you gave the money to Senator Abdnor, the meeting that you had?

A Yes. I couldn't tell you the exact date now. If you told me it was September 13, and I said, yes, it was really the 12th, I don't know. I do know it was at Aberdeen, South Dakota. It was at an Indian health board meeting where we were going to discuss Indian health issues. It was at the Sheraton Hotel in Aberdeen.

Q Do you know who was at that meeting?

A I can tell you pretty much who was there, Senator Abdnor, Dick Doubrava was in and out a little bit, as his aide. I believe there was Ed Williams, pretty much most of the people here, Maynard, I think Maynard was there, Little Joe, that's Gerald Heminger, Dave, I think Dave was there, Dave Salvage, I think Johnny Two Stars was there, myself, and, in addition, we had Sara Dalota, we had Dr. Sloan, maybe Jimmy Longbreak from Indian health. There are probably a few others, but those are who I remember.

Q Did anyone at the campaign discuss with you

beforehand how the contributions could be made?

A No, not from Abdnor's staff. See, we didn't tell him either.

Q Did you discuss the manner in which you would make these contributions with your attorney or any other legal counsel?

A No. We figured we already knew how. We asked Andrews, his staff, he said not more than $1000 per individual. We thought $1000 per individual, that would be right. We didn't really bother to check on what regulation, what the statute, the penalties, all these things were. We thought we were doing it properly.

Q And no one from the Abdnor campaign or the Mark Andrews campaign told you it would be illegal to give directly?

A No. No, they didn't. If they had, we sure wouldn't have done it.

Q After you made the contribution, did anyone from the Abdnor campaign contact you to discuss them with you?

A Yes, I got one phone call. I don't know who it was. A gal just says, is this from individuals or is this from the tribe. I said, well, these were individuals, going

back, remember, to what he said, it has to be individuals, $1000 limit.

See, I later found out the tribe could have made a contribution for $1000. But at that time I didn't know it. That's after I got in this situation, started developing, then we started looking up the law. But I did get a call, I don't know who it was. She just said I am from Friends of Abdnor, is this individuals or is it tribe. I said these are individuals, thinking, you know, it has to be individuals. But in reality it was from the tribe. These guys are poor, they don't have money.

Q I see. Well, did she ask, did the individual who contacted you from the Abdnor campaign, did she tell you why she wanted to know?

A No. This was just a real quick phone call and she didn't offer any explanation, she didn't say what would be legal, didn't say what would be illegal, didn't read no statutes, no regulations, it was about a 10-second phone call. I don't even know who it was. It wasn't Dick Doubrava. I would have recognized his voice.

MR. MARINELLI: I would like to call another break for about three minutes.

THE WITNESS: Okay. Everything is off the record now, so I can talk to Bert, right?

(Recess.)

BY MR. MARINELLI:

Q I would like to ask one further question, and then I will allow your attorney to clarify. Did your tribe, or did the tribe receive refunds of the contributions that you made to Mark Andrews and Senator Abdnor? Did they refund the money, give it back?

A No, no. Abdnor never gave it back and neither did Andrews.

Q You never received an individual refund?

A No, I sure didn't, never did.

Q None of the individuals got them?

A No. No one got a refund.

MR. MARINELLI: At this time I would like to have the attorney --

EXAMINATION

BY MR. HIRSCH:

Q I just have one question. I think everything else has been covered. With respect to the contributions made to Senator Andrews and with respect to the contributions made to

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Senator Abdnor, were you seeking to in any way evade legal requirements?

A No, I wasn't --

Q You or the tribe, I mean?

A No.

Q Were you seeking to comply with the law?

A Yes, inasmuch as we asked what's the proper way to do this thing. We have never done it before.

Q Did you think that you were complying with the law?

A Yes, I truly did. I said, how do we do this, I have never done it before. I don't want to do anything distasteful. At that time, in my mind, I know it's not regulation or nothing like that. At that time I did not want to do nothing that would offend them. I did not think there was anything legally wrong, but sometimes you can offend people without meaning to without knowing what the proper etiquette is.

Grady had the money in a brown bag. This isn't -- what is the proper way to do this. That was thinking more along the lines of not offending anybody and certainly not thinking we was violating all of these laws.

MR. HIRSCH: That's all I have.

EXAMINATION

BY MR. MARINELLI:

Q Okay, then I have a few more questions on dealing with the clarification. Before 1985, did you or members of your tribe make contributions regularly?

A I can tell you this, I don't know what happened way back when. Maybe they did. Maybe you are going to find out in 1932 Melvin Robertson gave somebody something --

MR. HIRSCH: He is asking you what you know.

THE WITNESS: But I can tell you this, we have never made one as chairman or as my employment from the tribe in 1980, March 7, when I started working, never contributed to nobody, not county, not state, not local, not federal, nothing.

MR. MARINELLI: Well, we will begin the closing of the deposition. The confidentiality provisions of 2 USC section 437GA apply to the investigation in that it cannot be made public without the written consent of all the respondents. We have received no written consent in this matter. I would like --

MR. HIRSCH: You said cannot be made. Is that

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what you said, cannot be made public?

MR. MARINELLI: Yes, without consent. I would like to state that instead of closing the deposition, I am going to adjourn the deposition so that at some future time, if we feel it's necessary, we may continue the deposition again. I would like to ask whether the respondent is waiving his right, waiving his right to read and sign the transcript?

MR. HIRSCH: No.

MR. MARINELLI: Fine.

THE WITNESS: I am just curious, I am waiving my right to read and sign the transcript?

MR. HIRSCH: No, you are not going to waive that right.

THE WITNESS: I can read it and sign it?

MR. MARINELLI: Right.

THE WITNESS: Okay.

MR. MARINELLI: You will be receiving a witness fee and a mileage check as per Commission regulations at some time. We don't have it prepared today, but be assured that you will be getting it.

MR. HIRSCH: Just tell him what you have to do.

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THE WITNESS: I threw it out. Give you a copy of the ticket?

MR. MARINELLI: We have to follow the government rate. We have a check prepared, I think it's $543.

THE WITNESS: Okay, that ain't bad.

MR. HIRSCH: I see.

MR. MARINELLI: That's it.

(Whereupon, at 10:37 a.m., the deposition was adjourned.)

RUSSELL HAWKINS

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CERTIFICATE OF NOTARY PUBLIC & REPORTER

I, WENDY S. COX, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Wendy S Cox

Notary Public in and for the
District of Columbia

My Commission Expires NOVEMBER 14, 1992

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FEDERAL ELECTION COMMISSION
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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Sisseton-Wahpeton Sioux Tribe, and Russell D. Hawkins	)	MUR 2302

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Sisseton-Wahpeton Sioux Tribe and Russell D. Hawkins based on the assessment of the information presently available.

Date 7/24/89

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

August 9, 1989

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

SUBJECT: MUR 2302

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copies of these briefs and a letters notifying the respondents of the General Counsel's intent to recommend to the Commission findings of probable cause to believe were mailed on August 9, 1989. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments
1. Briefs
2. Letter to respondents

Staff person: Michael Marinelli

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 9, 1989

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Russell Hawkins

Dear Mr. Hirsch:

Based on complaints filed with the Federal Election Commission on October 10, 1986; October 22, 1986, and December 15, 1986; and information supplied by your client, the Commission, on February 11, 1987, found that there was reason to believe your client, Russell Hawkins, violated 2 U.S.C. § 441f, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

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If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

2104031131

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2302
Russell D. Hawkins)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Sisseton-Wahpeton Sioux Tribe (the "Tribe") is located on lands in the Lake Traverse Reservation of Northeastern South Dakota. Russell D. Hawkins has been the chairman of the Tribe since 1982. According to complaints filed with the Commission, the Tribe undertook in 1985 and 1986 to make excessive contributions in the names of others to Senators Mark Andrews and James Abdnor. This was done in order to secure support for the passage of federal legislation, Senate Bill S.2118, which would have increased the compensation due members of the Tribe for past Federal land seizures.[1]

On February 11, 1987, the Commission found reason to believe that Russell Hawkins violated 2 U.S.C. § 441f. An investigation was instituted into this matter.

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1. The Office of the General Counsel received a complaint on October 10, 1986 from the North Dakota Democratic Party concerning the contributions made to the Andrews campaign. A second complaint was filed by the The South Dakota Democratic Party on October 22, 1986 concerning the tribal contributions made to the Abdnor Committee. Finally, a third complaint concerning both sets of contributions was filed on December 15, 1986 by Edward D. Seaboy, a member of the Tribe.

II. Factual and Legal Analysis

A. Contributions made to Senators Mark Andrews and James Abdnor

The Tribal Council, convening sometime before a December 1985 meeting with Senator Mark Andrews, decided to make a $5,000 contribution to the Senator's 1986 re-election campaign.[2] Funds totaling $5,000 were withdrawn on November 27, 1985 from the Sisseton-Wahpeton Sioux land acquisition account maintained at a tribal credit union. On or about December 2, 1985, a tribal government delegation met with Senator Andrews in his office in Fargo, North Dakota. Present at the meeting were Russell D. Hawkins, the Tribal chairman; Felix Renville, Jr., the Tribal secretary; Grady Renville, a tribal councilman; Mike Simon, a tribal councilman; and Jerry Flute, the tribal business manager. The delegation brought the $5,000 in cash for the purpose of making a contribution to Senator Andrews' 1986 re-election campaign. In a January 18, 1989, Commission deposition, Russell D. Hawkins stated that at the meeting with Senator Andrews it became the understanding of the members of the

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2. The Sisseton-Wahpeton tribal government consists of a Tribal Council and an Executive Council. The 18 member Tribal Council is the Tribe's legislature consisting of 15 members elected from different tribal districts and the three elected officers of the Tribe. The three officers, the Tribal Chairman, Tribal Treasurer and Tribal Secretary, form the Executive Council and are elected at large from the 9,800 tribal members. The Executive Council headed by the Tribal Chairman is responsible for conducting tribal business when the Tribal Council is not in session. At the time the contributions were made to Senators Andrews and Abdnor, the Executive Council also had the power to make expenditures of up to $5,000 without the approval of the Tribal Council. In 1985 and 1986 the Executive Counsel consisted of Russell Hawkins as Tribal Chairman, Felix Renville, Jr. as Tribal Secretary and Arnold Ryan as Tribal Treasurer.

delegation that the Senator could not accept a $5,000 cash contribution from the Tribe but that the Senator could accept a contributions of $1,000 from an individual in the form of a check or a money order.

Immediately after leaving the meeting, Russell Hawkins divided the $5,000 in cash among the members of the delegation and 10 money orders of $500 were purchased and prepared in the names of Russell D. Hawkins, Felix Renville, Jr., Grady Renville, Mike Simon, and Jerry Flute.[3] Each individual filled out two $500 money orders made out to the People for Mark Andrews Committee (the "Andrews Committee"), the principal campaign committee for the Andrews campaign. The delegation then returned to the Senator's office that same day and presented these money orders to a member of the Senator's staff as contributions from the five individual members of the Tribe to the Andrews Committee.[4]

On September 2 and 3, 1986, the Sisseton-Wahpeton Sioux Tribe held a Tribal Council meeting. At that meeting Resolution 86-79 was discussed and voted. This resolution stated in part:

> NOW, THEREFORE BE IT RESOLVED by the Tribal Council of the Sisseton Wahpeton Sioux Tribe that authorization herein is granted to pay from tribal funds $5,000 to the friends of Jim Abdnor Campaign and,

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3. In March 20, 1987, responses to Commission interrogatories, Felix Renville, Jr., Grady Renville, Mike Simon, and Jerry Flute state that they obtained the money to purchase the money orders from Russell Hawkins.

4. On its 1985 Year End Report, the Andrews Committee reported receiving on December 2, 1985, five $1,000 contributions from Russell D. Hawkins, Felix Renville, Jr., Grady Renville, Mike Simon, and Jerry Flute.

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> FINALLY BE IT RESOLVED, that upon enactment of S.2118, the monetary contribution to James Abdnor and Mark Andrews as well as related costs of lobbying for the bill shall be refunded to the Tribal fund account that provided for such costs.

The minutes of the September 2-3, 1986 meeting describes Motion 22 which supported the passage of the resolution:

> MOTION NO. 22: made by Grady Renville, seconded by John Two Stars, that the Sisseton-Wahpeton Sioux Tribe contribute to Senator Abdnor, and the funds to come from the Land Acquisition account. If we're successful in getting Senate Bill 2118 passed, the $5,000, plus the Senator Andrews contribution, will be refunded to that account.

The resolution was approved by a vote of 13 to 2.

On September 5, 1986, funds were withdrawn from the Sisseton-Wahpeton Sioux land acquisition account to make the contribution to Senator Abdnor. The amount withdrawn was $5,100, the amount necessary to cover both the contribution and the payment for five $1,000 money orders. These money orders were purchased on September 8, 1986, and made out in the names of five tribal members who were asked by Russell Hawkins to volunteer their names. These five individuals were Maynard Bernard, Gerald Heminger, Sr., Dave Salvage, Johnny Two Stars, Sr. and Edward Williams.[5] All five were members of the Tribal Council.

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5. The March 20, 1987, responses to Commission interrogatories by Gerald Heminger, Sr., Dave Salvage, Johnny Two Stars, Sr., and Edward Williams state that Maynard Bernard was present at the September 10, 1986 meeting at which the contributions were given to Senator Abdnor. At the January 18, 1989, Commission deposition, Russell Hawkins stated that the Maynard Bernard was not only present at the meeting but volunteered his name for the contributions. However, Maynard Bernard in a November 17, 1986, response to the complaint denied any involvement in the making of the Abdnor contributions and has maintained that his name was used without his permission.

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The money orders were made out to Friends of U.S. Senator Jim Abdnor (the "Abdnor Committee").

These five individuals and Russell D. Hawkins met with Senator Abdnor at the Sheraton Hotel in Aberdeen on September 10, 1986. At that meeting, the money orders were presented to Senator Abdnor as contributions from the five individuals to the Abdnor Committee.[6]

B. Applicable Statutory Provisions

The Federal Election Campaign Act of 1971, as amended (the "Act") provides that "[n]o person shall make a contribution in the name of another person..." 2 U.S.C. § 441f. Section 441f further states that "[n]o person shall .. knowingly permit his name to be used to effect such a contribution." The Commission interprets Section 441f to also apply to those who actively assist in the making of contributions in the name of another. See generally, FEC v Rodriquez, No. 86-684 (MD Fla. May 5, 1987).

C. Analysis

The facts in this matter indicate that Russell D. Hawkins, the Tribal Chairman, knowingly allowed his name to be used to effect a $1,000 contribution by the Tribe to the Andrews Committee and that he assisted in the making of the remaining $9,000 in contributions to the Andrews and Abdnor Committees. Therefore, the Office of the General Counsel recommends that the Commission find there is probable cause to believe that Russell

6. In its 1986 Quarterly Report, the Abdnor Committee reported receiving on September 10, 1986 five $1,000 contributions from Maynard Bernard, Gerald Heminger, Sr., Dave Salvage, Johnny Two Stars, Sr. and Edward Williams.

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Hawkins violated 2 U.S.C. § 441f.

III. **GENERAL COUNSEL'S RECOMMENDATIONS**

Find there is probable cause to believe that Russell D. Hawkins violated 2 U.S.C. § 441f.

8/9/89
Date

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 9, 1989

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Sisseton-Wahpeton Sioux Tribe

Dear Mr. Hirsch:

Based on complaints filed with the Federal Election Commission on October 10, 1986; October 22, 1986, and December 15, 1986; and information supplied by your client, the Commission, on February 11, 1987, found that there was reason to believe your client, Sisseton-Wahpeton Sioux Tribe, violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that violations have occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

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If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Brief

2104033139

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sisseton-Wahpeton Sioux Tribe) MUR 2302

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

The Sisseton-Wahpeton Sioux Indian Tribe (the "Tribe") is located on lands in the Lake Traverse Reservation of Northeastern South Dakota. Russell D. Hawkins has been the chairman of the Tribe since 1982. According to complaints filed with the Commission, the Tribe undertook in 1985 and 1986 to make excessive contributions in the names of others to Senators Mark Andrews and James Abdnor. This was done in order to secure support for the passage of federal legislation, Senate Bill S.2118, which would have increased the compensation due members of the Tribe for past Federal land seizures.[1]

On February 11, 1987, the Commission found reason to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f. An investigation was instituted into this matter.

1. The Office of the General Counsel received a complaint on October 10, 1986 from the North Dakota Democratic Party concerning the contributions made to the Andrews campaign. A second complaint was filed by the The South Dakota Democratic Party on October 22, 1986 concerning the tribal contributions made to the Abdnor Committee. Finally, a third complaint concerning both sets of contributions was filed on December 15, 1986 by Edward D. Seaboy, a member of the Tribe.

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II. Factual and Legal Analysis

A. Contributions made to Senators Mark Andrews and James Abdnor

The Tribal Council, convening sometime before a December 1985 meeting with Senator Mark Andrews, decided to make a $5,000 contribution to the Senator's 1986 re-election campaign.[2] Funds totaling $5,000 were withdrawn on November 27, 1985 from the Sisseton-Wahpeton Sioux land acquisition account maintained at a tribal credit union. On or about December 2, 1985, a tribal government delegation met with Senator Andrews in his office in Fargo, North Dakota. Present at the meeting were Russell D. Hawkins, the Tribal chairman; Felix Renville, Jr., the Tribal secretary; Grady Renville, a tribal councilman; Mike Simon, a tribal councilman; and Jerry Flute, the tribal business manager. The delegation brought the $5,000 in cash for the purpose of making a contribution to Senator Andrews' 1986 re-election campaign. In a January 18, 1989, Commission deposition, Russell D. Hawkins stated that at the meeting with Senator Andrews it became the understanding of the members of the

2. The Sisseton-Wahpeton tribal government consists of a Tribal Council and an Executive Council. The 18 member Tribal Council is the Tribe's legislature consisting of 15 members elected from different tribal districts and the three elected officers of the Tribe. The three officers, the Tribal Chairman, Tribal Treasurer and Tribal Secretary, form the Executive Council and are elected at large from the 9,800 tribal members. The Executive Council headed by the Tribal Chairman is responsible for conducting tribal business when the Tribal Council is not in session. At the time the contributions were made to Senators Andrews and Abdnor, the Executive Council also had the power to make expenditures of up to $5,000 without the approval of the Tribal Council. In 1985 and 1986 the Executive Counsel consisted of Russell Hawkins as Tribal Chairman, Felix Renville, Jr. as Tribal Secretary and Arnold Ryan as Tribal Treasurer.

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delegation that the Senator could not accept a $5,000 cash contribution from the Tribe but that the Senator could accept a contributions of $1,000 from an individual in the form of a check or a money order.

Immediately after leaving the meeting, Russell Hawkins divided the $5,000 in cash among the members of the delegation and 10 money orders of $500 were purchased and prepared in the names of Russell D. Hawkins, Felix Renville, Jr., Grady Renville, Mike Simon, and Jerry Flute. Each individual filled out two $500 money orders made out to the People for Mark Andrews Committee (the "Andrews Committee"), the principal campaign committee for the Andrews campaign. The delegation then returned to the Senator's office that same day and presented these money orders to a member of the Senator's staff as contributions from the five individual members of the Tribe to the Andrews Committee.[3]

On September 2 and 3, 1986, the Sisseton-Wahpeton Sioux Tribe held a Tribal Council meeting. At that meeting Resolution 86-79 was discussed and voted. This resolution stated in part:

> NOW, THEREFORE BE IT RESOLVED by the Tribal Council of the Sisseton Wahpeton Sioux Tribe that authorization herein is granted to pay from tribal funds $5,000 to the friends of Jim Abdnor Campaign and,
>
> FINALLY BE IT RESOLVED, that upon enactment of S.2118, the monetary contribution to James Abdnor and Mark Andrews as well as related costs of lobbying for the bill shall be refunded to the Tribal fund account that provided for such costs.

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3. On its 1985 Year End Report, the Andrews Committee reported receiving on December 2, 1985, five $1,000 contributions from Russell D. Hawkins, Felix Renville, Jr., Grady Renville, Mike Simon, and Jerry Flute.

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The minutes of the September 2-3, 1986 meeting describes Motion 22 which supported the passage of the resolution:

> MOTION NO. 22: made by Grady Renville, seconded by John Two Stars, that the Sisseton-Wahpeton Sioux Tribe contribute to Senator Abdnor, and the funds to come from the Land Acquisition account. If we're successful in getting Senate Bill 2118 passed, the $5,000, plus the Senator Andrews contribution, will be refunded to that account.

The resolution was approved by a vote of 13 to 2.

On September 5, 1986, funds were withdrawn from the Sisseton-Wahpeton Sioux land acquisition account to make the contribution to Senator Abdnor. The amount withdrawn was $5,100, the amount necessary to cover both the contribution and the payment for five $1,000 money orders. These money orders were purchased on September 8, 1986, and made out in the names of five tribal members who were asked by Russell Hawkins to volunteer their names. These five individuals were Maynard Bernard, Gerald Heminger, Sr., Dave Salvage, Johnny Two Stars, Sr. and Edward Williams.[4] All five were members of the Tribal Council. The money orders were made out to Friends of U.S. Senator Jim Abdnor (the "Abdnor Committee").

These five individuals and Russell D. Hawkins met with

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4. The March 20, 1987, responses to Commission interrogatories by Gerald Heminger, Sr., Dave Salvage, Johnny Two Stars, Sr., and Edward Williams state that Maynard Bernard was present at the September 10, 1986 meeting at which the contributions were given to Senator Abdnor. At the January 18, 1989, Commission deposition, Russell Hawkins stated that the Maynard Bernard was not only present at the meeting but volunteered his name for the contributions. However, Maynard Bernard in a November 17, 1986, response to the complaint denied any involvement in the making of the Abdnor contributions and has maintained that his name was used without his permission.

Senator Abdnor at the Sheraton Hotel in Aberdeen on September 10, 1986. At that meeting, the money orders were presented to Senator Abdnor as contributions from the five individuals to the Abdnor Committee.[5]

B. Applicable Statutory Provisions

The Federal Election Campaign Act of 1971, as amended (the "Act"), defines a political committee as "any committee club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." 2 U.S.C. § 431(4)(A). Contributions made by a political committee are considered expenditures by that political committee. 2 U.S.C. § 431(9)(A)(i). All political committees are required to file Statements of Organization. Those that are not the principal campaign committee or an authorized committee of a candidate or a separate segregated fund must register within 10 days after crossing the $1,000 threshold. 2 U.S.C. § 433(a). Further, all political committees are required to file reports of receipts and disbursements. 2 U.S.C. § 434(a).

The Act prohibits a person from making contributions to a candidate or his authorized political committees in any election aggregating in excess of $1,000. 2 U.S.C. § 441a(a)(1)(A). A political committee is considered a person for the purposes of

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5. In its 1986 Quarterly Report, the Abdnor Committee reported receiving on September 10, 1986 five $1,000 contributions from Maynard Bernard, Gerald Heminger, Sr., Dave Salvage, Johnny Two Stars, Sr. and Edward Williams.

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the Act.

The Act provides that "[n]o person shall make a contribution in the name of another person..." 2 U.S.C. § 441f.

C. Analysis

The facts in this matter indicate that the Tribe violated 2 U.S.C. § 441f when it made $5,000 in contributions to the Andrews Committee and $5,000 in contributions to the Abdnor Committee using the names of ten individuals. These contributions were $4,000 over the $1,000 limit that was available to the Tribe for contributions to either committee under 2 U.S.C. § 441a(a)(1)(A). Since the Tribe crossed the $1,000 expenditure threshold when it made the contributions, it became a political committee and was required to register within 10 days and report to the Commission under 2 U.S.C. §§ 433(a) and 434(a). It failed to do so. Therefore, the Office of the General Counsel recommends that the Commission find there is probable cause to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f.

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III. GENERAL COUNSEL'S RECOMMENDATIONS

Find probable cause to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f.

9/8/89
Date

Lawrence M. Noble
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of	)	
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Sisseton-Wahpeton Sioux Tribe	)	
	)	MUR 2302
In the Matter of	)	
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Russell D. Hawkins	)	

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RESPONDENTS' BRIEF

The FEC General Counsel has recommended that the FEC find probable cause to believe (1) that the Sisseton-Wahpeton Sioux Tribe (hereinafter "SWST") violated 2 U.S.C. 433(a), 434(a), 441(a)(1)(A) and 441f, and (2) that Russell Hawkins violated 2 U.S.C. 441f. All of these alleged violations arise out of the same set of facts.

Although the Respondents' understanding of the facts differs in some minor respects with the facts as set forth by the FEC General Counsel, all but one of the essential facts are correctly represented. The one glaring misrepresentation is the unsupported statement that contributions to the campaigns of Senators Abdnor and Andrews were made "in order to secure support for the passage of federal legislation, Senate Bill S. 2118." General Counsel's Briefs, p. 1. The Tribe disputes this statement and the evidence of record contradicts it as well. See January 19, 1989 FEC Deposition of Russell

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Hawkins. Moreover, the actions of these Senators both before and after the alleged illegal campaign contributions further refutes the accuracy of the statement.

Certain additional facts are also pertinent to the disposition of this matter. These are:

1. Any actions engaged in by the SWST were undertaken by the SWST in its sovereign capacity as a government solely for compelling governmental purposes. See letters of September 25, 1987 and June 13, 1988 from Bertram E. Hirsch to Lawrence M. Noble. See also January 19, 1989 FEC Deposition of Russell Hawkins.

2. Any actions engaged in by Russell Hawkins were undertaken solely in his capacity as Chairman of the SWST and at the direction of the SWST's governing body. No action was undertaken by Mr. Hawkins to serve any personal interest. See letters of September 25, 1987 and June 13, 1988 from Bertram E. Hirsch to Lawrence M. Noble, and January 19, 1989 FEC Deposition of Russell Hawkins.

3. Any actions undertaken by the SWST and Russell Hawkins were committed without knowledge of and with no intent to violate any provision of the FECA. See letters of September 25, 1987 and June 13, 1988 from Bertram E. Hirsch to Lawrence M. Noble, and January 19, 1989 FEC Deposition of Russell Hawkins.

In addition, the respondents have made genuine efforts to negotiate a pre-probable cause conciliation agreement with the Office of General Counsel. The Office of General

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Counsel inexplicably broke off these negotiations at a time when, from the SWST's perspective, the parties were very close to final agreement.

Legal Analysis

The recommendation that the FEC find probable cause with respect to the SWST is premised entirely upon the argument that (1) the actions of the SWST in making campaign contributions transformed the SWST into a "political action committee" as that term is defined in 2 U.S.C. 431(4)(A), and (2) that the Tribe is a "person" as that term is defined in 2 U.S.C. 431(11).

"Political action committee" is defined as "any committee, club, association, or other group of persons," while "person" is defined as "an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons." Nothing in the FECA or its legislative history indicates any congressional intent to include Indian tribes or other sovereign entities in these definitions. Unless expressly included in these definitions, these terms are not to be construed as including sovereign governments, like Indian tribes. United States v. United Mine Workers, 330 U.S. 248, 275 (1947).

Moreover, the Supreme Court has long distinguished

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Indian tribes from the very type of definition employed by the FECA.

> Indian tribes are unique aggregations possessing attributes of sovereignty ....
>
> ...Indian tribes within "Indian country" are good deal more than "private voluntary organizations"....

United States v. Mazurie, 419 U.S. 544, 557 (1975). Citations omitted.

Assuming that the actions of the SWST were not prohibited by law, the actions of Russell Hawkins were undertaken in his official capacity and he acted within the scope of the authority conferred upon him by the SWST. Accordingly, he is protected by the sovereignty of the SWST and is not subject to the FEC's jurisdiction over "persons." See e.g., Hardin v. White Mountain Apache Tribe, 779 F.2d 476, 479 (9th Cir. 1985).

For the foregoing reasons, the FECA does not confer jurisdiction upon the FEC over the complaints herein and the complaints, therefore, should be dismissed.

In any event, the FEC should reject the probable cause finding recommended by General Counsel as contrary to the public interest and to the interests of justice.

Prior to its involvement with the Abdnor and Andrews campaigns, the SWST and its officials had never before been involved in any non-tribal election campaigns and had never made any contributions to any non-tribal election campaigns. The SWST and virtually all tribes were apprecia-

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tive of the strong support shown by Senators Andrews and Abdnor, both of whom were members of the Select Committee on Indian Affairs, for Indian initiatives. Throughout their tenure, they demonstrated a rare sensitivity to American Indian interests and needs. The SWST's only intention was to express appreciation for the commitment and dedication to Indian interests shown by these Senators. The SWST and its officers acted with the best of intentions. They attempted to ascertain the law. They thought they understood the legal requirements for campaign contributions. They thought that they had made the contributions in question in full compliance with the law. All of these facts are supported by the only evidence adduced on the subject, i.e. the FEC's January 19, 1989 Deposition of Russell Hawkins.

The fact that there may have been a violation of law is attributed to poor advice, poor judgment in not seeking out the advice of legal counsel, and misunderstanding by persons wholly unfamiliar with federal election campaign laws. The charge that the SWST and its officers have violated the FECA has caused the SWST and its officers great embarrassment and vilification from tribal members, as well as from the non-Indian community with which the SWST seeks to maintain a positive relationship. The charge also has had a chilling effect, making the SWST and its officers gun-shy of any future participation in federal election campaigns and resolved, should any such future

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participation be contemplated, to fully comply with the FECA. Under all of these circumstances, no interest of justice or of the FECA would be served by adopting the recommendation of General Counsel and prolonging these proceedings.

The General Counsel's recommendation should be rejected and MUR 2302 should be dismissed.

Respectfully submitted,

DATED: Aug. 22, 1989.

Bertram E. Hirsch

BERTRAM E. HIRSCH
81-33 258 Street
Floral Park, New York 11004
(718) 347-3022
Attorney for Respondents

COPY SERVED THIS 22nd DAY OF AUGUST, 1989 UPON FEC GENERAL COUNSEL LAWRENCE M. NOBLE. BEH

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of	)	
	)	MUR 2302
Sisseton-Wahpeton Sioux Tribe, and Russell Hawkins	)	

GENERAL COUNSEL'S REPORT

EXECUTIVE SESSION

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I. BACKGROUND

The Office of the General Counsel received a series of complaints in late 1986 regarding a total of $10,000 in contributions made by members of the Sisseton-Wahpeton Tribe (the "Tribe") to the 1986 re-election campaigns of Senators Mark Andrews and James Abdnor. The complaints allege that the $5,000 in contributions to each committee were actually excessive contributions from the Tribe made in the names of various tribal members. One of the contributions was made in the name of the tribal chairman, Russell Hawkins.

The Commission subsequently found reason to believe that the Tribe violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f. The Commission also found reason to believe that Russell Hawkins, the tribal chairman, and nine other members of the Tribe violated 2 U.S.C. § 441f.[1/] Later, briefs were mailed to the Tribe and to Russell Hawkins recommending that the Commission find probable cause to believe regarding all the above violations. A reply to the briefs has been received.

1/ The contributions were made by ten tribal members, including Russell Hawkins. Subsequent to the initial reason to believe findings, the Commission determined to take no further action against nine of the Tribe's members other than Russell Hawkins.

II. **ANALYSIS** (The General Counsel's Briefs are incorporated by reference)

A. **Respondents' Position**

For the most part, respondents do not contest this Office's reconstruction of the events leading up to the contributions.[2/] However, respondents repeat in their reply a jurisdictional objection which they have raised throughout the investigatory process. Respondents argue that their actions cannot be construed as violations of federal election law since the Tribe cannot be considered a person or political committee as defined at 2 U.S.C. § 431. The basis for respondent's claim lies in the Tribe's "sovereign status." Respondents' reply (Attachment 1 at 3) argues:

> "Political action committee" is defined as "any committee, club, association, or other group of persons," while "person" is defined as "an individual, partnership, committee, association, or other organization or group of persons." Nothing in the FECA or its legislative history indicates any congressional intent to include Indian tribes or other sovereign entities in these definitions. Unless expressly included in these definitions, these terms are not to be construed as including sovereign

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2/ Respondents' reply does not contest the making of the contributions and the facts that underlie the violation. Respondents' reply differs as to the reason the contributions were made. This Office stated in the General Counsel's briefs that the contributions were made in order to secure support for the passage of federal legislation, Senate Bill S. 2118. Citing to Russell Hawkins' testimony in a deposition held at this Office, respondents' reply denies that there was any connection between the Senate bill and the contributions. This Office notes that, whatever Russell Hawkins' statements, official records of the Tribe's counsel meetings show a connection between Senate Bill S. 2118 and the contributions to Senators Andrew and Abdnor. These records are cited in the General Counsel's briefs.

> governments, like Indian tribes. United States v. United Mine Workers, 330 U.S. 248, 275 (1947).

Respondents' reply (Attachment 1 at 4) extends the claim of sovereign immunity to protect the Tribal Chairman, Russell Hawkins, as well:

> Assuming that the actions of the [Tribe] were not prohibited by law, the actions of Russell Hawkins were undertaken in his official capacity and he acted within the scope of the authority conferred by the sovereignty of the [Tribe] and is not subject to the FEC's jurisdiction over "persons." See e.g., Hardin v. White Mountain Apache Tribe, 779 F.2d 476, 479 (9th Cir. 1985).

Respondents conclude by arguing that even if the Commission persists in its findings, it should nonetheless find no probable cause for public policy reasons. Respondents claim that their actions were inadvertent and continuing the proceedings may have a "chilling effect" on the tribes continuing participation in the political process, but, if the Tribe does involve itself in political campaigns again, it will voluntarily abide by the Act.

B. Analysis of Responses and Recommendations

1. Commission Jurisdiction as to Indian Tribes

The Commission has faced a jurisdictional challenge of this nature once before. In MUR 2465, the Seminole Tribe of Florida raised claims of sovereign immunity in circumstances similar to these. Despite the claim, the Commission found reason to believe that the Seminole tribe violated 2 U.S.C. § 441f. Ultimately, the Seminole Tribe agreed to a conciliation agreement which

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accepted the jurisdiction of the Commission only for the purposes of settlement.

While no court has ever ruled on applicability of the Federal Campaign Act of 1971, as amended, to Indian Tribes, there is sufficient case law concerning tribal immunity and non-immunity to refute respondents' claims. The Supreme Court has noted in the past both the existence of tribal sovereignty and its limited nature. In Oliphant v. Suguamish Indian tribe, 435 U.S. 191, 208 (1977) the Court stated:

> Indian Tribes do retain elements of "quasi-sovereignty" authority after ceding their lands to the United States and announcing their dependence on the Federal Government. But the tribes' retained powers are not such that they are limited only by specific restrictions in treaties or congressional enactments. As the Court of Appeals recognized, Indian tribes are prohibited from exercising both those powers of autonomous states that are expressly terminated by Congress and those powers "inconsistent with their status." ..... Upon incorporation into territory of the United States, the Indian tribes thereby come under the territorial sovereignty of the United States and their exercise of separate power is constrained so as not to conflict with the interests of this overriding sovereignty. (emphasis added by the Court.)

Tribal sovereignty has most often been raised as a barrier to attempts by states to exert jurisdiction over reservations. See Montana v. U.S. 450 U.S. 564 (1980).[3/] However, it has also been discussed in relation to the authority of the federal

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3/ There is a large body of federal case law that severely restricts the regulatory power of states over Indian reservations.

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government to extend its regulatory power. In this regard, it is well settled that where Congress clearly indicates that tribes are subject to a law no tribal sovereignty exists to bar the reach or enforcement of that law. See Santa Clara Pueblo v. Martinez, 436 U.S. 49, 55-57. (1977).

The Federal Election Campaign Act of 1971, as amended, does not expressly mention Indian tribes. However, in dicta the Supreme Court has also addressed the question of tribal sovereignty in situations where a federal statute is silent. In Federal Power Commission v. Tuscarora, 362 U.S. 99, 118 (1960), the Supreme Court stated, "A general statute in terms applying to all persons includes Indians and their property interests . . . The intent to exclude must be definitely expressed."[4/] More recently, dictum in Escondido Mutual Water Company v. La Jolla Band of Mission Indians, 466 U.S. 765. (1984) reaffirmed this view. In La Jolla Band, the Court noted that the Federal Power Act explicitly provided certain protections for Indian reservations. However, the Court refuted the contention raised by the plaintiff that it still would have authority to oppose the Federal Energy Regulatory Commission "because of their sovereign power to prevent the use of their lands without their consent." Id. at 2118. The Court stated, "It is highly questionable whether the Bands have inherent authority to prevent a federal

4/ While this case is the most cited as, by dictum, extending all Federal law to Indians, Tuscarora involved the interpretation of the Federal Power Act which specifically dealt with Indian lands. Later cases have narrowed and applied the Tuscarora language to cases where no specific Indian treaty rights are in question. See footnote 5 below.

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agency from carrying out its statutory responsibility since such authority would seem to be inconsistent with their [dependent] status." Id. Therefore, contrary to the view expressed in respondents' reply in the present Matter, the determining factor for the Supreme Court apparently lies not in whether a statute expressly covers Indian tribes, but in whether it expressly excludes them.

While the Supreme Court has never directly ruled on this issue, circuit court cases provide concrete examples of federal statutes of general application overcoming tribal sovereignty. The 9th Circuit Court used Tuscarora to reach the conclusion in United States v. Farris, 624 F.2d 890, 893 (9th Cir. 1980), that "federal laws generally applicable throughout the United States apply with equal force to Indians on reservations." This is a majority view and through the years a number of statutes of general application have been held to apply with equal force to Indian tribes.[5/]

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5/ In Farris, federal gambling laws were held to apply to an Indian reservation. In Donovan v. Coeur d'Alene Tribal Farm. 751 F.2d 1113, 1116 (9th Cir. 1985), the Occupational Safety and Health Act ("OSHA") was held to apply to commercial activities on a tribal farm run by the Coeur d'Alene tribe. The farm employed some non-Indian workers and was similar in its operation and activities to other farms in the area. The Coeur d'Alene court concluded that the operation of a farm selling produce on the open market and in interstate commerce is not an aspect of tribal self-government. In Smart v. State Farm Insurance, 868 F.2d 929 (7th Cir. 1989) citing Farris, it was held that the Employment Retirement Income Security Act ("ERISA") applies to the Chippewa Tribe. In United States v. Burns, 529 F.2d 114 (9th Cir. 1975) it was held that federal gun control laws are enforceable on the Shoshone-Branock tribal reservation since these laws are general laws. In Navajo Tribe v. NLRB, 288 F.2d 162 (D.C. Cir. 1961), cert denied 366 U.S. 928, it was held that the National Labor Relations Act applies to Navajo tribal employers located on

Having dealt with a large number of such cases, the Farris court has made Tuscarora the basis for a test examining whether any special exemption should prevent a particular statute from applying. Restated in Donovan v. Coeur d'Alene Tribal Farm. 751 F.2d 1113, 1116 (9th Cir. 1985), the test provides:

> "A Federal statute of general applicability that is silent on the issue of applicability to Indian tribes will not apply to them if (1) the law touches 'exclusive rights of self-governance in purely intramural matters'; (2) the application of the law to the tribe would abrogate rights guaranteed by Indian treaties, or (3) there is proof by legislative history or some other means

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(Footnote 5 continued from previous page)
reservation lands. The Navajo Tribe court cited Tuscarora and noted, "The National Labor Relations Act is a general statute. Its jurisdictional provisions and its definitions of "employer" and "Commerce" are of broad and comprehensive scope." Id. at 165 fn. 4.

General statutes have been defeated by tribal sovereignty claims when those statutes conflict with specific Indian treaty rights. For example, in United States v. White, 508 F.2d 453, 455 (8th Cir. 1974), it was held that federal laws prohibiting the hunting of bald eagles did not apply to the Chippewa Tribe, since the treaty with the Chippewa guaranteed the tribe's hunting rights. However, there is a conflict among the various circuits as to how broadly treaty rights should be interpreted. The Ninth Circuit, Eighth Circuit and the D.C. Circuit have read the treaty right of tribal self-governance and the treaty right to bar outsiders from tribal lands narrowly. See Coeur d'Alene, Navajo Tribe. See also United States v. Blue, 722 F.2d 383, 385 (8th Cir. 1983). The Tenth Circuit, however, has given these rights a more expansive interpretation, rendering decisions which are in conflict with the some of the above cases. For example, in Donovan v. Navajo Forest Products Industries, 692 F 2d 709 (10th Cir. 1982), the court ruled that OSHA did not apply to the Navajo tribe because it would dilute the tribe's self-governance right and the right of the tribe to bar non-tribal members from the reservation. In Equal Employment Opportunity Commission v. Cherokee Nation, 871 F. 2d 937 (10th Cir. 1989) it was ruled that the EEOC had no jurisdiction over Cherokee tribal employers because the application of the Act would infringe on the treaty right of tribal self governance.

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> that Congress intended [the law] not to apply to Indians on their reservations."

The lands of the Sisseton-Wahpeton Sioux fall within the boundaries of the Eighth Circuit. That circuit has not adopted the Farris test but has used a similar analysis. In United States v. White, 508 F.2d 453, 455 (8th Cir. 1974), for example, the court stated, "Areas traditionally left to tribal self-government, those most often the subject of treaties, have enjoyed an exception from the general rule that congressional enactments, in terms applying to all persons, includes Indians and their property interests." In United States v. Blue, 722 F.2d 383, 385 (8th Cir. 1983), the court upheld the enforcement of federal drug laws on the Turtle Mountain Indian Reservation by noting that "[i]n the present case no claim is made that any particular traditional right or tribal concern is threatened by enforcement of the federal drug statute on the reservation."

Applying the Farris test, with which the Eighth Circuit apparently would not disagree, to the present Matter, it becomes evident that none of the exemptions in that case would prevent the Commission's having jurisdiction over the Sisseton-Wahpeton Tribe. As regards the first exemption concerning self-governance, the majority of courts dealing with this question seem to limit this right to "purely intramural matters such as conditions of tribal membership, inheritance rules and domestic relations." Coeur d'Alene at 1116. The enforcement of the Act, dealing as it does with the Tribe's external relations, would not infringe on

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any intramural matter of the Sisseton-Wahpeton tribe.[6] As to the second element of the test, this Office has examined the 19th century treaties signed by the United States Government and the Sisseton-Wahpeton tribe, and has found there is no provision in any of these treaties even remotely touching on tribal involvement in the federal election process.[7] Therefore, the enforcement of the Act would not infringe on any treaty right granted to respondents. Finally, regarding the last exemption, in MUR 2465 this Office examined the Act's legislative history to see if there was any Congressional intent to exclude Indian tribes from the Act's jurisdiction. No such Congressional intent was found. See General Counsel's report in MUR 1616 (later 2465) signed April 16, 1984.[8]

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6/ See footnote 5 above.

7/ The Sisseton-Wahpeton band of the Sioux Tribe signed treaties with the federal government in 1851, 1858, 1867 and 1878. These treaties delineate the boundaries of the tribe's reservation, provide compensation for lost land and deal with the obligation of the tribe to the federal government in such matters as surrendering fugitives and applying temperance and trading laws. See Charles J. Kappler, Indian Affairs: Laws and Treaties, Vol. II 588-589, 785-788, 956-959 and 1057-1063.

8/ The definition of "person" found at Section 431(11) was drafted broadly. Congress, in the 1979 Amendments to the FECA, added the only limitation, that being that "person" is not to include the Federal Government and any authority of the Federal Government. The only discussion in the legislative history of this particular amendment simply reiterates the exclusion of the Federal Government with no further explanation. House Report No. 96-422, 96th Cong. 1st Sess. 11 (1979).

There is no indication that Congress intended this exemption to extend to other levels of government. Furthermore, because of the source of tribal sovereignty, it would be difficult to conclude that Indian tribes were meant to share in any regulatory deference accorded the federal government. The Supreme Court has noted that while tribal self-government is dependent on and

This Office also recommends that the Commission reject the Tribe's public policy claims. Evidence of inadvertence is a factor in determining if a violation is knowing and willful. This Office is not recommending that the Commission find that the respondents' actions were knowing and willful. Inadvertence is not a general defense to Section 441f violations.

The Office of the General Counsel recommends that the Commission find probable cause to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f.

2. Commission Jurisdiction as to Tribal Officials

Tribal authorities, acting within their official capacities and within the scope of their authority, generally are covered by tribal sovereign immunity. See U.S. v. State of Oregon, 657 F.2d 1009, 1013 (9th Cir. 1981) and Hardin v. White Mountain Apache Tribe, 779 F.2d 476 (9th Cir. 1985). Given, however, the conclusion that the Commission would not be barred by sovereign immunity from enforcing the Act against the Sisseton-Wahpeton Sioux Tribe, there likewise would appear to be no bar against enforcement with regard to the chairman of the Tribe, Russell

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(Footnote 8 continued from previous page)
subject to the power of Congress, because the source of tribal self-government lies in a tribe's original sovereign immunity, its source is thereby separate from that of federal power. See Ramah Navajo School Board, Inc. v. Bureau of Revenue of New Mexico, 458 U.S. 831 (1982). In Ramah the Court ruled, for example, that because of the different sources of power, Indian tribes may not use federal pre-emption principles against state regulation. See also Sanders v. Robinson, 864 F.2d (9th Cir. 1988) which held that tribal authority does not arise by delegation from federal government but from retained sovereign power.

Hawkins. Therefore, the Office of the General Counsel recommends that the Commission find probable cause to believe that Russell Hawkins violated 2 U.S.C. § 441f

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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IV. RECOMMENDATIONS

1. Find probable cause to believe the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f.

2. Find probable cause to believe that Russell Hawkins violated 2 U.S.C. § 441f.

3. Approve the attached conciliation agreements (2) and letter.

3/28/90
Date

Lawrence M. Noble
General Counsel

Attachments:
1. Response of the Committee to the General Counsel's briefs.
2. Proposed conciliation agreements (2).
3. Letter.

Staff assigned: Michael Marinelli

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2302
Sisseton-Wahpeton Sioux Tribe, and Russell Hawkins	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on April 10, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2302:

1. Find probable cause to believe the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f.

2. Find probable cause to believe that Russell Hawkins violated 2 U.S.C. § 441f.

3. Approve the letter attached to the General Counsel's report dated March 28, 1990.

(continued)

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4. Approve the conciliation agreements attached to the General Counsel's report dated March 28, 1990, subject to the correction noted in the General Counsel's memorandum dated April 2, 1990.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

4-11-90
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1990

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Sisseton-Wahpeton Sioux
Tribe and Russell Hawkins,
its chariman

Dear Mr. Hirsch:

On April 10, 1990, the Federal Election Commission found that there is probable cause to believe your client, the Sisseton- Wahpeton Sioux Tribe, violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f, provisions of the Federal Election Campaign Act of 1971, as amended. On that same day, the Commission found probable cause to believe your client, Russell Hawkins, violated 2 U.S.C. § 441f.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed are conciliation agreements that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreements, please sign and return them, along with the civil penalties, to the Commission within ten days. I will then recommend that the Commission accept the agreements. Please make your checks for the civil penalties payable to the Federal Election Commission.

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If you have any questions or suggestions for changes in the enclosed conciliation agreements, or if you wish to arrange a meeting in connection with mutually satisfactory conciliation agreements, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreements

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Sisseton-Wahpeton Sioux
Tribe and Russell Hawkins,
its chairman

Dear Mr. Hirsch:

On April 17, 1990, you were notified that the Federal Election Commission found probable cause to believe that your client, the Sisseton-Wahpeton Sioux Tribe, violated 2 U.S.C. §§ 433(a), 434(a), 441a(a)(1)(A) and 441f, provisions of the Federal Election Campaign Act of 1971, as amended. You were also notified that the Commission found probable cause to believe your client, Russell Hawkins, violated 2 U.S.C. § 441f. On that same date, you were sent conciliation agreements, offered by the Commission in settlement of this matter.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. Insofar as more than 30 days have elapsed without a response from you, a recommendation concerning the filing of a civil suit will be made to the Commission by the Office of the General Counsel unless we receive a response from you within 15 days of receipt of this letter.

Should you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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RECE
FEDERAL ELECTION COMMISSION
91 JUN 20 11:34

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2302
Sisseton-Wahpeton Sioux	)	
Tribe, and Russell Hawkins	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. DISCUSSION

On April 10, 1990, the Commission found probable cause to believe that the Sisseton-Wahpeton Sioux Tribe (the "Tribe") and Russell Hawkins violated 2 U.S.C. § 441f. The Commission also found probable cause to believe that the Tribe violated 2 U.S.C. §§ 433(a), 434(a) and 441a(a). A letter and proposed conciliation agreements were mailed to respondents.

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Therefore, the Office of the General Council recommends that the Commission accept the attached conciliation agreement with the Sisseton-Wahpeton Sioux Tribe, and Russell Hawkins.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Sisseton-Wahpeton Sioux Tribe, and Russell Hawkins.

2. Close the file and approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date 1/23/91

BY: Lois G. Lerner
Associate General Counsel

Staff Assigned: Michael Marinelli

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2302
Sisseton-Wahpeton Sioux Tribe, and Russel Hawkins.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 25, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 2302:

1. Accept the conciliation agreement with Sisseton-Wahpeton Sioux Tribe, and Russell Hawkins, as recommended in the General Counsel's Report dated January 23, 1991.

2. Close the file and approve the appropriate letters, as recommended in the General Counsel's Report dated January 23, 1991.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

January 25, 1991
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., January 23, 1991 11:34 a.m.
Circulated to the Commission: Wed., January 23, 1991 4:00 p.m.
Deadline for vote: Fri., January 25, 1991 4:00 p.m.

dh

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steve Jarding
South Dakota Democratic Party
1600 S. Minnesota Avenue
Sioux Falls, SD 57105

RE: MUR 2302

This is in reference to the complaint you filed with the Federal Election Commission on October 23, 1986, concerning possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the Honorable James Abdnor and Friends of U.S. Senator Jim Abdnor ("the Committee") and Cleo Urban and Mary Weise, as co-treasurers.

After conducting an investigation in this matter, the Commission found that there was no reason to believe that the Honorable James Abdnor or the Committee violated 2 U.S.C. §§ 441a(f) and 441f, provisions of the Act. The Commission found that there was no reason to believe that Maynard Bernard violated 2 U.S.C. § 441f. The Commission also found that there was reason to believe that Felix Renville, Jr., Grady Renville, Michael Simon, Jerry Flute, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams violated 2 U.S.C. 441f. Subsequent to these initial findings, the Commission voted to take no further action against these eight individuals and closed the file as it related to them.

Following further investigation, the Commission found probable cause to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), and 441a(a). The Commission also found probable cause to believe that Russell Hawkins violated 2 U.S.C. § 441f. On January 25, 1991, a conciliation agreement signed by the respondents was accepted by the Commission, thereby concluding the matter. Accordingly, the

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Commission closed the file in this matter on January 25, 1991. A copy of this agreement is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of any portion of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert F. Bauer, Counsel
Perkins Coie
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005

RE: MUR 2302

This is in reference to the complaint you filed with the Federal Election Commission on behalf of the North Dakota Democratic Party on October 28, 1986, concerning possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Honorable Mark Andrews and the People for Mark Andrews Committee ("the Committee") and Robert C. Rust, as treasurer.

After conducting an investigation in this matter, the Commission found that there was no reason to believe that the Honorable Mark Andrews or the Committee violated 2 U.S.C. §§ 441a(f) and 441f, provisions of the Act. The Commission found that there was no reason to believe that Maynard Bernard violated 2 U.S.C. § 441f. The Commission also found that there was reason to believe that Felix Renville, Jr., Grady Renville, Michael Simon, Jerry Flute, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams violated 2 U.S.C. 441f. Subsequent to these initial findings, the Commission voted to take no further action against these eight individuals and closed the file as it related to them.

Following further investigation, the Commission found probable cause to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), and 441a(a). The Commission also found probable cause to believe that Russell Hawkins violated 2 U.S.C. § 441f. On January 25, 1991, a conciliation agreement signed by the respondents was accepted by the Commission, thereby concluding the matter. Accordingly, the

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Commission closed the file in this matter on January 25, 1991. A copy of this agreement is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of any portion of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward Seaboy, Jr.
P.O. Box 686
Agency Village
Sisseton, SD 57262

RE: MUR 2302

This is in reference to the complaint you filed with the Federal Election Commission on December 15, 1986, concerning possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by Sisseton-Wahpeton Sioux Tribe and Russell Hawkins, its chairman.

After conducting an investigation in this matter, the Commission found that there was no reason to believe that Maynard Bernard violated 2 U.S.C. § 441f. The Commission also found that there was reason to believe that Felix Renville, Jr., Grady Renville, Michael Simon, Jerry Flute, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., and Edward Williams violated 2 U.S.C. 441f. Subsequent to these initial findings, the Commission voted to take no further action against these eight individuals and closed the file as it related to them.

The Commission found that there was probable cause to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), and 441a(a), provisions of the Act. The Commission also found probable cause to believe that Russell Hawkins violated 2 U.S.C. § 441f. On January 25, 1991, a conciliation agreement signed by the respondents was accepted by the Commission, thereby concluding the matter. Accordingly, the Commission closed the file in this matter on January 25, 1991. A copy of this agreement is enclosed for your information.

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The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of any portion of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

2134031229

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1991

James F. Schoener, Esquire
Dewey, Ballantine, Bushby, Palmer & Wood
1775 Pennsylvania Avenue
Washington D.C. 20006

RE: MUR 2302
The Honorable James Abdnor
Friends of U.S. Senator
Jim Abdnor
Cleo Urban and Mary Weise
as co-treasurers

Dear Mr. Schoener:

This is to advise your clients, the Honorable James Abdnor, Friends of U.S. Senator Jim Abdnor, and Cleo Urban and Mary Weise, as co-treasurers, that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should your clients wish to submit any legal or factual materials to be placed on the public record in connection with this matter, they should do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1991

The Honorable Mark Andrews
People for Mark Andrews
R.R. 1
P.O. Box 146
Mapleton, ND 58059

RE: MUR 2302
The Honorable Mark Andrews
People for Mark Andrews
and Robert Rust, as
treasurer

Dear Mr. Andrews:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1991

Maynard Bernard
R.R. 1
Grenville, SD 57239

RE: MUR 2302
Maynard Bernard

Dear Mr. Bernard:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1991

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Gerald Heminger, Sr.
et al.

Dear Mr. Hirsch:

This is to advise your clients, Gerald Heminger, Sr., David Selvage, John Two Stars, Sr., Edward Williams, Jerry Flute, Felix Renville, Jr., Grady Renville and Michael Simon, that the entire file in this matter has now been closed and will become part of the public record within 30 days. Should your clients wish to submit any legal or factual materials to be placed on the public record in connection with this matter, they should please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1991

Bertram Hirsch, Esquire
81-33 258th Street
Floral Park, New York 11004

RE: MUR 2302
Sisseton-Wahpeton Sioux
Tribe and Russell Hawkins,
its chairman

Dear Mr. Hirsch:

On January 25, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violations of 2 U.S.C. §§ 433(a), 434(a) and 441a(a), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

This matter will become a part of the public record within 30 days. If your clients wish to submit any factual or legal materials to appear on the public record, they should do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. The installment payment checks should be made to the Commission as Payee and should be mailed to the Office of the General Counsel at the address used

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for your past correspondence in this matter. If you have any questions, please contact Michael Marinelli, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Sisseton-Wahpeton Sioux Tribe	)	MUR 2302
Russell Hawkins	)	

CONCILIATION AGREEMENT

This matter was initiated by signed, sworn, and notarized complaints filed by the South Dakota Democratic Party, the North Dakota Democratic Party, and Edward D. Seaboy, Jr., a member of the Sisseton-Wahpeton Sioux Tribe. An investigation was conducted, and the Federal Election Commission ("Commission") found probable cause to believe that the Sisseton-Wahpeton Sioux Tribe and Russell Hawkins (the "Respondents") violated 2 U.S.C. § 441f. The Commission also found probable cause to believe that the Sisseton-Wahpeton Sioux Tribe violated 2 U.S.C. §§ 433(a), 434(a), and 441a(a).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding. This jurisdiction statement is to be binding only in the instant matter between the Respondents and the Commission. Respondents enter into this agreement voluntarily in order to settle this matter between the Commission and the Respondents.

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter and have provided the Commission with factual information related to

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this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Sisseton-Wahpeton Sioux Tribe is a person within the definition of 2 U.S.C. § 431(11).

2. Respondent, Russell Hawkins, is the Chairman of the Sisseton-Wahpeton Sioux Tribe.

3. Respondent, Russell Hawkins in accordance with a vote of the tribal council, provided $10,000 in tribal funds to ten individual members of the Sisseton-Wahpeton Sioux Tribe in amounts of $1,000 each so that those members could make $1,000 contributions to the People for Mark Andrews Committee, the authorized committee of Mark Andrews, a candidate for the United States Senate from North Dakota in 1986, and to the Friends of U.S. Senator Jim Abdnor Committee, the authorized committee of James Abdnor, a candidate for the United States Senate from South Dakota in 1986.

4. Five members of the Sisseton-Wahpeton Sioux Tribe, including Russell Hawkins, contributed $1,000 each, by means of money orders obtained with funds drawn from the Sisseton-Wahpeton Credit Union, to the People for Mark Andrews Committee.

5. Five members of the Sisseton-Wahpeton Sioux Tribe contributed $1,000 each, by means of money orders purchased with tribal funds, to the Friends of U.S. Senator Jim Abdnor Committee.

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6. In total, individual members of the Sisseton-Wahpeton Sioux Tribe contributed $5,000 in tribal funds to the campaign of Senator Abdnor and $5,000 in tribal funds to the campaign of Senator Andrews.

7. The Sisseton-Wahpeton Sioux Tribe made more than $1,000 in contributions to federal candidates in 1986 but did not register as a political committee, or register a political committee, nor were any reports of receipts and disbursements filed with the Commission.

8. Pursuant to 2 U.S.C. § 431(4)(A), a political committee is defined as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year." Pursuant to 2 U.S.C. § 431(9)(A)(i), contributions made by a political committee are considered expenditures by that political committee.

9. Pursuant to 2 U.S.C. § 433(a), all political committees are required to file Statements of Organization. Those that are not the principal campaign committee or an authorized committee of a candidate or a separate segregated fund must register within 10 days of becoming a political committee. Pursuant to 2 U.S.C. § 434(a), all political committees are required to file reports of receipts and disbursements.

10. Pursuant to 2 U.S.C. § 441a(a)(1)(A), no person may make contributions to a candidate or his authorized political committees in any election aggregating in excess of $1,000.

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A political committee is considered a person for the purposes of the Act.

11. Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another person and no person shall knowingly permit his name to be used to effect such a contribution. Section 441f also applies to those who actively assist in the making of contributions in the name of another.

V. 1. Respondent, Sisseton-Wahpeton Sioux Tribe, made contributions to the People for Mark Andrews Committee and to the Friends of U.S. Senator Jim Abdnor Committee in the names of ten individuals, in violation of 2 U.S.C. § 441f.

2. Respondent, Sisseton-Wahpeton Sioux Tribe, contributed $4,000 over the $1,000 limit to the Friends of U.S. Senator Jim Abdnor Committee, and $4,000 over the $1,000 limit to the People for Mark Andrews Committee, in violation of 2 U.S.C. § 441a(a)(1)(A).

3. Respondent, Sisseton-Wahpeton Sioux Tribe, failed to register as a political committee or register a political committee, and such committee failed to file reports of receipts and disbursements with the Commission, in violation of 2 U.S.C. § 434(a) and 433(a).

4. Respondent, Russell Hawkins, violated 2 U.S.C. § 441f by knowingly permitting his name to be used to effect a $1,000 contribution to Mark Andrews and by actively assisting the Sisseton-Wahpeton Sioux Tribe in making $10,000 in contributions to the People for Mark Andrews Committee and to the Friends of U.S. Senator Jim Abdnor Committee in the names of ten

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individuals.

5. Respondents contend that their violations were not knowing and willful.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of six thousand five hundred dollars ($6,500), pursuant to 2 U.S.C. § 437g(a)(5)(A), such penalty to paid as follows:

1. One initial payment of two thousand dollars ($2,000) to be paid within thirty (30) days from the date this Agreement becomes effective.

2. Thereafter, beginning with the first month after the initial payment, three consecutive monthly installment payments of one thousand five hundred dollars ($1,500) each;

3. Each such installment shall be paid on the first day of the month in which it becomes due;

4. In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the respondents. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any

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requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

2/21/91
Date

FOR ~~THE~~ RESPONDENT:

(Name) Russell Haskins
(Position) Tribal Chairman
Sisseton-Wahpeton
Sioux Tribe

1/15/91
Date

21403312241

CGC 1983

Marinelli

BERTRAM E. HIRSCH
ATTORNEY AT LAW

81-33 258TH STREET
FLORAL PARK, NEW YORK 11004

(718) 347-3022

FEDERAL ELECTION COMMISSION
91 MAR -5 PM 12:15

91 MAR -8 PM 10:28
FEDERAL ELECTION COMMISSION

March 2, 1991

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2302

Dear Mr. Noble,

I am writing in response to your letters to me of February 22, 1991 informing the respondents in the above referenced matter of their right to submit legal or factual materials to be placed on the public record in connection with the Conciliation Agreement now in effect. On respondents' behalf, I submit the following material and request that it be placed on the public record:

Paragraph I of the Conciliation Agreement notes that the Commission's jurisdiction over the subject matter pertains only to MUR 2302. At the outset of the proceedings in MUR 2302, respondents maintained that the Federal Election Campaign Act did not apply to political campaign contributions made by Indian tribes or officers of Indian tribes acting in their official capacities. For purposes of settling this matter, respondents have agreed to waive any such jurisdictional objection. However, while respondents have no intention of violating the Act in the event that they make future political campaign contributions, respondents continue to maintain that the Act does not cover such contributions made by Indian tribes.

Paragraph V.5. of the Conciliation Agreement states respondents' contention that their violations were not knowing or willful. The evidence in the record before the Commission substantiates this contention. First, the record does not contain any evidence that respondents' violations were knowing and willful and, in fact, the Commission has not made such a finding. In the only deposition taken in this matter, respondent Russell Hawkins testified that the contributions at issue were made in complete ignorance of the law and in the belief that they were made in compliance with all legal requirements. There is no contrary evidence in the Commission record. Other facts of record, confirmed by Mr. Hawkins deposition, also support respondents' contention. These include:

1. The contributions were made by officials of respondent Tribe.

2. The contributions were approved, by resolution, at regular public meetings of the respondent Tribe's governing council.

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3. The council instructed and directed the tribal officials to make the contributions in the name of the respondent Tribe and the officials intended to do so.

4. The resolutions of the council were included in the council's minutes, a public record, and were published in the Tribe's newspaper.

5. Neither the Tribe or any of its officials had ever before made a political campaign contribution.

6. Prior to making the contributions, the Tribe and its officials did not seek any legal advice on the requirements governing such contributions.

7. None of the tribal officials knew the legal requirements governing such contributions.

8. The respondent tribal officials understood advice given by Senator Andrews and his staff to be that the Tribe in its own name could not make a contribution to a political campaign, although individuals in their own names, but acting for the Tribe, could make contributions not exceeding $1,000.

9. Based on this advice, the tribal officials proceeded to use tribal funds to make the individual contributions at issue.

10. At all times, the tribal officials believed that they were acting in full compliance with all legal requirements governing political campaign contributions.

11. The contributions to Senator Andrews and to Senator Abdnor were made at times when the tribal officials met with the Senators in person after having made an official appointment to do so. The tribal officials met with the Senators in their official capacities as representatives of the Tribe and believed that that was the capacity in which they were making the contributions. They believed the Senators understood this.

Thank you for your consideration of this request.

Sincerely,

Bertram E. Hirsch

BERTRAM E. HIRSCH

2140331243

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2302
MERGED WITH 2274 - 2283

DATE FILMED 3/29/91 CAMERA NO. 4

CAMERAMAN AS

21040031244

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2302.

10/21/91

9104087749

CLOSED

OBC 3165

October 8, 1991

RE: MUR 2302

Dear Sir:

I received the final determination of the Federal Election Commission on February 28, 1991 regarding the FEC vilations of certain members of the Sisseton Wahpeton Sioux Tribe and the Tribal Chairman, Russell Hawkins.

I have not received official word from your office as to whether this file is closed. I have not received any word as to whether Mr. Russell Hawkins has made payment in full of the penalty amount of $6,000.00

Any information you can give me on the above questions will be appreciated.

I have moved and my mailing address is now: Edward (Ken) D. Seaboy, Jr., Box 228, Fort Thompson, SD 57339

My wife, who is employed by the Bureau of Indian Affairs, was Realty Officer at Sisseton Agency and on February 28, 1991, Mr. Hawkins wrote a letter to the Agency Superintendent, Mr. Timothy C. Lake, and requested her immediate transfer out of Sisseton. I know the request came as a result of the FEC findings and penalty assessed.

Your earliest response will be appreciated.

Thank you,

Edward (Ken) D. Seaboy Jr.

P.S. My wife, under direct orders from the Area Director, Jerry Jaeger was transferred to the Bureau of Indian Affairs, Crow Creek Agency where she is now the Realty Officer. Honesty now a days brings a heavy price.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 OCT 17 PM 1:15

91040371750

FEDERAL ELECTION COMMISSION
91 OCT 17 PM 1:16

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2302.

11/1/91

9104087467

Marinelli

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Edward Seaboy, Jr.
P.O. Box 228
Fort Thompson, SD 57339

RE: MUR 2302

This is in reference to the your letter dated October 8, 1991 regarding compliance with the conciliation agreement between the Commission and the Sisseton Wahpeton Sioux Tribe and its chairman, Russell Hawkins. The matter itself was considered completely closed with the acceptance by the Commission on January 25, 1991 of the conciliation agreement signed by Mr. Hawkins on his behalf and on behalf of the Tribe. According to Commission records, the payment of the $6,500 civil payment was completed on July 23, 1991.

If you have any further questions, please contact me at as the attorney formerly assigned to this matter at (202) 219-3400.

Sincerely,

Michael Marinelli
Staff Attorney

Enclosure
February 28, 1991 letter

9140037468