



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 2782

DATE FILMED 10/27/93 CAMERA NO. 2

CAMERAMAN MC

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CONSERVATIVE CAMPAIGN FUND

1156 15th Street, NW  
Suite 500  
Washington, D.C. 20005  
(202) 331-0584

Peter T. Flaherty  
Chairman  
Kenneth F. Boehm  
Treasurer

OCC # 940  
Nov 2782

November 7, 1988

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

Dear Sir:

I recently filed a complaint dated November 4, 1988 against Governor Michael S. Dukakis of Brookline, Massachusetts; Iakovos Coucouzes (Archbishop Iakovos) of New York, New York; Rev. Alexander Karloutsos of New York, New York; and Takis Gazouleas of New York, New York. Unfortunately, it was not notarized. A notarized copy of the same complaint is attached.

Please accept my apologies for the confusion.

Sincerely,

Peter T. Flaherty  
Chairman

PTF/deks

Enclosure

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RECEIVED  
FEDERAL ELECTION COMMISSION  
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CONSERVATIVE CAMPAIGN FUND

1156 15th Street, NW  
Suite 500  
Washington, D.C. 20005  
(202) 331-0584

Peter T. Flaherty  
*Chairman*  
Kenneth F. Boehm  
*Treasurer*

November 4, 1988

General Counsel  
Federal Elections Commission  
999 E Street, N. W.  
Washington, D. C. 20463

BY HAND

Dear Sir:

This is a formal complaint against Governor Michael S. Dukakis of Brookline, Massachusetts; Iakovos Coucouzes (Archbishop Iakovos) of New York, New York; Rev. Alexander Karloutsos of New York, New York; and Takis Gazouleas of New York, New York. Archbishop Iakovos is the prelate of the Greek Orthodox Archdiocese of North and South America. Rev. Karloutsos and Mr. Gazouleas are employees of the Archdiocese. Rev. Karloutsos is Director of Communications, and Mr. Gazouleas is Director of the Press Office.

The complaint concerns apparent violations of federal election law as admitted in an article (hereinafter referred to as "the article") which appeared in the September 28, 1988 edition of The Orthodox Observer, published at 8 East 79th Street, New York, New York 10021. It is entitled, "The Candidacy of M. Dukakis and the Events Supporting It." A copy of the article, which appeared in the Greek language, is enclosed, as well as an English translation.

The article states that it is a verbatim release of the Press Office of the Greek Orthodox Archdiocese of North and South America located at 10 East 79th Street, New York, New York 10021.

The article states that Archbishop Iakovos, Rev. Karloutsos and Mr. Gazouleas (hereinafter referred to as "Church officials"), in their various capacities with the Archdiocese, took actions which "substantively supported" the candidacy of Michael S. Dukakis. The actions included those in apparent violation of campaign finance law.

Most egregious is the assignment of Church personnel to assist in campaign fund raising activities, as described in item #3 of the article. We ask the Commission to fully investigate this arrangement.

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Further, we ask the Commission to investigate the participation of Michael S. Dukakis in these activities. We note the events staged by Archbishop Iakovos and the Archdiocese to introduce Dukakis to potential financial supporters and to provide a forum for Dukakis campaign speeches. See items 1, 2, 4, 6, and 7. The number and scope of these gatherings certainly suggest that Dukakis and/or members of his campaign staff may have suggested, approved, and/or had knowledge of the actions of the Church officials.

The fact that the actual goals of the Church officials were kept secret should further invite the attention of the Commission in regard to Dukakis. The previous public statements of the Church officials regarding their support for political candidates differ dramatically from the statements made throughout the article. Compare the contents of the article to the following:

"Archbishop Iakovos, the popular 77-year-old primate of the 2-million-member congregation in North and South America, has insisted that his clergy remain 'neutral' in the 1988 presidential campaign. . . . 'I like my people to listen to both views,' Iakovos said." [(Long Island) Newsday, 7/7/88]

"The Church does not get into endorsing, categorizing, or castigating political aspirants." [Fr. Alex Karloutsos, Communications Director for the Greek Archdiocese, National Catholic Register, 7/3/88]

"With regret, we have observed recent attempts being made to inject religion into the political life of this nation, in direct contradiction to the First Amendment, and we will not become a party to this effort." [Press Statement from the Greek Archdiocese, New York Times, 6/2/88]

"I find it extremely unjustified to make such statements, to attack anyone running for any office on the basis of his beliefs. . . . In this multicultural, multi-national society, religion is not one of the criteria for being elected president of the United States. . . . The President is president of all citizens, believers and non-believers as well. . . . Any transgressions across the border between state and church is at the expense of the unity of the nation." [Archbishop Iakovos, interview with George Cornell, AP, 6/8/88]

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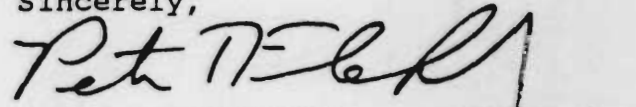


We do not know why the article was published, given its gross variance with the previous public statements by Church officials and the damaging admissions it contains. The Commission will be interested to know, however, that The Orthodox Observer is published in English and contains a section in Greek. We understand articles considered important appear in both languages. The article in question appeared only in Greek. Did the Church officials seek to limit circulation of the information it contains through its publication in Greek only? The Commission has an obligation to find out.

It should be understood by the commission and the public that the Conservative Campaign Fund vigorously supports the right of clergy and lay people to participate in the electoral process and to endorse candidates of their choice. The purpose of this complaint is to object to the unlawful activities of the defendants as individual citizens. Since we are quite sure many officials and members of the Greek Orthodox Church would have objected to these activities, had they known of them, the Greek Orthodox Church is not the subject of this complaint. We wish to emphasize these facts.

Thank you in advance for your attention to this matter.

Sincerely,

  
Peter T. Flaherty  
Chairman

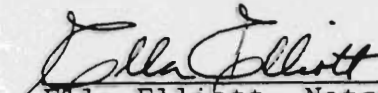
PTF/deks

Enclosure

  
Peter T. Flaherty

DISTRICT OF COLUMBIA:

Subscribed and sworn to before me this 7th day of November, 1988.

  
Ella Elliott, Notary Public  
My Commission expires 1/1/89

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### The Candidacy of M. Dukakis and Events Supporting It

Since, in view of articles which have seen the light recently, it is clear that there is a need for certain facts to be published for the first time, the Press Office of the Archdiocese considered it its duty to send to the Greek American mass media the following articles:

His Eminence the Archbishop had frequent contact with the Governor of Massachusetts before Mr. Dukakis decided to seek the presidency of the United States. Among other events His Eminence called an Archdiocesan Council meeting in Boston and organized pilgrimages to Plymouth and Lexington, Massachusetts to give Greek Americans the opportunity to meet the distinguished Greek American politician. These events gave Dukakis his first wide publicity among the Greeks of America.

When Governor Dukakis decided to seek the Democratic nomination for president of the United States and long before the events-- the Hart case, the Binder (sic, Biden?) matter-- which consequently wiped out Dukakis' opponents in the Democratic party and during the time when very few believed that the candidacy of Dukakis would go anywhere, His Eminence the Archbishop substantively supported his candidacy. To be exact:

1) He held a reception and dinner at the Archdiocese in New York to honor Dukakis on April 2, 1987, inviting distinguished persons in letters, industry and the arts. Thus, the opportunity was given to the Greek American candidate to come into contact with these significant figures in the American community.

2) He invited Dukakis to Cleveland, Ohio on Oct. 24, 1987 on the occasion of the yearly St. Iakovos dinner, and gave him the opportunity to speak to a large gathering of more than 1200 persons, during which the Democratic candidate took advantage of the opportunity to deliver a political speech.

3) He widely recommended others to support Dukakis and emphasized the need to strengthen his candidacy economically. He charged his assistants (Fr. Karletsos, Mr. Gazuleas) to help insure the success of the first fund-raising events for the promotion of the election campaign of Dukakis. And this happened with a significant part of their success due to the guidance of the Archbishop.

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4) He invited Dukakis to the Archdiocese on July 14, 1988 to pray with him in the chapel of St. Paul. Many people and journalists had also been invited so that it could be publicly confirmed that Michael Dukakis is a good Orthodox Christian whom the Archbishop characterized as 'one of us' and thus to belie the published reports to the contrary.

5) He gave interviews on July 30, 1988, on the PBS television network and to the Boston Globe newspaper during which he spoke warmly about the personality of the Greek American candidate.

6) He invited Dukakis to the 29th Clergy Laity Congress in Boston where, on the afternoon of July 6, 1988, he was honored by the Archbishop at a special ceremony. Dukakis then delivered a campaign speech to the more than 2500 persons who were present.

7) He included on the program of the Clergy Laity Congress a reception at the Massachusetts Governor's offices and gave the Greek American politician the opportunity to shake hands and be photographed with each of those who had been invited-- a unique and highly valued opportunity during the pre-election period.

8) He accepted the invitation of Dukakis to offer a prayer on July 21 at the Democratic Party Convention at which-- in clear exception to usual practice-- he referred by name to Governor Dukakis and his abilities and his integrity.

9) In an attempt to neutralize the criticisms of Dukakis for certain views of his which are contrary to the feelings of a large part of the American people, a press release stigmatizing the attempt to mix religion into the political life of the country was distributed. When this was not successful, he gave an interview on June 2, 1988 to the well-known religion correspondent of the Associated Press, George Cornell, during which the Dukakis matter was fully covered. He emphasized that not only had he encouraged Dukakis in his decision to run for the presidency of the USA, but that 'we are proud because one of our young men has the courage and determination to seek the highest office of the nation.'

10) On August 31 a special message to the people of the Church was given to blunt the negative outcry which had been created at the expense of Dukakis. With this he explained why and how he had accepted the invitation to offer prayers at both the Democratic and Republican conventions. This message was broadcast on eight radio stations and three television stations.

From the Press Office of the Archdiocese.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 16, 1988

Peter T. Flaherty, Chairman  
Conservative Campaign Fund  
Suite 500  
1156 15th Street, NW  
Washington, DC 20005

RE: MUR 2782

Dear Mr. Flaherty:

This letter acknowledges receipt on November 7, 1988, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Governor Michael S. Dukakis, the Archbishop Coucouzes, the Reverend Karloutsos, and Takis Gazouleas. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2782. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble  
General Counsel

By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Procedures

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plm





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 16, 1988

Governor Michael S. Dukakis  
85 Perry Sreet  
Brookline, MA 02146

RE: MUR 2782  
Governor Michael S.  
Dukakis

Dear Governor Dukakis:

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 2782. 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. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 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 authorizing such counsel to receive any notifications and other communications from the Commission.

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

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois G. Lerner  
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Robert A. Farmer, Treasurer  
Dukakis/Bentsen Committee, Inc.  
105 Chauncy Street  
Boston, MA 02111

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FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

November 16, 1988

Archbishop Iakovos Coucouzes  
Greek Orthodox Archdiocese of  
North and South America  
10 E. 79th Street  
New York, NY 10021

Re: MUR 2782  
Archbishop Coucouzes

Dear Archbishop Coucouzes:

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 2782. 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. 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. Your response, which should be addressed to the General Counsel's Office, 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.

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

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois G. Lerner  
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 16, 1988

Reverend Alexander Karloutsos  
Director of Communications  
Greek Orthodox Archdiocese of  
North and South America  
10 E. 79th Street  
New York, NY 10021

Re: MUR 2782  
Reverend Alexander  
Karloutsos

Dear Reverend Karloutsos:

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 2782. 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. 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. Your response, which should be addressed to the General Counsel's Office, 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.

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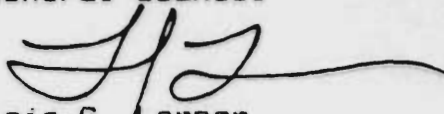
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If you have any questions, please contact Celia Jacoby, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble  
General Counsel

  
By: Lois G. Lerner  
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 16, 1988

Mr. Takis Gazouleas  
Director of the Press Office  
Greek Orthodox Archdiocese of  
North and South America  
10 E. 79th Street  
New York, NY 10021

Re: MUR 2782  
Takis Gazouleas

Dear Mr. Gazouleas:

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 2782. 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. 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. Your response, which should be addressed to the General Counsel's Office, 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.

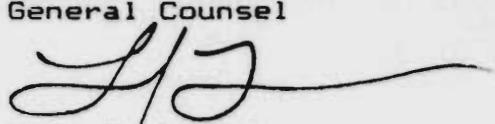
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If you have any questions, please contact Celia Jacoby, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble  
General Counsel

  
By: Lois G. Lerner  
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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**SIDLEY & AUSTIN**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ONE FIRST NATIONAL PLAZA  
CHICAGO, ILLINOIS 60603  
312 553-7000 TELEX 25-4364

2049 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067  
213 553-8100 TELEX 18-1391

1722 EYE STREET, N.W.  
WASHINGTON, D.C. 20006  
202 429-4000 TELEX 89-463

520 MADISON AVENUE  
NEW YORK, NEW YORK 10022  
TELEPHONE 212: 418-2100  
TELEX 97-1696  
TELECOPIER 212: 418-2165

18 KING WILLIAM STREET  
LONDON, EC4N 7SA, ENGLAND  
441 621-1615 TELEX 924125

5 SHENTON WAY  
SINGAPORE 0106  
65 224-5600 TELEX 20754

PO BOX 18366  
RIYADH 11415, SAUDI ARABIA  
966-1-478-7801 TELEX 403661

December 6, 1988

**PRIVILEGED AND CONFIDENTIAL  
COMMUNICATION**  
2 U.S.C. §437

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

Re: Federal Election Commission MUR 2782

Dear Mr. Noble:

We represent His Eminence Archbishop Iakovos, Primate of the Greek Orthodox Archdiocese of North and South America, the Reverend Alexander Karloutsos and Mr. Panayiotis Gazouleas (hereinafter collectively referred to as the "Respondents.")

We have reviewed your letter dated November 16, 1988 regarding MUR 2782. Your letter states, "[u]nder the [Federal Election Campaign Act], you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter."

We appreciate this opportunity to provide the Federal Election Commission (the "Commission") with information relevant to your inquiry. However, in attempting to frame a response, we find ourselves handicapped not only by the vagueness of the allegations set forth in Mr. Peter T. Flaherty's letter of November 4, 1988 (the "Complaint"), but by the absence of a reference to a provision of 2 U.S.C. § 431 et seq. which might reveal the contended basis for a violation.

Regarding the issue of vagueness, the Complaint fails to set forth any facts demonstrating a wrongful "contribution", "expenditure" or "express advocacy" by the Respondents under the Federal Election Campaign Act of 1971 (the "Act"). For example,

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Lawrence M. Noble, Esq.  
December 6, 1988  
Page 2

the Complaint does not state that any of the Respondents conducted a Church activity for the purpose of advocating the election of Mr. Dukakis or the defeat of Mr. Bush. Furthermore, the Complaint and its attachments do not state that any funds of the Greek Orthodox Church were used for political purposes. In fact, the Complaint states that its purpose "... is to object to the unlawful activities of the defendants as individual citizens.... The Greek Orthodox Church is not the subject of the Complaint." We suggest that the absence of facts pertaining to a wrongful "contribution" or "expenditure" is consistent with the purposes of the Complaint's authors, *i.e.* the promotion of a dispute pertaining to purely ecclesiastical matters.

Given the seriousness with which the Respondents regard the prerogatives of this Commission, we will endeavor to provide you with "factual and legal materials" relevant to your inquiry. At this juncture, the Commission clearly has not voted to dismiss the Complaint based solely upon the allegations set forth therein pursuant to § 437g(a)(1). Thus, it can only be assumed that the Commission or its attorneys believe that some allegation, if true, constitutes a violation of the Act. Therefore, in order to have a meaningful "opportunity to demonstrate in writing that no action should be taken against" the Respondents, we request that you advise us as to what provision(s) of the Act purportedly may have been violated with reference to the operative allegations of the Complaint.

As referred to above, we are particularly troubled by the prospect that the individuals instigating this Complaint are attempting to vindicate interests irrelevant to the rights for which the Act and the Commission were established to protect. The motives of the proponents of the Complaint are demonstrated, in part, by their failure to comply with basic requirements under the Act, including providing sworn statements to the Commission and maintaining the confidentiality of proceedings before the Commission. For example, 2 U.S.C. § 437g(a)(1) requires that:

Any person who believes a violation of this Act ... has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint ... and shall be made under penalty of perjury and subject to the provisions of Section 1001 of Title 18, United States Code.

It should be emphasized that Mr. Flaherty's "notarization" does not comply with the requirements of § 437g. Specifically, Mr. Flaherty does not state under penalty of

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Lawrence M. Noble, Esq.  
December 6, 1988  
Page 3

perjury that he believes that a violation of the Act has occurred. It is submitted that the allegations of the Complaint were provided by a person whose identity was not disclosed by Mr. Flaherty, explaining the absence of the required attestation by him.

For purposes wholly unrelated to the federal election laws, the individual who has orchestrated the efforts leading up to the filing of the Complaint is Mr. James George Jatras. We have enclosed, as Exhibit A, a copy of the feature article from the newspaper "The Greek American" entitled "JATRAS STRIKES AGAIN." In the November 26, 1988 publication, the Complaint is printed in full with reference to the proceedings of the Commission. In conjunction with the Complaint, the newspaper has printed a vitriolic attack on the Archdiocese authored by Mr. Jatras.

The "Greek American" article demonstrates that the source of the Complaint is not Mr. Flaherty, but Mr. Jatras, who is "striking again." Indeed, the article reveals that the Complaint is not designed to vindicate the interests of the federal election laws, but as a platform for ecclesiastical disputes.

The "Greek American" article also establishes that the confidentiality guaranteed to Respondents under § 437g(12)(a) of the Act has been violated. Section 437g(12)(a) states that:

Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

It is clear from the "Greek American" article that Mr. Flaherty has "made public" the notification and inquiry of this Commission. For this reason alone, the Respondents contend that the Commission should dismiss the Complaint.

Without intending to waive its objection to the vagueness of the Complaint and the absence of any reference to a purported violation of the Act, the Respondents state the following with respect to the events raised in the Complaint and the attachments.

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Lawrence M. Noble, Esq.  
 December 6, 1988  
 Page 4

#### ARCHDIOCESAN COUNCIL MEETING

The second paragraph of The Orthodox Observer article, attached to the Complaint, states that Archbishop Iakovos "had frequent contact" with Governor Dukakis. The article also refers to an Archdiocesan Council meeting and "pilgrimages to Plymouth and Lexington, Massachusetts to give Greek Americans the opportunity to meet the distinguished Greek American politician." The events referred to in this paragraph span a scope of over fifteen years. Archbishop Iakovos has known Mr. Dukakis for many years. Archbishop Iakovos was Mr. Dukakis' parish priest in Brookline, Massachusetts. Consistent with their long-standing relationship, the Archbishop and Governor Dukakis have discussed many topics of great personal consequence, including the prospect of Mr. Dukakis running for the Presidency of the United States of America. It should be emphasized that the relationship between Mr. Dukakis and Archbishop Iakovos is not unique -- the Archbishop has long-standing personal relationships with many individuals of national and world prominence, including President-Elect George Bush. Archbishop Iakovos has known Mr. Bush since 1970 and, among other topics, has discussed the prospect of his campaign for the office of President of the United States of America.

The reference in the Complaint to the Archdiocesan Council and "pilgrimages" to Massachusetts also are misleading. The event referred to occurred approximately five years ago, long before Mr. Dukakis publicly announced a desire to run for President. The Archdiocesan Council is the auxiliary council for the Archdiocese and meets approximately 3-4 times a year. It is true that more than once the Archdiocesan Council has met at the location of the Greek Orthodox Theological School located in Brookline, Massachusetts and that on those occasions, Greek Americans had "the opportunity to meet the distinguished Greek American politician". However, the purpose of the meetings was solely to discuss issues relating to affairs of the Archdiocese -- it is not believed that Mr. Dukakis spoke about any political matters.

#### ARCHDIOCESAN DINNERS

The attachments to the Complaint also refer to a reception and dinner held at the Archdiocese in New York on April 2, 1987. The Archdiocesan dinners routinely are held by the Archbishop and have no political purpose. The dinners have been hosted by the Archbishop in honor of numerous individuals, including Cardinal John O'Connor of the Roman Catholic Archdiocese of New York, Bishop James Crumley, former President of the Lutheran Church, Past President Jimmy Carter, Mayer Dalen

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Lawrence M. Noble, Esq.  
December 6, 1988  
Page 5

of Istanbul, Turkey, Mayor Edward Koch of New York City, and Dr. John Brademas, President of New York University. No honorarium was paid to these individuals and no expression of political advocacy was expected or requested.

#### ARCHBISHOP'S YEARLY BANQUET

Each year on the occasion of the Archbishop's namesday, a banquet is held at varying locations throughout the United States of America. The banquet is held purely for celebration and reverence and has no political purpose whatsoever. Routinely, guests and speakers at the yearly banquet are politicians and other public figures. In past years attendees at these banquets include: Olympia Snow (Republican Congresswoman from Maine); John Sununu (Republican Governor of New Hampshire); Paul Sarbanes (Democratic Senator from Maryland); Charles Percy (Republican Senator from Illinois); and Edward Derwinski (Republican Congressman from Illinois). No honorarium is paid to these guests and the speakers are neither requested nor expected to give a political speech. These guests, including Mr. Dukakis, are merely invited for the purpose of celebrating the namesday of the Archbishop.

#### RECOMMENDATION TO SUPPORT DUKAKIS

As is stated in the various newspaper articles referred to in the Complaint, Archbishop Iakovos repeatedly has stated that the Church does not endorse any candidates. However, when individuals privately have expressed an interest in any of numerous candidates, Archbishop Iakovos has encouraged those individuals to support, both economically and otherwise, the political candidates of their choice, including Mr. Dukakis and well as others.

As set forth in the affidavit of Reverend Alexander Karloutsos and Mr. Panayiotis Gazouleas, attached hereto as Exhibits B and C at no time did the Archbishop instruct these men, in their official capacities for the Archbishop or otherwise, to participate in fund-raising for Mr. Dukakis. Any support which these men have provided to the campaign of any politician, including Mr. Dukakis, has been the exercise of their own discretion and political conscience. At no time did these men contribute, directly or indirectly, any funds of the Archdiocese to support any political campaign.

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Lawrence M. Noble, Esq.  
December 6, 1988  
Page 6

#### VISIT TO ARCHDIOCESE

On April 14, 1988, Mr. Dukakis visited the Archdiocese and participated in a prayer service at the Archdiocese chapel. Mr. Dukakis neither gave a political speech nor was he asked to give a political speech. Rather, the purpose of this visit was for Mr. Dukakis to join the Archbishop in spiritual worship. It should be added that many prominent individuals have been invited to the Archdiocese to join in worship, including Mr. Hubert Humphrey, Ex-Senator from Minnesota, Mr. Walter Mondale, Ex-Vice President of the United States of America and Mayor Edward Koch.

#### PRESS INTERVIEWS

The Archbishop has given various interviews to the press. Transcripts of these interviews can be provided to the Commission, if the Commission requires them. However, we would suggest that the Complaint's reference to the Archbishop speaking "warmly about the personality of the Greek American candidate" falls far short of expressly endorsing Mr. Dukakis' candidacy and does not constitute a violation of the federal election laws.

#### CLERGY LAITY CONGRESS

The Clergy Laity Congress is the highest legislative assembly in the Archdiocese which meets annually at various locations in the United States. The purpose of the Congress is to consider various issues of concern to the members of the Greek Orthodox Church. It does not endorse any political candidates or political platforms. Various public figures have been invited to attend and speak at the various meetings of the Congress. Mr. Dukakis did speak of the 1988 Clergy Laity Congress. However, the Complaint fails to state that the day following Mr. Dukakis' speech, Mr. George Bush attended the Clergy Laity Congress. In fact, Mr. Bush was the key note speaker for the major banquet for the 1988 Clergy Laity Congress. Neither Mr. Bush nor Mr. Dukakis received any honorarium. Additionally, no proceeds from the various dinners were given to any political candidate.

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RECEPTION AT GOVERNOR'S OFFICE

Governors of the various states where Clergy Laity Congresses have been conducted routinely give receptions for the delegates to the Clergy Laity Congress. For example, when the Archdiocesan Council met in Illinois in 1984, Governor James Thompson gave a reception for the delegates. In 1980 the Clergy Laity Congress met in Atlanta and Governor Busby held a reception. Similarly, Mr. Dukakis held a reception for the delegates when the Clergy Laity Congress met in Boston this summer. The meeting was not held for purposes of fund-raising, but as an extension of courtesies to the delegates to the Congress.

DEMOCRATIC CONVENTION

On July 21, 1988, Archbishop Iakovos attended the Democratic convention and led the Convention in prayer. However, the Complaint does not advise the Commission that later in the summer the Archbishop attended the Republican Convention and led the Republican delegates in prayer. Transcripts of the prayer will be provided if the Commission deems these matters to be within the purview of its jurisdiction. However, we would suggest that the Archbishop's attendance at the Republican and Democratic Conventions shows a studied effort to be non-partisan and an effort to address the spiritual needs common to members of both political parties.

ASSOCIATED PRESS INTERVIEW

On June 2, 1988, Archbishop Iakovos was interviewed by Mr. George Cornell of the Associated Press. A copy of the Associated Press interview will be provided upon the request of the Commission.

AUGUST 31 BROADCAST

Archbishop Iakovos was criticized by many members of the Greek American Community in connection with various matters pertaining to the 1988 presidential campaign, including his invocations at the Republican Convention and Democratic Convention. The August 31, 1988 message was in response to the questions and criticism referred to above. The message was neither a political endorsement nor a solicitation for fund-raising.

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\* \* \* \* \*

In summary, the Respondents contend that the vague and conclusory allegations of the Complaint do not set forth violations of the federal election laws. Moreover, when viewed in the context of all of the relevant facts, it is submitted that no such violation occurred. Notwithstanding the lack of clarity of the allegations of the Complaint, we have attempted to address the issues raised therein. However, we request to be advised as to the specific provisions of the federal election laws which Respondents purportedly may have violated so that we may respond more fully to the allegations against Respondents.

Thank you for your consideration in this matter. Please do not hesitate to contact Theodore J. Theophilos of this office at (212) 418-2175 should you require additional information or wish to discuss this matter.

Very truly yours,

*Sidley & Austin*  
SIDLEY & AUSTIN

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# THE Greek American

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Saturday, November 26, 1988

Vol. 5 No 45 70¢

## Over \$300 Million Bank of Crete Funds Misused

By Philip Dopoulos

**ATHENS, November 25, AP**—A government investigator's report published today concluded that over 300 million dollars belonging to one of Greece's leading private banks were misused or stolen by its chairman. Spyros Papadatos, temporary commissioner who was appointed earlier this month to investigate the widening bank scandal said chairman George Koskotas systematically siphoned about 135 million dollars from the Bank of Crete which he passed through his own account.

Mr. Papadatos's report named no politicians but said that Mr. Koskotas made loans without collateral or gave money to soccer clubs, athletes, business associates, journalists, and friends. The report which disclosed names, did not specify whether any illegalities were involved in the loans and gifts totaling 200 million dollars. Mr. Koskotas gained control of the bank in 1984 two years after he joined its accounting department.

The scandal has rocked Premier Andreas Papandreu's socialist government, which has been accused of dragging its feet in opening the investigation. Mr. Papandreu's son George, who is minister of education, Minister to the Premier Agamemnon Koutsoyorgas, and senior socialist party officials were accused by magazines and leading newspapers friendly to the government of being allegedly involved in financial dealings with Mr. Koskotas and illegally transferring money out of the country through his bank.

The commissioner's report also listed state controlled public utility companies as major depositors at the bank, totaling billions of drachmas (tens of millions of dollars). The central bank said that deposits at the Bank of Crete are guaranteed but many clients have reported difficulty in drawing large amounts of money from their accounts. The government's reluctance to announce what it intends to do with the bank has increased growing public dissatisfaction with its handling of the scandal.

Mr. Koskotas, meanwhile, is in Rio de Janeiro with his family and reportedly said he left because he feared for his life. He disappeared

## YUGOSLAVS PROTEST AGAINST GREECE IN SKOPJE

By Slobodan Lekic

**SKOPJE, YUGOSLAVIA, November 25, AP**—About 15,000 Macedonians demonstrated in Skopje today in front of the Greek consulate to protest against alleged "discrimination" in neighboring Greece. Officials in Greece and Yugoslavia frequently argue over what Yugoslavia claims is a large Macedonian presence in northern Greece. Macedonia is now split among Greece, Yugoslavia, and Bulgaria.

Wednesday's protest was organized by the Student Union of the university in Skopje, capital of Yugoslavia's southernmost Macedonian republic bordering Greece. Pepl Damjanovski, a student of civil engineering said: "We want equality for our people in Greece. We want the Greek government to recognize the Macedonian language and the Macedonian people."

Similar protests involving thousands of demonstrators were staged in two other Macedonian towns, Bitola and Strumica, the state news agency Tanjug reported. Protesters in Skopje chanted slogans and carried banners demanding "Human Rights for Macedonians in Greece," "Europe Without Persecution," "Free Contacts With Macedonians," and vowing, "We Will Die for Macedonia."

A heavy police presence and a red fire truck were on hand, although no incidents were reported. The Skopje daily Nova Makedonia said Wednesday: "Macedonian people will never accept this status they have in Greece, Bulgaria and Albania... where they are denied their basic human and national rights." Belgrade authorities call northeastern Greece Aegean Macedonia. The Belgrade government claims the Macedonian minority is denied basic national rights such as the use of their language in schools and government offices.

Officials in Athens, on the other hand, deny that any Macedonian minority lives in their country. While the issue of Macedonians living in Greece gives rise to frequent disputes, those Macedonians who left the country also occasionally figure in controversy between Belgrade and Athens. Greek historians say about 100,000 Yugoslav-speaking subjects of Greece left the country during World War II and the

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Mr. Koskotas, meanwhile, is in Rio de Janeiro with his family and reportedly said he left because he feared for his life. He disappeared and apparently fled the country on November 6 while under police surveillance. Greece and Brazil do not have mutual extradition agreements but the government said a warrant has been issued through Interpol for Mr. Koskotas's arrest.

The 34-year-old Koskotas was suspended as chairman of the Bank of Crete last month and a government commissioner was appointed to investigate the bank's financial dealings. Later, he was charged with fraud and embezzlement. The commissioner's report said that Mr. Koskotas used bank funds to build up a publishing empire which owned five magazines and three national daily papers. Later, he bought controlling interest in a leading soccer club, Olympiakos-Piraeus, and paid millions of drachmas to buy soccer stars.

Brazilian authorities say, however, that they have received no request from the Greek government to search for or detain George Koskotas, federal police spokesman Paulo Marra told the Associated Press. "Mr. Koskotas may have committed a crime in his own country but if he entered Brazil legally, he won't be bothered by the police unless there is a request for detention," Mr. Marra said.

*Due to the Thanksgiving holiday, The Greek American will be printed on November 23. The publication date, however, will remain Saturday, November 24.*

**SKOPJE, YUGOSLAVIA, November 23, AP**—About 15,000 Macedonians demonstrated in Skopje today in front of the Greek consulate to protest against alleged "discrimination" in neighboring Greece. Officials in Greece and Yugoslavia frequently argue over what Yugoslavia claims is a large Macedonian presence in northern Greece. Macedonia is now split among Greece, Yugoslavia, and Bulgaria.

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(Continued on page 23)

## Onassis Casket Leaves Argentina

—By Ed McCullough—

**BUENOS AIRES, November 23, AP**—The body of heiress Christina Onassis was allowed to leave Argentina today for burial in Greece, but her housekeeper was required to stay behind as authorities continued investigating the cause of death. Helen Syros apparently was the first to discover Ms. Onassis lying on the floor at the country club home of friends last week.

A preliminary coroner's report said the 37-year-old heiress died of a build-up of fluid in the lungs. Legal and medical officials want to establish whether the build up was the result of natural causes, such as a heart attack. Federal judge Alberto Plotti formally authorized the release of the body at about 2 pm local time today, as a group of Ms. Onassis's family and friends waited with the casket at Ezeiza International Airport. The final delay held up the departure of Swissair Flight 145 to Zurich for about forty minutes.

(Continued on page 23)



The Greek American received the following statement and accompanying material from James G. Javras

## Statement to the Greek American Press

Tuesday, November 8, 1988  
Saint Michael the Archangel

In March of this year, I authored and disseminated "An Open Letter to Governor Michael Dukakis from a Greek Orthodox Layman," in which I detailed the governor's false claims to "good standing" in the Orthodox Church. As I wrote then, not only had the governor forfeited his claim to Orthodoxy by his non Church marriage and his failure to baptize his children, but his stand on the issues (abortion, "gay rights," communism, etc.) clearly evidenced a moral compass incompatible with the Orthodox faith. At issue was not only the governor's Orthodoxy but his honesty.

My criticisms evoked wide support in the Orthodox community, both Greek and non Greek, as well as among non Orthodox Americans interested in learning about the moral *bona fides* of the first purported Greek Orthodox presidential candidate. However, officials of the Greek Archdiocese, Archbishop Iakovos foremost among them, condemned my efforts to hold the Orthodox faith above narrow tribalism, though my views were never refuted—or could they be, since they were an accurate reiteration of Orthodox teaching. Instead of being told where we were wrong, I and others of like mind were slandered, called "fanatic," "small people," and so forth by authorities of the Archdiocese. I was accused of partisan motivations, since—so cynical have we become!—I could not honestly be concerned about our religion for its own sake but must be using it only as a front for ulterior (Republican) purposes. The Archbishop and his assistants, while helping to cover up Governor Dukakis's apostasy and dishonesty, high-mindedly declared their non involvement in "politics" and their meticulous regard for "separation of church and state."

Now it is revealed why the Archbishop and his spokesmen were so anxious to silence the critics. In an article in the September 28 *Orthodox Observer* ("The Candidacy of M. Dukakis and the Events Supporting It"), Mr. P.J. Gazouleas detailed ten ways in which he, Father Alex. Karoutsos, and the Archbishop blatantly participated in the Dukakis campaign effort, despite their earlier protestations of neutrality and the Archdiocese's tax exempt status. Among the more shocking revelations was the casual reference to "an attempt to neutralize the criticisms of Dukakis for certain views of his which are

# JATRAS STRIKES AGAIN



perhaps it is time to take stock of what we have gained and where we are. First, when it became clear that Dukakis, who should

have been anathema to us, was using his Greek ancestry and his purported Orthodoxy as a campaign prop, did we say, "No,

we are Orthodox Christians, we have principles, and we will not sell our faith for political gain?" No, instead we meekly (some of us enthusiastically) allowed ourselves to be used. Second, when our religious leaders were advised of the discrepancy between Dukakis's claims and the reality behind them, did they defend their flock and our faith? No, instead they helped him cover up his lies and denounced and silenced those, clergy and laity, who did speak out. Third, when our Orthodox brethren in the non Greek jurisdictions tried gently to remind us that the Orthodox faith is more important than ethnic origins, did we return to our senses and thank them for their efforts to safeguard our integrity? No, instead we denounced them and penalized them for meddling in our "internal affairs," reducing Orthodoxy in this country to moral schism. We have disgraced, humiliated, and impoverished ourselves—all for nothing.

Unfortunately, Dukakis or no Dukakis, this sorry business is not going to be resolved until we stop the duplicity and get our priorities in order. The solution is not to make poor Mr. Gazouleas a

(Continued on page 11)

## The Candidacy of M. Dukakis and Events Supporting It

From the *Orthodox Observer* of Wednesday, September 28, 1988

Since, in view of articles which have seen the light recently, it is clear that there is a need for certain facts to be published for the first time, the Press Office of the Archdiocese considered it its duty to send to the Greek American mass media the following article:

His Eminence the Archbishop had frequent contact with the Governor of Massachusetts before Mr. Dukakis decided to seek the presidency of the United States. Among other events His Eminence called an Archdiocesan Council meeting in Boston and organized pilgrimages to Plymouth and Lexington, Massachusetts, to give Greek Americans the opportunity to meet the distinguished Greek American politician. These events gave Dukakis his first wide publicity among the Greeks of America.

When Governor Dukakis decided to seek the Democratic nomination for president of the United States and long before the events—the Hart case, the Binder (sic, Biden?) matter—which consequently wiped out Dukakis's opponents in the Democratic party and during the time that very few believed

gathering of more than 1,200 persons, during which the Democratic candidate took advantage of the opportunity to deliver a political speech.

3) He widely recommended others to support Dukakis and emphasized the need to strengthen his candidacy economically. He charged his assistants (Father Karoutsos, Mr. Gazouleas) to help ensure the success of the first fund raising events for

confirmed that Michael Dukakis is a good Orthodox Christian whom the Archbishop characterized as "one of us" and thus to baffle the published reports to the contrary.

5) He gave interviews on July 30, 1988, on the PBS television network and to the Boston Globe newspaper during which he spoke warmly about the personality of the Greek American candidate.

6) He invited Dukakis to the 28th Clergy

The following was an official press release from the Greek Orthodox Archdiocese of North and South America.

FOR IMMEDIATE RELEASE  
November 2, 1988

FOR FURTHER INFORMATION:  
Rev. Alexander Karoutsos  
Director of Public Affairs

FROM THE OFFICE OF THE CHANCELLOR:  
Bishop Isaiah of Aspendos

In celebration of the democratic process, Archbishop Iakovos accepted invitations to deliver invocations at both the Democratic and Republican Conventions last summer. His appearance at the Republican Convention brought criticism

statement outlining the numerous occasions on which Archbishop Iakovos appeared with Governor Dukakis, whom His Eminence has known since he was his parish priest. But the statement went too far and gave the impression that His Eminence was taking sides in the election.

As Primate of the Greek Orthodox Church in the Americas, Archbishop Iakovos strongly supports the separation of church and state embodied in the US Constitution. He takes great pride in the achievements of all Greek Americans, including those in public life, but he has not endorsed any candidate in thirty years as Archbishop and does not endorse anyone in the current election. That is why he attended both political conventions and invited both presidential candidates to address the Clergy-Laity Congress in



My criticisms evoked wide support in the Orthodox community, both Greek and non-Greek, as well as among non-Orthodox Americans interested in learning about the moral *bona fides* of the first purported Greek Orthodox presidential candidate. However, officials of the Greek Archdiocese, Archbishop Iakovos foremost among them, condemned my efforts to hold the Orthodox faith above narrow tribalism, though my views were never refuted—nor could they be, since they were an accurate reiteration of Orthodox teaching. Instead of being told where we were wrong, I and others of like mind were slandered, called "fanatic," "small people," and so forth by authorities of the Archdiocese. I was accused of partisan motivations, since—so cynical have we become—I could not honestly be concerned about our religion for its own sake but must be using it only as a front for ulterior (Republican!) purposes. The Archbishop and his assistants, while helping to cover up Governor Dukakis's apostasy and dishonesty, high-mindedly declared their non-involvement in "pollies" and their meticulous regard for "separation of church and state."

Now it is revealed why the Archbishop and his spokesmen were so anxious to silence the critics. In an article in the September 28 *Orthodox Observer* ("The Candidacy of M. Dukakis and the Events Supporting It"), Mr. P.J. Gazouleas detailed ten ways in which he, Father Alex Karloutos, and the Archbishop blatantly participated in the Dukakis campaign effort, despite their earlier protestations of neutrality and the Archdiocese's tax-exempt status. Among the more shocking revelations was the casual reference to "an attempt to neutralize the criticisms of Dukakis for certain views of his which are contrary to the feelings of a large part of the American people"—apparently overlooking the fact that his "certain views" are contrary to the Orthodox Christian faith! And now that the behind the scenes machinations are coming out and complaints have been made to the Federal Elections Commission (naming four potential defendants: I. Coucouzes, A. Karloutos, P. Gazouleas, and M. Dukakis), instead of admitting their errors, they are making up new misrepresentations to the effect that Mr. Gazouleas had simply gone "too far" in his statement.

When Esau sold his birthright, at least he got a mess of pottage in return for it. Now that the Dukakis episode is behind us,



perhaps it is time to take stock of what we have gained and where we are. First, when it became clear that Dukakis, who should

have been anathema to us, was using his Greek ancestry and his purported Orthodoxy as a campaign prop, did we say, "No,

## The Candidacy of M. Dukakis and Events Supporting It

From the *Orthodox Observer* of Wednesday, September 28, 1988

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His Eminence the Archbishop had frequent contact with the Governor of Massachusetts before Mr. Dukakis decided to seek the presidency of the United States. Among other events His Eminence called an Archdiocesan Council meeting in Boston and organized pilgrimages to Plymouth and Lexington, Massachusetts, to give Greek Americans the opportunity to meet the distinguished Greek American politician. These events gave Dukakis his first wide publicity among the Greeks of America.

When Governor Dukakis decided to seek the Democratic nomination for president of the United States and long before the events—the Hart case, the Binder (sic, Biden?) matter—which consequently wiped out Dukakis's opponents in the Democratic party and during the time that very few believed that the candidacy of Dukakis would go anywhere, His Eminence the Archbishop substantively supported his candidacy. To be exact:

1) He held a reception and dinner at the Archdiocese in New York to honor Dukakis on April 2, 1987, inviting distinguished persons in letters, industry and the arts. Thus, the opportunity was given to the Greek American candidate to come into contact with these significant figures in the American community.

2) He invited Dukakis in Cleveland, Ohio, on October 24, 1987, on the occasion of the yearly Saint Iakovos dinner, and gave him the opportunity to speak to a large

gathering of more than 1,200 persons, during which the Democratic candidate too advantage of the opportunity to deliver a political speech.

3) He widely recommended others to support Dukakis and emphasized the need to strengthen his candidacy economically. He charged his assistants (Father Karloutos, Mr. Gazouleas) to help ensure the success of the first fund raising events for

The following was an official press release from the Greek Orthodox Archdiocese of North and South America.

FOR IMMEDIATE RELEASE  
November 2, 1988

FOR FURTHER INFORMATION  
Rev. Alexander Karloutos  
Director of Public Affairs

FROM THE OFFICE OF THE CHANCELLOR  
Bishop Isaiah of Aspendos

In celebration of the democratic process, Archbishop Iakovos accepted invitations to deliver invocations at both the Democratic and Republican Conventions last summer. His appearance at the Republican Convention brought criticism from some sectors of the Greek American press in view of the fact that the Democratic nominee, Michael Dukakis, is a Greek American. In an effort to respond to that criticism, the Greek language section of the Archdiocese's press office released a

statement outlining the numerous occasions on which Archbishop Iakovos appeared with Governor Dukakis, whom His Eminence has known since he was his parish priest. But the statement went too far and gave the impression that His Eminence was taking sides in the election.

As Primate of the Greek Orthodox Church in the Americas, Archbishop Iakovos strongly supports the separation of church and state embodied in the US Constitution. He takes great pride in the achievements of all Greek Americans, including those in public life, but he has not endorsed any candidate in thirty years as Archbishop and does not endorse anyone in the current election. That is why he attended both political conventions and invited both presidential candidates to address the Clergy Laity Congress in Boston last June.

He considers the right to vote a sacred privilege and urges all eligible Americans to honor it on election day by voting for the candidate of their choice.

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7) He included on the program of the Clergy Laity Congress a reception at the

Lality Congress in Boston where, on the afternoon of July 8, 1988, he was honored by the Archbishop at a special ceremony. Dukakis then delivered a campaign speech to the more than 2,500 persons who were present.

7) He included on the program of the Clergy Laity Congress a reception at the

(Continued on page 11)

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## Statement...

(Continued from page 7)

scapegoat for having let the cat out of the bag, and it is not to make up new and more clever lies to hide the old ones. No, rather, the path we must take is clear:

First, we must stop putting short-sighted calculations ahead of Orthodoxy. There is no Greek or Greek American worthy of the name who does not want the Turks out of Cyprus, or who does not want the Patriarchate to be secure, or who does not want to see Greece strong and prosperous. But supporting any politician just because he is of Greek ancestry does not automatically translate into a benefit for us. We must remember that there is a reason there is a cross on the Greek flag, and that our political agenda cannot be divorced from our moral integrity. The Orthodox faith has been the moral heart of the Greek nation for two millennia. If there are Greek Americans who are only "cultural" in their religion, that is their choice, but it should not corrupt the Church, which has a higher calling. It is time we remembered that our Archbishop is supposed to be a successor to the Apostles, not leader of the *Rum Millet*. Ethnic political concerns are important, but some things are even more important.

Second, we must set the record straight. Michael Dukakis is an apostate and an abortionist who suddenly rediscovered his Greekness and his purport Orthodoxy out of sheer opportunism. I write this not to be cruel or vindictive but because it is true. Now that he has fallen, we should admit that his

candidacy posed a grave test of our moral integrity and we failed miserably. More importantly, this should be seen as a tragedy not only for Dukakis personally but for so many of our people who have learned that what counts is success—political or economic—even at the price of their soul. Again, political and economic success are important, but some things are even more important.

And third, those who are in leadership

encouraged him in his apostasy, further jeopardizing not only Michael Dukakis's soul but those of others witnessing his example. Above all, the uncanonical innovations that have been laid out to facilitate the Dukakis misrepresentations (most importantly, the de facto acceptance of abortion advocacy and the practice of readmitting those married outside the Church to the sacraments) must be repudiated.

Orthodoxy. It is time we grew up. We are Americans now, and we don't need to mute our beliefs in the hope of putting "one of our own" in a visible political or social position so we can all pat ourselves on the back and say we've "made it." It is time we started recognizing that it is precisely Orthodoxy, the true Christian faith, that is the answer to the empty materialism and moral misdirection that afflict America. We, who have been born into Orthodoxy

*The Conservative Campaign Fund made the following complaint to the Federal Elections Commission.*

November 4, 1988

General Counsel  
Federal Elections Commission  
480 E Street, NW  
Washington, DC 20463

BY HAND

Dear Sir:

This is a formal complaint against Governor Michael S. Dukakis of Brookline, Massachusetts, Iakovos Coucouzas (Archbishop Iakovos) of New York, New York, and Reverend Alexander Karloutsos of New York, New York, and Takis Gazouleas of New York, New York. Archbishop Iakovos is the primate of the Greek Orthodox Archdiocese of North and South America. Reverend Karloutsos and Mr. Gazouleas are employees of the Archdiocese. Reverend Karloutsos is Director of Communications, and Mr. Gazouleas is Director of the Press Office.

The complaint concerns apparent violations of federal election law as admitted in an article (hereinafter referred to as "the article") which appeared in the September 28, 1988, edition of *The Orthodox Observer*, published at 8 East 70th Street, New York, New York 10021. It is entitled, "The Candidacy of M. Dukakis and the Events Supporting It." A copy of the article, which appeared in the Greek language, is enclosed, as well as an English translation.

The article states that it is a verbatim release of the Press Office of the Greek Orthodox Archdiocese of North and South America located at 10 East 70th Street, New York, New York 10021.

The article states that Archbishop Iakovos, Rev. Karloutsos and Mr. Gazouleas (hereinafter referred to as "church officials"), in their various capacities with the Archdiocese, took actions which "substantively supported" the candidacy of Michael S. Dukakis. The actions included those in apparent violation of campaign finance law.

Most egregious is the assignment of Church personnel to assist in campaign fundraising activities, as described in Item



of the Archdiocese to introduce Dukakis to potential financial supporters and to provide a forum for Dukakis campaign speeches. See items 1, 2, 4, 5, and 7. The number and scope of these gatherings certainly suggest that Dukakis and/or members of his campaign staff may have suggested, approved, and/or had knowledge of the actions of the Church officials.

The fact that the actual goals of the Church officials were kept secret should further invite the attention of the Commission in regard to Dukakis. The previous public statements of the Church officials regarding their support for political candidates differ dramatically from the statements made throughout the article. Compare the contents of the article to the following:

"Archbishop Iakovos, the popular 77 year old primate of the 2 million member congregation in North and South America, has insisted that his clergy remain 'neutral' in the 1988 presidential campaign... I like my

Alex Karloutsos, Communications Director for the Greek Archdiocese, *National Catholic Register*, 7/3/88.

"With regret, we have observed recent attempts being made to inject religion into the political life of this nation, in direct contradiction to the First Amendment, and we shall not become a party to this effort." [Press statement from the Greek Archdiocese, *New York Times*, 6/2/88]

"I find it extremely unjustified to make such statements, to attack anyone running for any office on the basis of his beliefs... In this multi-cultural, multi-national society, religion is not one of the criteria for being elected president of the United States. The President is president of all citizens, believers and non-believers as well... Any transgressions across the border between state and church is at the expense of the unity of the nation." [Archbishop Iakovos, interview with George Cornell, AP, 6/8/88]

We do not know why the article was published, given its gross variance with the previous public statements by Church officials and the damaging admissions it contains. The Commission will be interested to know, however, that *The Orthodox Observer* is published in English and contains a section in Greek. We understand articles considered important appear in both languages. The article in question appeared only in Greek. Did the Church officials seek to limit circulation of the information it contains through its publication in Greek only? The Commission has an obligation to find out.

It should be understood by the Commission and the public that the Conservative Campaign Fund vigorously supports the right of clergy and lay people to participate in the electoral process and to endorse candidates of their choice. The purpose of this complaint is to object to the unlawful activities of the defendants as individual citizens. Since we are quite sure many officials and members of the Greek Orthodox Church would have objected to these activities, had they known of them, the Greek Orthodox Church is not the subject of this complaint. We wish to emphasize these facts.

## Candidacy...

(Continued from page 7)

Massachusetts governor's offices and gave the Greek American politician the opportunity to shake hands and be photographed with each of those who had been invited—a unique and highly valued opportunity during the pre-election period.

8) He accepted the invitation of Dukakis to offer a prayer on July 21 at the Democratic Party Convention at which—in clear exception to usual practice—he referred by name to Governor Dukakis and his billies and his integrity.

9) In an attempt to neutralize the criticisms of Dukakis for certain views of his which are contrary to the feelings of a large part of the American people, a press release stigmatizing the attempt to mix religion into the political life of the country was distributed. When this was not successful, he gave an interview on June 2, 1988, to the well-known religion correspondent of the Associated Press, George Cornell, during which the Dukakis matter was fully covered. He emphasized that not only had he encouraged Dukakis in his decision to run for the presidency of the

Church, when it was...  
time we remembered that our Archbishop is supposed to be a successor to the Apostle, not leader of the *Eum Millet*. Ethnic political concerns are important, but some things are even more important.

Second, we must set the record straight. Michael Dukakis is an apostate and an abortionist who suddenly rediscovered his Greekness and his purported Orthodoxy out of sheer opportunism. I write this not to be cruel or vindictive but because it is true. Now that he has fallen, we should admit that his

### Candidacy...

Continued from page 7)

Massachusetts governor's offices and give the Greek American politician the opportunity to shake hands and be photographed with each of those who had been invited—a unique and highly valued opportunity during the preelection period.

8) He accepted the invitation of Dukakis to offer a prayer on July 21 at the Democratic Party Convention at which—in rare exception to usual practice—he referred by name to Governor Dukakis and his abilities and his integrity.

9) In an attempt to neutralize the criticisms of Dukakis for certain views of his which are contrary to the feelings of a large part of the American people, a press release stigmatizing the attempt to mix religion into the political life of the country was distributed. When this was not successful, he gave an interview on June 2, 1988, to the well-known religion correspondent of the Associated Press, George Cornell, during which the Dukakis matter was fully covered. He emphasized that not only had he encouraged Dukakis in his decision to run for the presidency of the USA, but that "we are proud because one of our young men has the courage and determination to seek the highest office of the nation."

10) On August 31, a special message to the people of the Church was given to blunt the negative outcry which had been created at the expense of Dukakis. With this, he explained why and how he had accepted the invitation to offer prayers at both the Democratic and Republican conventions. This message was broadcast on eight radio stations and three television stations.

From the Press Office of the Archdiocese

The Greek American

This is a formal complaint against Governor Michael S. Dukakis of Brookline, Massachusetts; Iakovos Choucouzes (Archbishop Iakovos) of New York, New York; and Reverend Alexander Karloutos of New York, New York; and Takis Gazouleas of New York, New York. Archbishop Iakovos is the primate of the Greek Orthodox Archdiocese of North and South America. Reverend Karloutos and Mr. Gazouleas are employees of the Archdiocese. Reverend Karloutos is Director of Communications, and Mr. Gazouleas is Director of the Press Office.

The complaint concerns apparent violations of federal election law as admitted in an article (hereinafter referred to as "the article") which appeared in the September 28, 1988, edition of *The Orthodox Observer*, published at 8 East 79th Street, New York, New York 10021. It is entitled, "The Candidacy of M. Dukakis and the Events Supporting It." A copy of the article, which appeared in the Greek language, is enclosed, as well as an English translation.

The article states that it is a verbatim release of the Press Office of the Greek Orthodox Archdiocese of North and South America located at 10 East 79th Street, New York, New York 10021.

The article states that Archbishop Iakovos, Rev. Karloutos and Mr. Gazouleas (hereinafter referred to as "church officials"), in their various capacities with the Archdiocese, took actions which "substantively supported" the candidacy of Michael S. Dukakis. The actions included those in apparent violation of campaign finance law.

Most egregious is the assignment of Church personnel to assist in campaign fund raising activities, as described in item #3 of the article. We ask the Commission to fully investigate this arrangement.

Further, we ask the Commission to investigate the participation of Michael S. Dukakis in these activities. We note the events staged by Archbishop Iakovos and

above us and should have spoken the truth—and instead lent their support to falsehood—should step down. Archbishop Iakovos should lay aside his archepiscopal duties. This scandal over Dukakis is fundamentally worse than the Archimedes scandal. Rather than admonishing and correcting Dukakis, the Archbishop (calling himself his "spiritual father")



the Archdiocese to introduce Dukakis to potential financial supporters and to provide a forum for Dukakis campaign speeches. See items 1, 2, 4, 5, and 7 the number and scope of these gatherings certainly suggest that Dukakis and/or members of his campaign staff may have suggested, approved, and/or had knowledge of the actions of the Church officials.

The fact that the actual goals of the Church officials were kept secret should further invite the attention of the Commission in regard to Dukakis. The previous public statements of the Church officials regarding their support for political candidates differ dramatically from the statements made throughout the article. Compare the contents of the article to the following:

"Archbishop Iakovos, the popular 77 year old primate of the 2 million member congregation in North and South America, has insisted that his clergy remain 'neutral' in the 1988 presidential campaign... I like my people to listen to both views," Iakovos said. [Long Island Newsday, 7/7/88]

"The Church does not get into endorsing, categorizing, or castigating political aspirants." [Father

basis of his beliefs... in this multi-cultural, multi-national society, religion is not one of the criteria for being elected president of the United States. The President is president of all citizens, believers and non-believers as well... Any transgressions across the border between state and church is at the expense of the unity of the nation." [Archbishop Iakovos, interview with George Cornell, AP, 6/8/88]

We do not know why the article was published, given its gross variance with the previous public statements by Church officials and the damaging admissions it contains. The Commission will be interested to know, however, that *The Orthodox Observer* is published in English and contains a section in Greek. We understand articles considered important appear in both languages. The article in question appeared only in Greek. Did the Church officials seek to limit circulation of the information it contains through its publication in Greek only? The Commission has an obligation to find out.

It should be understood by the Commission and the public that the Conservative Campaign Fund vigorously supports the right of clergy and lay people to participate in the electoral process and to endorse candidates of their choice. The purpose of this complaint is to object to the unlawful activities of the defendants as individual citizens. Since we are quite sure many officials and members of the Greek Orthodox Church would have objected to these activities, had they known of them, the Greek Orthodox Church is not the subject of this complaint. We wish to emphasize these facts.

Thank you in advance for your attention to this matter.

Sincerely,  
Peter T. Flaherty  
Chairman

We Greek Americans have every reason to be proud of our achievements, or wealth and education, and our contributions to this country. But for too many years now, we have been satisfied with an immigrant, ghetto mentality. We have been so pleased if American society notices on the margin that, yes, there are Greeks around, or that there is a religion called

should stop acting like we have something to be ashamed of.

James George Jatraas  
(Dimitrios Georgiou Iatreidis)  
Alexandria, VA

PTF/dvka  
Enclosure

November 26, 1988

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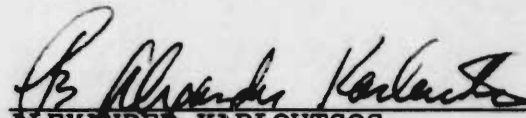
STATE OF NEW YORK, ss:  
COUNTY OF NEW YORK,

I, Alexander Karloutsos, being first duly sworn  
state on oath that:

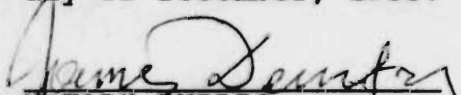
1. I have read the letter written by Sidley &  
Austin, dated November 6, 1988, consisting of eight pages,  
(the "Letter").

2. The factual statements made in the Letter are  
true and correct, based upon my personal knowledge and on  
information and belief.

3. At no time has His Eminence Archbishop  
Iakovos ever directed me either in my official capacity for  
the Greek Orthodox Archdiocese of North and South America  
or in my individual capacity to participate in any  
political fund-raising or campaign activities, including  
the fund-raising and campaign of Mr. Dukakis. Any political  
activity which I have participated in, I have done in the  
exercise of my own political judgement and political con-  
science.

  
ALEXANDER KARLOUTSOS

Subscribed and Sworn  
to before me this Sixth  
day of December, 1988.

  
NOTARY PUBLIC

JAMES DEMETRIS  
Notary Public State of New York  
No. 24-4512158  
Qualified in Kings County  
Commission Expires September 30, 1989

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Exhibit C

STATE OF NEW YORK, ss:  
COUNTY OF NEW YORK,

I, Panayiotis Gazouleas, being first duly sworn state on oath that:

1. I have read the letter written by Sidley & Austin, dated November 6, 1988, consisting of eight pages, (the "Letter").

2. The factual statements made in the Letter are true and correct, based upon my personal knowledge and on information and belief.

3. At no time has His Eminence Archbishop Iakovos ever directed me either in my official capacity for the Greek Orthodox Archdiocese of North and South America or in my individual capacity to participate in any political fund-raising or campaign activities, including the fund-raising and campaign of Mr. Dukakis.

4. I am the author of the press release attached to this Complaint filed with the Federal Election Commission in MUR 2782. With reference to paragraph (3) of the press release my choice of phrases mischaracterizes the participation of myself and others in any political campaign.

  
~~PANAYIOTIS GAZOULEAS~~

Subscribed and Sworn  
to before me this Sixth  
day of December, 1988.

  
NOTARY PUBLIC

JAMES DEMETRIS  
Notary Public State of New York  
No. 244512158  
Qualified in Kings County  
Commission Expires September 30, 1989

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OGC 1317

RECEIVED  
FEDERAL ELECTION COMMISSION

**SIDLEY & AUSTIN**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

88 DEC -9 AM 8:40

520 MADISON AVENUE  
NEW YORK, NEW YORK 10022  
TELEPHONE 212: 418-2100  
TELEX 97-1696  
TELECOPIER 212: 418-2165

1722 EYE STREET, N.W.  
WASHINGTON, D.C. 20006  
202: 429-4000 TELEX 89-463  
18 KING WILLIAM STREET  
LONDON, EC4N 7SA, ENGLAND  
441 621-1616 TELEX 924125  
5 SHENTON WAY  
SINGAPORE 0106  
65: 224-5000 TELEX 22454

ONE FIRST NATIONAL PLAZA  
CHICAGO, ILLINOIS 60603  
312: 553-7000 TELEX 25-4864  
2049 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067  
213: 553-8100 TELEX 18-1391

December 6, 1988

88 DEC -9 AM 10:50

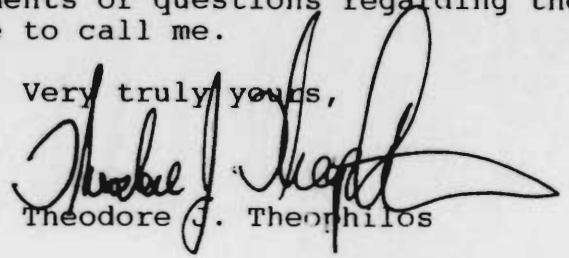
Celia Jacoby, Esq.  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

Re: MUR 2782

Dear Ms. Jacoby:

Enclosed are two Statements of Designation of Counsel for Reverend Alexander Karloutsos and Panayiotis Gazouleas. In addition, I have enclosed the original letter dated December 6, 1988, addressed to Lawrence M. Noble, Esq.

Should you have any comments or questions regarding the enclosures, please do not hesitate to call me.

Very truly yours,  
  
Theodore J. Theophilos

TJT:ge  
Enclosures

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2782

NAME OF COUNSEL: Theodore J. Theophilos

ADDRESS: SIDLEY & AUSTIN

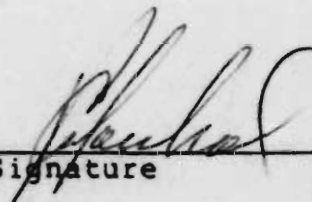
520 Madison Avenue

New York, New York 10022

TELEPHONE: (212) 418-2175

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Dec. 6, 88  
Date

  
Signature

RESPONDENT'S NAME: Mr. Panayiotis Gazouleas

ADDRESS: Greek Orthodox Archdiocese  
of North & South America  
10 E. 79th Street

New York, New York 10021

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: (212) 570-3500

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2782

NAME OF COUNSEL: Theodore J. Theophilos

ADDRESS: Sidley & Austin

520 Madison Avenue

New York, New York 10022

TELEPHONE: (212) 418-2175

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/6/88  
Date

*Alexander Karloutsos*  
Signature

RESPONDENT'S NAME: Reverend Alexander Karloutsos

ADDRESS: Greek Orthodox Archdiocese of

North and South America

10 East 79th Street

New York, New York 10021

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: (212) 570-3500

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89 DEC -5 PM 4:13

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

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

MUR # 2782  
DATE COMPLAINT RECEIVED  
BY OGC: 11-07-88  
DATE OF NOTIFICATION TO  
RESPONDENTS: 11-16-88  
STAFF MEMBER: A. Buckley

**COMPLAINANT:** Peter T. Flaherty, Chairman of the  
Conservative Campaign Fund

**RESPONDENTS:** Governor Michael S. Dukakis  
Archbishop Iakovos Coucouzes  
Reverend Alexander Karloutsos  
Takis Gazouleas  
Greek Orthodox Archdiocese of North  
and South America  
Dukakis for President Committee, Inc.  
and Robert A. Farmer, as treasurer  
Dukakis/Bentsen Committee, Inc. and  
Robert A. Farmer, as treasurer

**RELEVANT STATUTES:** 2 U.S.C. § 431(8)(A), (B)(i) and (B)(ii)  
2 U.S.C. § 431(9)(A)(i)  
2 U.S.C. § 431(11)  
2 U.S.C. § 434(b)  
2 U.S.C. § 441a(a)(1)(A)  
2 U.S.C. § 441a(f)  
26 U.S.C. § 9003(b)(2)  
11 C.F.R. § 100.7(a)(3)  
11 C.F.R. § 100.7(b)(3), (5) and (6)  
11 C.F.R. § 100.8(b)(6) and (7)  
11 C.F.R. § 104.13  
11 C.F.R. § 111.4

**INTERNAL REPORTS CHECKED:** Advisory Opinions 1978-4, 1979-58,  
1980-89, 1981-37, 1984-23 and  
1984-43

**FEDERAL AGENCIES CHECKED:** None

**I. GENERATION OF MATTER**

On November 7, 1988, a complainant was filed with the  
Commission by Peter T. Flaherty, Chairman, Conservative Campaign

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Fund, against Governor Michael S. Dukakis, Iakovos Coucouzes (Archbishop Iakovos), the Reverend Alexander Karloutsos, and Takis Gazouleas. These Respondents were notified of the complaint on November 16, 1988; a copy of the notification of Governor Dukakis was also sent to the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer. Responses on behalf of the Archbishop, Father Karloutsos and Mr. Gazouleas were received. No response was received from Governor Dukakis.

Based on an article which appeared in The Greek Orthodox Observer on September 28, 1988, the complainant asserts that several violations of the federal election laws are apparent and admitted. The article, entitled "The Candidacy of M. Dukakis and the Events Supporting It," was allegedly taken from a press release issued by the Press Office of the Greek Orthodox Archdiocese of North and South America. This article was published in the Greek language; the complainant provided an English translation.<sup>1</sup>

From this article, the complainant infers that "Archbishop Iakovos, Rev. [Alexander] Karloutsos, and Mr. [Takis] Gazouleas ..., in their various capacities with the Archdiocese, took actions which 'substantially supported' the candidacy of Michael S. Dukakis." Due to the number and scope of the alleged

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1. The complainant made no declaration concerning the accuracy of this translation. While this Office is unable to certify that the contextual meaning of the translation is accurate, the author of the release, Respondent Gazouleas, in an affidavit submitted with the response of the Archdiocesan respondents to the complaint, does not offer a different translation or otherwise contest the accuracy of the translation provided by the complainant.

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activities, the complainant submits that Governor Dukakis or "members of his campaign staff may have suggested, approved and/or had knowledge of the actions of the Church officials" (i.e., the named individuals). The complainant further claims that the activities described in the article are suspect in view of public statements made by the Archbishop and others concerning the clergy's neutrality in the 1988 presidential campaign. Also suspect in the complainant's view is the article's publication only in Greek, without an English translation, although to the complainant's belief, generally "articles considered important appear in both languages" in The Greek Orthodox Observer.

In numbered paragraphs the article, as translated by the complainant, describes activities by which the Archbishop allegedly promoted the Dukakis candidacy. These activities were:

1. holding a reception and dinner at the Archdiocese on April 2, 1987, to honor Governor Dukakis;
2. inviting Governor Dukakis to the St. Iakovos dinner in Cleveland, Ohio on October 24, 1987, at which he gave a "political speech;"
3. recommending that others support Governor Dukakis and charging two named assistants to help insure the success of initial fundraising events for the Dukakis campaign;
4. inviting Governor Dukakis and journalists to a prayer session at the St. Paul Chapel to confirm publicly that Governor Dukakis is a good Orthodox Christian;
5. speaking warmly about Governor Dukakis during an interview with PBS and the Boston Globe on July 30, 1988;
6. inviting Governor Dukakis to the 29th Clergy Laity Congress on July 6, 1988, at which he gave a "campaign speech;"

7. including a reception at the Governor's Offices on the program of the Clergy Laity Congress for a "highly valued [photo] opportunity;"
8. accepting Governor Dukakis' invitation to offer the prayer at the Democratic Convention on July 21, 1988;
9. emphasizing his encouragement to and pride in Governor Dukakis' decision to run for the presidency during an AP interview on June 2, 1988; and
10. speaking over 8 radio and 3 television stations to blunt the "negative outcry" raised "at the expense of Dukakis" and to explain the giving of prayers at both the Democratic and Republican Conventions.

## II. FACTUAL AND LEGAL ANALYSIS

### A. Sufficiency of the Complaint

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A copy of the complaint was forwarded to each respondent on November 16th, 1988. Counsel for the church officials responded on December 9th. (Attachment 1). Counsel argues that this complaint should be dismissed for vagueness as no specific statutes are cited. Such vagueness, counsel contends, precludes any ability to provide a factual or legal response to the Commission. Further, counsel states that the complainant did not properly swear under penalty of perjury and that Mr. Flaherty is not the true complainant. Counsel asserts that this complaint actually represents an extension of an ecclesiastical dispute. Counsel further argues that by breaching the confidentiality requirements, the complainant has forfeited his claim.<sup>2</sup> Counsel also argues that the notarization

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2. Counsel has provided a reprint of The Greek American, in which the complaint filed with the Commission is reproduced in full. However, the Commission has previously held that for the confidentiality requirements to be violated, there must be a publication of a Commission notification or investigation. See, e.g., MUR 2142. Where, as here, only the complaint has been



on the complaint does not comply with the requirements of Section 437g of the Federal Election Campaign Act of 1971, as amended ("the Act"). This lack of a sworn statement of fact "under penalty of perjury" and breach of confidentiality provisions, according to counsel, demonstrates that that Mr. Flaherty is not the true instigator of the complaint and that the complainant actually seeks to continue an ecclesiastical dispute through another forum.

Counsel bases this claim on an apparent conflict within the Greek Orthodox Church. To support this claim, counsel submitted copies of articles printed in The Greek American, headlined "JATRAS STRIKES AGAIN." (Attachment 1(12)). The writer of one article describes his criticism of the clerical leaders of the Archdiocese. These articles also include the reprinting in full of the complaint which initiated this matter. Counsel argues that the absence of facts to substantiate any violation "is consistent with the purpose of the Complaint's authors, i.e. the promotion of a dispute pertaining purely to ecclesiastical matters." Counsel also argues that the allegations of the complaint originated not with the named complainant, but with Mr. Jatras, who has challenged the Archbishop's leadership and orthodoxy standards. If the complaint was not based on personal knowledge, the information giving rise to the complaint should be identified. Counsel argues that this complaint is

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(Footnote 2 continued from previous page)  
publicized, the Commission has found no violation.

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effectively "a vitriolic attack on the Archdiocese authored by Mr. Jatras" who "is striking again."

The procedural and other arguments presented by counsel to justify dismissal of this complaint are without merit. This matter arose from a signed, sworn and notarized complaint. Pursuant to 11 C.F.R. § 111.4(b), that complaint met the minimum requisites to establish the Commission's jurisdiction:

- a. The complaint provided the full name and address of the complainant;
- b. the contents of the complain were sworn to and signed in the presence of a notary public; and
- c. the complaint was notarized.

According to 2 U.S.C. § 437g(a)(1), a complaint shall be made under the penalty of perjury. The Commission's regulations at 11 C.F.R. § 111.4(c) clarify the fact that all statements in a complaint are subject to the statutes governing perjury, and that the complainant should differentiate between statements based upon personal knowledge and statements based upon information and belief. Further, 11 C.F.R. § 111.4(d)(2) provides that "[s]tatements which are not based upon personal knowledge should be accompanied by an identification of the source of the information which gives rise to the complainant's belief in the truth of such statements." While the regulations provide that there should be supporting statements which identify the source of the information for the factual allegations, there is no requirement for such statement. In the present matter, it is evident that a source of the information in the complaint was the subject press article published in The

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Greek Orthodox Observer. There is also no requirement that the phrase "under penalty of perjury" be included in the notarization. Therefore, the complaint was properly filed.

Nor is the contention that the failure to cite specific statutes renders the complaint vague sufficient to preclude the Commission's jurisdiction. That a complaint should contain "a clear and concise recitation of facts which describe a violation" under 11 C.F.R. § 111.4(d)(3) is not a requirement, but a guideline. The complaint and its accompanying materials should be viewed together to determine if substantial compliance with the regulatory requirements have been met and if sufficient facts are set forth to describe a violation under the Act. To hold otherwise would require the Commission to act only if specific statutory or regulatory provisions are enumerated by a complainant, a requirement that would make the Commission unresponsive to complaints from the general public untrained in election law. The respondents in this matter were provided a copy of the complaint, and have had an opportunity to respond to the issues raised, directly or by implication, in the complaint. Therefore, the procedural arguments presented by counsel do not justify dismissal without the Commission's consideration of the complaint.

Further, the "impurity" of motives of a complainant does not invalidate the Commission's jurisdiction. Although many factors may motivate the filing of a complaint, the Commission's authority is established when the statutory and regulatory requirements for a complaint are met.

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B. Dukakis for President Committee, Inc.; Dukakis/Bentsen  
Committee, Inc.; Greek Orthodox Archdiocese of North  
and South America; Rev. Alexander Karloutsos;  
Takis Gazouleas

(a) Statutory Provisions

9 3 0 4 0 9 8 0 8 2 7

Although the complainant cites no specific statutes as having been violated, at issue is whether any or all of the reported activities constitute a violation of the Act, particularly the contribution and expenditure limitations. Under the Act, a contribution is "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office;" or the payment of compensation to anyone who rendered personal services without charge to a political committee. 2 U.S.C. § 431(9)(A)(i). The Act and the Commission's regulations, however, provide certain exclusions from these definitions of contributions and expenditures, including volunteer services. 2 U.S.C. § 431(8)(B), (9)(B).

The Act also limits contributions made by a person to a Federal candidate and his committee with respect to any election for Federal office to \$1,000, in the aggregate. 2 U.S.C. § 441a(a)(1)(A). Further, a candidate's or committee's knowing acceptance of any contribution which exceeds this limit is prohibited. 2 U.S.C. § 441a(f). A person can be "an individual, partnership, committee, association, corporation, labor organization, or group of persons ...." 2 U.S.C. § 431(11).

Pursuant to 2 U.S.C. § 434(b) and 11 C.F.R. § 104.13,

political committees are required to report the receipt of all in-kind contributions as both receipts and expenditures.

**(b) Specific Events**

Each activity alleged to have possibly violated the Act is assessed below. Counsel's characterization of each of these activities is also considered below.

**1. Reception and Dinner to Honor Governor Dukakis at the Archdiocese**

The complainant apparently suggests that a dinner held to honor Governor Dukakis, as described in the Observer article, may have resulted in violations of the Act. The press release states that the Archbishop "held a reception and dinner at the Archdiocese in New York on April 2, 1987, .... [T]he opportunity was given to the Greek American candidate to come into contact" with persons in letters, industry and the arts.

If this event is found to have been held for the purpose of influencing Governor Dukakis' nomination for the office of President, the provision of this forum and opportunity to Governor Dukakis would constitute a "thing of value," and thus be considered a contribution under the Act. See AO 1980-89 (express advocacy or solicitation of contributions occurring in conjunction with a reception render the donation of food and beverages used in connection with the reception a "contribution"). Nor would the exceptions to the term "contribution" at 2 U.S.C. § 431(8)(B)(ii) and 11 C.F.R. § 100.7(b)(5) and (6), which apply to individuals incurring costs and expenses in the course of volunteering personal

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services, apply here where the entity making the expenditures is the Archdiocese, rather than an individual.

Taken alone, the purported purpose of the Archdiocese dinner, "to honor Dukakis," could bring this situation within the exception outlined in AO 1978-4. There, the Commission concluded that a testimonial dinner in honor of a sitting member of Congress, which was designated and held only as a non-profit, non-partisan event, and not for the purpose of influencing the congressman's nomination or election to Federal office, was a bona fide testimonial event rather than a campaign event, so long as no political contributions were solicited, made or received by any person in conjunction with the event, and so long as the event did not involve any communication addressed to the attendees as a group which expressly advocated the honoree's nomination or election to Federal office or the defeat of any Federal candidate.

Here, however, that Archdiocese's own press release states that the dinner and reception were provided to the "Greek American candidate" (emphasis added), thus implying that efforts were made so as to aid or promote that candidacy. If so, then the costs associated with the reception and the dinner would constitute in-kind contributions, and would have been required to be reported under the Act. This circumstance provides a sufficient basis for finding reason to believe that a violation of the Act and its regulations occurred when the Dukakis for President Committee, Inc. failed to report the costs associated

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with the dinner and reception as in-kind contributions and expenditures.

It appears that the dinner and reception were official functions of the Archdiocese and were not individual efforts by Archbishop Iakovos. Moreover, it is reasonable to assume that the dinner and reception cost more than \$1,000. Thus, there is also sufficient basis for finding reason to believe that the Archdiocese made excessive in-kind contributions to the Dukakis for President Committee, Inc. in the form of expenditures for the dinner and reception, and that that same committee knowingly accepted such excessive contributions.

Therefore, this Office recommends that the Commission find reason to believe the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), and that the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A), and pose questions to the Respondents to acquire information about activities at, and the costs associated with, the dinner and reception.

**2. Invitation to Governor Dukakis to Speak at St. Iakovos Dinner**

The complainant also argues that attendance by Governor Dukakis at a St. Iakovos dinner resulted in contributions under the Act. Counsel for the Archdiocese has explained that the St. Iakovos dinner is an annual banquet. "Routinely, guests and speakers at the yearly banquet are politicians and other public figures" who are invited to

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celebrate "the namesday of the Archbishop." According to the Observer article, Governor Dukakis delivered a "political speech" at this event held on October 24, 1987, in Cleveland, Ohio.

While the purpose of an event is important in determining whether a contribution or expenditure results, even a non-political event can be transformed into a political one if there is any communication expressly advocating a person's nomination or election, or the defeat of any other candidate, or if there is any solicitation, making or acceptance of campaign contributions. See AO 1981-37. Here, there is no evidence in the complaint as to what exactly Governor Dukakis stated in his speech; thus it cannot be determined at present whether it constituted express advocacy of Governor Dukakis' election, or contained a solicitation for contributions to his or any other campaign. On the other hand, Governor Dukakis is acknowledged in the Observer article to have given a "political speech" at this dinner. This description provides sufficient basis for finding reason to believe that a violation of the Act and its regulations occurred when the Dukakis for President Committee, Inc. failed to report the costs associated with the St. Iakovos dinner as in-kind contributions and expenditures.

As with the April 2, 1987 dinner and reception, this yearly dinner appears to be an official function of the Archdiocese, rather than an individual effort by Archbishop Iakovos. Here too, it is reasonable to assume that the dinner cost more than \$1,000. Thus, there is also sufficient basis for finding reason

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to believe that the Archdiocese made excessive in-kind contributions to the Dukakis for President Committee, Inc. in the form of expenditures for the dinner, and that that same committee knowingly accepted excessive contributions.

Because such contributions would be in addition to those resulting from the April 2, 1987 dinner and reception, this Office recommends that the Commission add this issue to its findings of reason to believe that excessive contributions were made and received, but not reported, and pose questions to the Respondents to acquire information about the contents of the speech and about the sponsorship and costs associated with the dinner.

### 3. Promotion and Fundraising Services

The complainant claims that certain personal services for Governor Dukakis or for the Dukakis for President Committee, Inc. inappropriately may have been performed. According to the press release, the Archbishop encouraged others to support the Dukakis candidacy. Further, he reportedly "charged his assistants (Father Karloutsos and Mr. Gazouleas) to help insure the success of the first fundraising events" held to finance the Dukakis campaign.

The affidavits of Father Karloutsos and Mr. Gazouleas furnished in response to the complaint contradict the article, in that they state that Archbishop Iakovos did not direct them to participate in any political fundraising or activities. However, neither explicitly states that he did not work for the Dukakis campaign during hours for which he was paid by his

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employer, the Archdiocese. The article also implies that the Archbishop provided services to the Dukakis campaign.

The Archdiocese would have made a contribution to the Dukakis for President Committee, Inc., if it paid any of these three their normal wage for hours during which work was performed for the Dukakis campaign. See 11 C.F.R. § 100.7(a)(3)(i)-(ii). Although the Observer article acknowledges that the Archbishop charged his assistants to help insure the success of the first Dukakis fundraising events, there is no evidence that any such help was actually given; even if such assistance was provided, there is no evidence that the Archdiocese compensated these individuals for any hours during which they may have aided the Dukakis campaign. Accordingly, this Office is not recommending that the Commission add this allegation to its findings of reason to believe that violations of the Act occurred. This Office does, however, recommend that the Commission pose questions of Respondents and of the individuals regarding the nature of these persons' employment with the Archdiocese: hours required, basis for pay, etc., as well as about any activities which they performed for the Dukakis campaign, and the time of performance of such activities.

Although it appears that any violation which may be discovered to have occurred would involve a violation by the Archdiocese by compensating these individuals for hours worked for the Dukakis campaign, there is insufficient information in hand to state whether or not Mr. Gazouleas and Father Karloutsos may be

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found to have committed any violation. Given the lack of evidence in hand to draw a conclusion either way, this Office further recommends that the Commission take no action at this time against Mr. Gazouleas and Father Karloutsos.

4. Invitation to Pray

According to the complaint, the Archbishop invited Governor Dukakis to pray at the St. Paul Chapel on April 14, 1988. He also apparently invited journalists to observe Governor Dukakis' devotions. The purpose allegedly was "so that it could be confirmed that Michael Dukakis is a good Orthodox Christian ... and thus to belie the published reports to the contrary." The complainant intimates that such invitation may have violated the Act.

Counsel for the Archdiocesan respondents confirms that Governor Dukakis participated in a prayer service at the Archdiocese chapel. At that time, Governor was not asked to and did not give any political speech. Further, other prominent individuals have periodically been invited to the Archdiocese to join in worship.

An intangible benefit to the candidate, considering the stated purpose of the invitation, could possibly accrue. That benefit might arguably influence an election for Federal office. However, there is no evidence that any political activity occurred during this devotional service or that any funds were expended to influence an election for Federal office. Nor does the provision of a forum for personal devotions appear to be activity regulatable by the Act.

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**5. July 30 Interviews**

The complaint indicates that the Archbishop may have violated the Act as a result of interviews given on July 30, 1988. According to the article, the Archbishop "spoke warmly about the personality of the Greek American candidate" on PBS and to the Boston Globe newspaper. Counsel acknowledges that the Archbishop gave various interviews to the press. However, counsel argues that discussing a candidate's personality does not rise to an endorsement of a candidacy or constitute a violation of the Act.

There is no allegation that the Archbishop financed these declarations nor is such expenditure likely. Again as described in subsection 4 above, an expression of personal belief and political preference are not proscribed or limited by the Act, absent an expenditure, contribution or other activity subject to the Act. The complaint provides no information to ascertain that a violation occurred by the Archbishop's granting these interviews.

**6. Invitation to Speak to Clergy Laity Congress**

The complainant suggests that an invitation and address to attendees at a church function may have resulted in statutory violations. According to the complaint, at a special ceremony during the 29th Clergy Laity Congress in Boston on July 6, 1988, the Archbishop honored Governor Dukakis. Then, according to the Observer article, Governor Dukakis presented a "campaign speech" to the assembly.

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According to the response by counsel, the Clergy Laity Congress meets annually to consider matters of the church. Although political figures have historically addressed the Congress, the Congress does not endorse either candidates or political platforms. Vice-President Bush also attended and was the keynote speaker at a banquet for the Congress. Counsel states that neither Vice-President Bush nor Governor Dukakis received any honorarium for their attendance. Further, no proceeds from various dinners were or have been given to any political candidate.

As stated above, a non-political event can be transformed into a political one, and thus into a contribution by the person staging the event, if there is communication which expressly advocates a person's election or defeat, or if there is any solicitation, making or acceptance of campaign contributions. See AO 1981-37. Moreover, in the situation here, a special ceremony was held during which Governor Dukakis delivered a "campaign speech." Although the Observer article states that this was a special ceremony without elaborating on what it was that made the ceremony "special," there is a strong suggestion that an extraordinary accommodation was made to allow Governor Dukakis to promote his candidacy. While the article states that the Archbishop "honored" Governor Dukakis at the ceremony, and thus gives rise to the possibility that this was a valid

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testimonial event, such a possibility appears diminished by the description of Governor Dukakis' address as a "campaign speech."

Pursuant to 26 U.S.C. § 9003(b)(2), for a presidential candidate of a major party to be eligible to receive funds from the Presidential Election Campaign Fund, he or she must certify that he or she has not accepted contributions, except to the extent necessary to make up any deficiency in payments received from the Fund. By definition, the in-kind contribution which would have resulted from an event such as this cannot meet this exception.

While the other events for which this Office has recommended that the Commission find reason to believe occurred during the primary season, at the time of this event all of the primaries had been held. Although Governor Dukakis had not yet been formally named as his party's nominee for the office of President as of July 6, 1988, his nomination was a foregone conclusion, so that any advocacy at this point would have been toward the November election. Thus, the provision of a forum to Governor Dukakis at this time to make a campaign speech would constitute a contribution to his general election campaign. Although the exact text of Governor Dukakis' remarks is not known, based on the representation in the Observer article that the address was a "campaign speech," there is reason to believe that an in-kind contribution was received.

As with the other Archdiocesan events, it is reasonable to assume that costs associated with this event exceeded \$1,000. Therefore, this Office recommends that the Commission find

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reason to believe that the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Dukakis/Bentsen Committee, Inc., and that the Dukakis/Bentsen Committee, Inc. violated 2 U.S.C. § 441a(f) by accepting such excessive contributions. This Office further recommends that the Commission make an additional finding of reason to believe that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 434(b) by failing to report a contribution from the Archdiocese, and 26 U.S.C. § 9003(b)(2) as a result of the candidate's signing the candidate agreement after having already accepted this contribution from the Archdiocese. This Office further recommends that the Commission pose questions so as to obtain additional information.

**7. Photo-Opportunity at the Governor's Office**

The complainant impliedly argues that the holding of a reception at the Massachusetts Governor's Offices as part of the program of the Clergy Laity Congress possibly violated the Act. During this reception, Governor Dukakis apparently had an opportunity to speak and be photographed with those who attended. In response, counsel states that routinely the governors of the states in which the Clergy Laity Congresses have been held have given receptions for the delegates of the Congress. Counsel asserts that, as with the receptions hosted by the other governors, the "meeting was not held for the purpose of fundraising," but was a courtesy extended to the

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Congress delegates by Governor Dukakis in his capacity as governor.

Although such interaction with the public may benefit an electoral campaign, an officeholder frequently meets constituents and other delegations as part of his duties as an officeholder. The Commission does not presume that all appearances and speeches of a candidate for Federal office made before a substantial number of people are made for the purpose of enhancing that individuals candidacy. See AO 1981-37.

Although the Observer article notes that this meeting provided a "unique and highly valued opportunity during the pre-election period" to "the Greek American politician," this is true of other official functions of a current office-holder who is running for higher office. Accordingly, this event does not provide a basis for finding reason to believe a violation of the Act has occurred.

#### 8. Invocation at Democratic National Convention

Another event which the complainant deems may have violated the Act was the invocation given by the archbishop on July 21, 1988. During the invocation at the Democratic National Convention, the Archbishop took the unusual step of mentioning Governor Dukakis and his abilities. Counsel in response acknowledges that the Archbishop attended and led the Democratic National Convention in prayer. Archbishop Iakovos also presented a prayer at the Republican National Convention which counsel claims demonstrates the Archbishop's efforts to be non-partisan.

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The Act does not constrain one's right to political expression, absent a contribution, expenditure or other activity regulated by the Act, or constrain any right to religious expression. Therefore, there are no apparent grounds to find reason to believe on the basis of this occurrence.

**9. Rebuttals to Neutralize Criticism of Dukakis**

Other events which the complainant asserts possibly violated the Act were certain interviews granted by the Archbishop in addition to those given on July 30, 1988 and discussed above. During an interview with the Associated Press, the Archbishop apparently stated that he had encouraged Governor Dukakis in his decision to run for the presidency. Counsel acknowledges that George Cornell of the Associated Press interviewed the Archbishop on June 2, 1988.

Such right of public comment is not limited by the Act, unless a contribution, expenditure or other advocacy as defined by the Act is determined to have occurred. There is no allegation or information which demonstrates that the Archbishop expended any funds or otherwise performed any acts subject to the Act in connection with this interview.

**10. Special Message to Church Members**

The complainant indicates that a communication by the Archbishop may have resulted in violations of the Act. On August 31, 1988, the Archbishop addressed church members in a broadcast aired over "eight radio stations and three television stations." During this address the Archbishop apparently explained, inter alia, why he had accepted invitations to offer

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prayers at both the Democratic and Republican conventions. Counsel stated that the broadcast in question responded to criticism from members of the Greek American community. The Archbishop's "message was neither a political endorsement nor a solicitation for fundraising." Instead this broadcast was apparently an explanation of the Archbishop's views, reasons and actions in response to that criticism.

There is no evidence in hand that the election or defeat of a clearly identified Federal candidate was advocated during this broadcast. Nor is there any evidence that this message was coordinated with Governor Dukakis or his campaign. The apparent purpose and message of this address was the Archbishop's explanation of his own actions and an elaboration of personal opinion. As the Observer article does not suggest that this broadcast had any partisan overtones, there is no reason to believe any violation of the Act occurred in this instance.

**(c) Summary**

Of the various situations outlined in the Observer article which forms the basis for the complaint in this matter, three involve possible contributions by the Archdiocese to two separate committees which, in the aggregate, would have exceeded the statutory limit to each committee and which have not been reported. These contributions would have arisen in regard to the Dukakis for President Committee, Inc. on two occasions in the guise of expenses associated with certain events at which Governor Dukakis may have expressly advocated his own election, namely, the April 2, 1987 reception and dinner, and the

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St. Iakovos dinner on October 24, 1987. Such contributions would have arisen in regard to the Dukakis/Bentsen Committee, Inc. in the guise of expenses associated with the special ceremony at the Clergy Laity Congress on July 6, 1988. This event may have involved both the acceptance of an excessive contribution by Governor Dukakis' presidential campaign committee and an inappropriate statement in the candidate's campaign financing agreement required by Title 26. Therefore, this Office recommends that the Commission find reason to believe that the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), and 26 U.S.C. § 9003(b)(2), and that the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A).

C. Archbishop Iakovos Coucouzes

As noted above, the events for which this Office is recommending the Commission find reason to believe appear to be official functions of the Greek Orthodox Archdiocese of North and South America. Although Archbishop Iakovos is the head of the Greek Orthodox Archdiocese, and he may have had some involvement in providing the opportunities to Governor Dukakis, this factor alone does not suggest any violation of the Act. Accordingly, this Office recommends that the Commission take no action at this time against Archbishop Iakovos, pending the outcome of the investigation.

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D. Governor Michael S. Dukakis

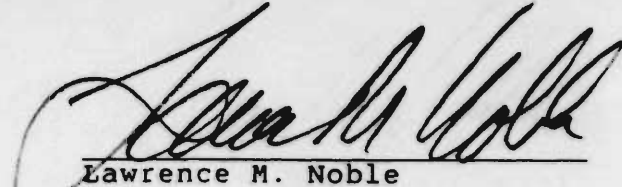
While Governor Dukakis' personal appearances are the subject of the recommended findings, it does not appear that he was personally involved in arranging the events. Accordingly, this Office is recommending that the Commission take no action at this time against Governor Michael S. Dukakis, pending the outcome of the investigation.

III. RECOMMENDATIONS

1. Find reason to believe that the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Dukakis for President Committee, Inc., and also violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Dukakis/Bentsen Committee, Inc.
2. Find reason to believe that the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).
3. Find reason to believe that the Dukakis/Bentsen Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), and 26 U.S.C. § 9003(b)(2).
4. Take no action at this time against Governor Michael S. Dukakis, Archbishop Iakovos Coucouzes, the Reverend Alexander Karloutsos, and Takis Gazouleas.
5. Approve the attached Factual and Legal Analyses, Letters and Interrogatories and Requests for Production of Documents.

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12/4/89  
Date

  
Lawrence M. Noble  
General Counsel

Attachments

1. Response to Complaint
2. Factual and Legal Analyses (3)
3. Proposed Letters (7)
4. Proposed Interrogatories and Requests for Production of Documents (6)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20541

MEMORANDUM TO:

FROM: MARJORIE W. EMMONS  
DATE: DECEMBER 8, 1989  
SUBJECT: MUR GENERAL COUNSEL'S REPORT  
2782 DATED DECEMBER 4, 1989

The above-captioned document was circulated to the Commission on Wednesday, December 6, 1989 11:00

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	<u>xxxx</u>
Commissioner Elliott	<u>xxxx</u>
Commissioner Josefiak	<u>xyxy</u>
Commissioner McDonald	<u>xxxx</u>
Commissioner McGarry	<u>          </u>
Commissioner Thomas	<u>xxxx</u>

This matter will be placed on the agenda for TUESDAY, DECEMBER 12, 1989

Attachment

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2782  
Governor Michael S. Dukakis )  
Archbishop Iakovos Coucouzes )  
Reverend Alexander Karloutsos )  
Takis Gazouleas )  
Greek Orthodox Archdiocese of )  
North and South America )  
Dukakis for President Committee, )  
Inc. and Robert A. Farmer, as )  
treasurer )  
Dukakis/Bentsen Committee, Inc. and )  
Robert A. Farmer, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary of the Federal Election Commission executive session on December 19, 1989, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2782:

1. Find reason to believe that the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions to the Dukakis for President Committee, Inc.

(continued)

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2. Find reason to believe that the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. § 434(b) and 441a(f).
3. Take no action at this time against Governor Michael S. Dukakis, Archbishop Iakovos Coucouzes, the Reverend Alexander Karloutsos, and Takis Gazouleas.
4. Direct the Office of General Counsel to send appropriate Factual and Legal Analyses, Letters and Interrogatories and Requests for Production of Documents pursuant to the actions noted above and the meeting discussion.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

12-20-89  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 17, 1990

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Daniel A. Taylor, Esq.  
Hill & Barlow  
One International Place  
Boston, MA 02110

RE: MUR 2782  
Dukakis for President  
Committee, Inc. and Robert A.  
Farmer, as treasurer

Dear Mr. Taylor:

On December 19, 1989, the Federal Election Commission, in the normal course of carrying out its supervisory responsibilities, found that there is reason to believe the Dukakis for President Committee, Inc. ("Committee") and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). You are being notified of this finding pursuant to the blanket Designation of Counsel filed with this Office on September 3, 1987. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted to the General Counsel's Office within 15 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

In the absence of any additional information which demonstrates that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission

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Daniel A. Taylor, Esq.  
Page 2

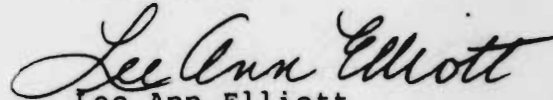
either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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 the General Counsel ordinarily will not 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 you wish the investigation to be made public.

If you have any questions, please contact Anthony Buckley, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

  
Lee Ann Elliott  
Chairman

Enclosures  
Request for Production of  
Documents  
Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)  
)  
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MUR 2782

REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Dukakis for President Committee, Inc.  
and Robert A. Farmer, as treasurer

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, within 15 days of your receipt of this request, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these requests for production of documents, furnish all documents, however obtained, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist.

Please provide the following documents:

1. A transcript of the speech delivered by Governor Michael S. Dukakis at the reception and dinner held at the Greek Orthodox Archdiocese of North and South America in New York on April 2, 1987.
2. A transcript of the speech delivered by Governor Michael S. Dukakis at the St. Iakovos dinner held on October 24, 1987.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Dukakis for President Committee, Inc. MUR: 2782  
and Robert A. Farmer, as treasurer

On November 7, 1988, a complaint was filed with the Federal Election Commission by Peter T. Flaherty, Chairman, Conservative Campaign Fund, against Governor Michael S. Dukakis and others. Governor Dukakis was notified of the complaint on November 16, 1988.

Based on an article which appeared in The Greek Orthodox Observer on September 28, 1988, the complainant asserted that several violations of the federal election laws are apparent and admitted. The article, entitled "The Candidacy of M. Dukakis and the Events Supporting It," was allegedly taken from a press release issued by the Press Office of the Greek Orthodox Archdiocese of North and South America. This article was published in the Greek language; the complainant provided an English translation.

From this article, the complainant infers that "Archbishop Iakovos, Rev. [Alexander] Karloutsos, and Mr. [Takis] Gazouleas ..., in their various capacities with the Archdiocese, took actions which 'substantially supported' the candidacy of Michael S. Dukakis." Due to the number and scope of the alleged activities, the complainant submits that Governor Dukakis or "members of his campaign staff may have suggested, approved and/or had knowledge of the actions of the church officials",

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(i.e. the named individuals.) The complainant further claims that the activities described in the article are suspect in view of public statements made by the Archbishop and others concerning the clergy's neutrality in the 1988 presidential campaign. Also suspect in the complainant's view is the article's publication only in Greek, without an English translation, although to the complainant's belief, generally "articles considered important appear in both languages" in The Greek Orthodox Observer.

In numbered paragraphs the article, as translated by the complainant, describes activities by which the Archbishop allegedly promoted the Dukakis candidacy. These activities were:

1. holding a reception and dinner at the Archdiocese on April 2, 1987, to honor Governor Dukakis;
2. inviting Governor Dukakis to the St. Iakovos dinner in Cleveland, Ohio on October 24, 1987, at which he gave a "political speech;"
3. recommending that others support Governor Dukakis and charging two named assistants to help insure the success of initial fundraising events for the Dukakis campaign;
4. inviting Governor Dukakis and journalists to a prayer session at the St. Paul Chapel to confirm publicly that Governor Dukakis is a good Orthodox Christian;
5. speaking warmly about Governor Dukakis during an interview with PBS and the Boston Globe on July 30, 1988;
6. inviting Governor Dukakis to the 29th Clergy Laity Congress on July 6, 1988, at which he gave a "campaign speech;"
7. including a reception at the Governor's Offices on the program of the Clergy Laity Congress for a "highly valued [photo] opportunity;"
8. accepting Governor Dukakis' invitation to offer the prayer at the Democratic Convention on July 21, 1988;

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9. emphasizing his encouragement to and pride in Governor Dukakis' decision to run for the presidency during an AP interview on June 2, 1988; and

10. speaking over 8 radio and 3 television stations to blunt the "negative outcry" raised "at the expense of Dukakis" and to explain the giving of prayers at both the Democratic and Republican Conventions.

A. Statutory Provisions

Although the complainant cites no specific statutes as having been violated, at issue is whether any or all of the reported activities constitute a violation of the Act, particularly the contribution and expenditure limitations. Under the Act, a contribution is "any gift, subscription, loan advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office;" or the payment of compensation to anyone who rendered personal services without charge to a political committee. 2 U.S.C. § 431(9)(A)(i). The Act and the Commission's regulations, however, provide certain exclusions from these definitions of contributions and expenditures, including volunteer services. 2 U.S.C. § 431(8)(B), (9)(B).

The Act also limits contributions made by a person to a Federal candidate and his committee with respect to any election for Federal office to \$1,000, in the aggregate. 2 U.S.C. § 441a(a)(1)(A). Further, a candidate's or committee's knowing acceptance of any contribution which exceeds this limit is prohibited. 2 U.S.C. § 441a(f). A person can be "an individual, partnership, committee, association, corporation,

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labor organization, or group of persons ...." 2 U.S.C. § 431(11).

Pursuant to 2 U.S.C. § 434(b) and 11 C.F.R. § 104.13, political committees are required to report the receipt of all in-kind contributions as both receipts and expenditures.

C. Specific Events

Each activity cited in the complaint which took place during the primary campaign period and which is alleged to have possibly violated the Act is assessed below. Counsel's characterization of each of these activities is also considered below.<sup>1/</sup>

**1. Reception and Dinner to Honor Governor Dukakis at the Archdiocese**

The complainant apparently suggests that a dinner held to honor Governor Dukakis, as described in the Observer article, may have resulted in violations of the Act. The press release states that the Archbishop "held a reception and dinner at the Archdiocese in New York on April 2, 1987, .... [T]he opportunity was given to the Greek American candidate to come into contact" with persons in letters, industry and the arts.

If this event is found to have been held for the purpose of influencing Governor Dukakis' nomination for the office of President, the provision of this forum and opportunity to Governor Dukakis would constitute a "thing of value," and thus

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<sup>1/</sup> Although no response was received from Governor Dukakis or the Committee, a response was received from counsel for Archbishop Iakovos, the Reverend Karloutsos, and Mr. Gazouleas. Because the arguments expressed therein redound to the liability of the Committee, they are considered here.

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be considered a contribution under the Act. See AO 1980-89 (express advocacy or solicitation of contributions occurring in conjunction with a reception render the donation of food and beverages used in connection with the reception a "contribution"). Nor would the exceptions to the term "contribution" at 2 U.S.C. § 431(8)(B)(ii) and 11 C.F.R. § 100.7(b)(5) and (6), which apply to individuals incurring costs and expenses in the course of volunteering personal services, apply here where the entity making the expenditures is the Archdiocese, rather than an individual.

Taken alone, the purported purpose of the Archdiocese dinner, "to honor Dukakis," could bring this situation within the exception outlined in AO 1978-4. There, the Commission concluded that a testimonial dinner in honor of a sitting member of Congress, which was designated and held only as a non-profit, non-partisan event, and not for the purpose of influencing the congressman's nomination or election to Federal office, was a bona fide testimonial event rather than a campaign event, so long as no political contributions were solicited, made or received by any person in conjunction with the event, and so long as the event did not involve any communication addressed to the attendees as a group which expressly advocated the honoree's nomination or election to Federal office or the defeat of any Federal candidate.

Here, however, that Archdiocese's own press release states that the dinner and reception were provided to the "Greek American candidate" (emphasis added), thus implying that efforts

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were made so as to aid or promote that candidacy. If so, then the costs associated with the reception and the dinner would constitute in-kind contributions, and would have been required to be reported under the Act. This circumstance provides a sufficient basis for finding reason to believe that a violation of the Act and its regulations occurred when the Dukakis for President Committee, Inc. failed to report the costs associated with the dinner and reception as in-kind contributions and expenditures. Moreover, it is reasonable to assume that the dinner and reception cost more than \$1,000. Thus, there is also sufficient basis for finding reason to believe that the Dukakis for President Committee, Inc. knowingly accepted such excessive contributions.

Therefore, there is reason to believe the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).

**2. Invitation to Governor Dukakis to Speak at St. Iakovos Dinner**

The complainant also argues that attendance by Governor Dukakis at a St. Iakovos dinner resulted in contributions under the Act. Counsel for the Archdiocese has explained that the St. Iakovos dinner is an annual banquet. "Routinely, guests and speakers at the yearly banquet are politicians and other public figures" who are invited to celebrate "the namesday of the Archbishop." According to the Observer article, Governor Dukakis delivered a "political

speech" at this event held on October 24, 1987, in Cleveland, Ohio.

While the purpose of an event is important in determining whether a contribution or expenditure results, even a non-political event can be transformed into a political one if there is any communication expressly advocating a person's nomination or election, or the defeat of any other candidate, or if there is any solicitation, making or acceptance of campaign contributions. See AO 1981-37. Here, there is no evidence in the complaint as to what exactly Governor Dukakis stated in his speech; thus it cannot be determined at present whether it constituted express advocacy of Governor Dukakis' election, or contained a solicitation for contributions to his or any other campaign. On the other hand, Governor Dukakis is acknowledged in the Observer article to have given a "political speech" at this dinner. This description provides sufficient basis for finding reason to believe that a violation of the Act and its regulations occurred when the Dukakis for President Committee, Inc. failed to report the costs associated with the St. Iakovos dinner as in-kind contributions and expenditures.

As with the April 2, 1987 dinner and reception, it is reasonable to assume that the dinner cost more than \$1,000. Thus, there is also sufficient basis for finding reason to believe that the Dukakis for President Committee, Inc. knowingly accepted excessive contributions in the form of expenditures for the dinner.

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Because such contributions would be in addition to those resulting from the April 2, 1987 dinner and reception, the Commission has added this issue to its findings of reason to believe that excessive contributions were received but not reported.

### 3. Promotion and Fundraising Services

The complainant claims that certain personal services for Governor Dukakis or for the Dukakis for President Committee, Inc. inappropriately may have been performed. According to the press release, the Archbishop encouraged others to support the Dukakis candidacy. Further, he reportedly "charged his assistants (Father Karloutsos and Mr. Gazouleas) to help insure the success of the first fundraising events" held to finance the Dukakis campaign.

The affidavits of Father Karloutsos and Mr. Gazouleas furnished in response to the complaint contradict the article, in that they state that Archbishop Iakovos did not direct them to participate in any political fundraising or activities. However, neither explicitly states that he did not work for the Dukakis campaign during hours for which he was paid by his employer, the Archdiocese. The article also implies that the Archbishop provided services to the Dukakis campaign.

The Archdiocese would have made a contribution to the Dukakis for President Committee, Inc. if it paid any of these three their normal wage for hours during which work was performed for the Dukakis campaign. See 11 C.F.R. § 100.7(a)(3)(i)-(ii). Although the Observer article

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acknowledges that the Archbishop charged his assistants to help insure the success of the first Dukakis fundraising events, there is no evidence that any such help was actually given; even if such assistance was provided, there is no evidence that the Archdiocese compensated these individuals for any hours during which they may have aided the Dukakis campaign. Accordingly, the Commission has not added this issue to its finding of reason to believe that excessive contributions were received but not reported.

#### 4. Invitation to Pray

According to the complaint, the Archbishop invited Governor Dukakis to Pray at the St. Paul Chapel on April 14, 1988. He also apparently invited journalists to observe Governor Dukakis' devotions. The purpose allegedly was "so that it could be confirmed that Michael Dukakis is a good Orthodox Christian ... and thus to belie the published reports to the contrary." The complainant intimates that such invitation may have violated the Act.

Counsel for the respondents confirms that Governor Dukakis participated in a prayer service at the Archdiocese chapel. At that time, Governor was not asked to and did not give any political speech. Further, other prominent individuals have periodically been invited to the Archdiocese to join in worship.

An intangible benefit to the candidate, considering the stated purpose of the invitation, could possibly accrue. That benefit might arguably influence an election for Federal office. However, there is no evidence that any political activity

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occurred during this devotional service or that any funds were expended to influence an election for Federal office. Nor does the provision of a forum for personal devotions appear to be activity regulatable by the Act.

5. Invitation to Speak to Clergy Laity Congress

The complainant suggests that an invitation and address to attendees at a church function may have resulted in statutory violations. According to the complaint, at a special ceremony during the 29th Clergy Laity Congress in Boston on July 6, 1988, the Archbishop honored Governor Dukakis. Then, according to the Observer article, Governor Dukakis presented a "campaign speech" to the assembly.

According to the response by counsel, the Clergy Laity Congress meets annually to consider matters of the church. Although political figures have historically addressed the Congress, the Congress does not endorse either candidates or political platforms. Vice-President Bush also attended and was the keynote speaker at a banquet for the Congress. Counsel states that neither Vice-President Bush nor Governor Dukakis received any honorarium for their attendance. Further, no proceeds from various dinners were or have been given to any political candidate.

As stated above, a non-political event can be transformed into a political one, and thus into a contribution by the person staging the event, if there is communication which expressly advocates a person's election or defeat, or if there is any

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solicitation, making or acceptance of campaign contributions. See AO 1981-37. Moreover, in the situation here, a special ceremony was held during which Governor Dukakis delivered a "campaign speech." Although the Observer article states that this was a special ceremony without elaborating on what it was that made the ceremony "special," there is a strong suggestion that an extraordinary accommodation was made to allow Governor Dukakis to promote his candidacy. While the article states that the Archbishop "honored" Governor Dukakis at the ceremony, and thus gives rise to the possibility that this was a valid testimonial event, such a possibility appears diminished by the description of Governor Dukakis' address as a "campaign speech."

Because this event occurred prior to the nominating convention, any contribution resulting from it is also considered as having been accepted by the primary committee. Although the exact text of Governor Dukakis' remarks is not known, based on the representation in the Observer article that the address was a "campaign speech," there is reason to believe that an in-kind contribution was received. Because such contributions would be in addition to those resulting from the April 2, 1987 dinner and reception, and from the St. Iakovos dinner, the Commission has added this issue to its findings of reason to believe that excessive contributions were received, but not reported.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 17, 1990

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Theodore J. Theophilos, Esq.  
Sidley & Austin  
520 Madison Avenue  
New York, NY 10022

RE: MUR 2782  
Greek Orthodox Archdiocese of  
North and South America

Dear Mr. Theophilos:

On November 16, 1988, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on December 19, 1989, found that there is reason to believe the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A), a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted to the General Counsel's Office within 15 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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Theodore J. Theophilos, Esq.  
Page 2

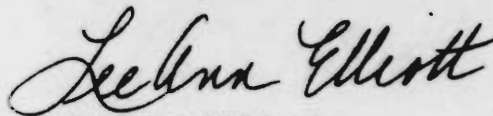
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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 the General Counsel ordinarily will not 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 you wish the matter to be made public.

If you have any questions, please contact Anthony Buckley, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lee Ann Elliott  
Chairman

Enclosures  
Interrogatories and Request  
for Production of Documents  
Factual & Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)  
) MUR 2782  
)

INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS

TO: Greek Orthodox Archdiocese  
of North and South America

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1987 to November 8, 1988.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Archdiocese" shall mean the Greek Orthodox Archdiocese of North and South America.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

Please provide the following information and documents:

1. Describe the expenditures made by the Archdiocese for the reception and dinner for Governor Michael S. Dukakis held at the Archdiocese on April 2, 1987. Your description should include itemized costs for invitations, food, beverage, rental of space, etc.
2. Provide a copy or transcript of the speech delivered by Governor Michael S. Dukakis at the reception and dinner held at the Greek Orthodox Archdiocese of North and South America in New York on April 2, 1987.
3. Describe the expenditures made by the Archdiocese for the St. Iakovos dinner held on October 24, 1987. Your description should include itemized costs for invitations, food, beverage, rental of space, etc.
4. Provide a copy or transcript of the speech delivered by Governor Michael S. Dukakis at the St. Iakovos dinner held on October 24, 1987.

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5. Describe the expenditures made by the Archdiocese for the special ceremony held to honor Governor Michael S. Dukakis at the 29th Clergy Laity Congress on July 6, 1988. Your description should include itemized costs for invitations, food, beverage, rental of space, etc. Provide a copy or transcript of this event.

6. Did the Archdiocese compensate the Reverend Alexander Karloutsos and Mr. Takis Gazouleas for official duty hours which were actually spent working on the Dukakis campaign? If so, when did this occur and by how much were they compensated?

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Greek Orthodox Archdiocese of  
North and South America

MUR: 2782

Based on an article which appeared in The Greek Orthodox Observer on September 28, 1988, the complainant in this matter asserts that several violations of the federal election laws are apparent and admitted. The article, entitled "The Candidacy of M. Dukakis and the Events Supporting It," was allegedly taken from a press release issued by the Press Office of the Greek Orthodox Archdiocese of North and South America. This article was published in the Greek language; the complainant provided an English translation.

From this article, the complainant infers that "Archbishop Iakovos, Rev. [Alexander] Karloutsos, and Mr. [Takis] Gazouleas ..., in their various capacities with the Archdiocese, took actions which 'substantially supported' the candidacy of Michael S. Dukakis." The complainant further claims that the activities described in the article are suspect in view of public statements made by the Archbishop and others concerning the clergy's neutrality in the 1988 presidential campaign. Also suspect in the complainant's view is the article's publication only in Greek, without an English translation, although to the complainant's belief, generally "articles considered important appear in both languages" in The Greek Orthodox Observer.

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In numbered paragraphs the article, as translated by the complainant, describes activities by which the Archbishop allegedly promoted the Dukakis candidacy. These activities were:

1. holding a reception and dinner at the Archdiocese on April 2, 1987, to honor Governor Dukakis;
2. inviting Governor Dukakis to the St. Iakovos dinner in Cleveland, Ohio on October 24, 1987, at which he gave a "political speech;"
3. recommending that others support Governor Dukakis and charging two named assistants to help insure the success of initial fundraising events for the Dukakis campaign;
4. inviting Governor Dukakis and journalists to a prayer session at the St. Paul Chapel to confirm publicly that Governor Dukakis is a good Orthodox Christian;
5. speaking warmly about Governor Dukakis during an interview with PBS and the Boston Globe on July 30, 1988;
6. inviting Governor Dukakis to the 29th Clergy Laity Congress on July 6, 1988, at which he gave a "campaign speech;"
7. including a reception at the Governor's Offices on the program of the Clergy Laity Congress for a "highly valued [photo] opportunity;"
8. accepting Governor Dukakis' invitation to offer the prayer at the Democratic Convention on July 21, 1988;
9. emphasizing his encouragement to and pride in Governor Dukakis' decision to run for the presidency during an AP interview on June 2, 1988; and
10. speaking over 8 radio and 3 television stations to blunt the "negative outcry" raised "at the expense of Dukakis" and to explain the giving of prayers at both the Democratic and Republican Conventions.

A. Sufficiency of the Complaint

A copy of the complaint was forwarded to each respondent on November 16th, 1988. Counsel for the church officials responded on December 9th. Counsel argues that this complaint should be

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dismissed for vagueness as no specific statutes are cited. Such vagueness, counsel contends, precludes any ability to provide a factual or legal response to the Commission. Further, counsel states that the complainant did not properly swear under penalty of perjury and that Mr. Flaherty is not the true complainant. Counsel asserts that this complaint actually represents an extension of an ecclesiastical dispute. Counsel further argues that by breaching the confidentiality requirements, the complainant has forfeited his claim.<sup>1/</sup> Counsel also argues that the notarization on the complaint does not comply with the requirements of Section 437g of the Federal Election Campaign Act of 1971, as amended ("the Act"). This lack of a sworn statement of fact "under penalty of perjury" and breach of confidentiality provisions, according to counsel, demonstrates that Mr. Flaherty is not the true instigator of the complaint and that the complainant actually seeks to continue an ecclesiastical dispute through another forum.

Counsel bases this claim on an apparent conflict within the Greek Orthodox Church. To support this claim, counsel submitted copies of articles printed in The Greek American, headlined "JATRAS STRIKES AGAIN." The writer of one article describes his

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<sup>1/</sup> Counsel has provided a reprint of The Greek American, in which the complaint filed with the Commission is reproduced in full. However, the Commission has previously held that for the confidentiality requirements to be violated, there must be a publication of a Commission notification or investigation. See, e.g., MUR 2142. Where, as here, only the complaint has been publicized, the Commission has found no violation.

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criticism of the clerical leaders of the Archdiocese. These articles also include the reprinting in full of the complaint which initiated this matter. Counsel argues that the absence of facts to substantiate any violation "is consistent with the purpose of the Complaint's authors, i.e. the promotion of a dispute pertaining purely to ecclesiastical matters." Counsel also argues that the allegations of the complaint originated not with the named complainant, but with Mr. Jatras, who has challenged the Archbishop's leadership and orthodoxy standards. If the complaint was not based on personal knowledge, the information giving rise to the complaint should be identified. Counsel argues that this complaint is effectively "a vitriolic attack on the Archdiocese authored by Mr. Jatras" who "is striking again."

The procedural and other arguments presented by counsel to justify dismissal of this complaint are without merit. This matter arose from a signed, sworn and notarized complaint. Pursuant to 11 C.F.R. § 111.4(b), that complaint met the minimum requisites to establish the Commission's jurisdiction:

- a. The complaint provided the full name and address of the complainant;
- b. the contents of the complaint were sworn to and signed in the presence of a notary public; and
- c. the complaint was notarized.

According to 2 U.S.C. § 437g(a)(1), a complaint shall be made under the penalty of perjury. The Commission's regulations at 11 C.F.R. § 111.4(c) clarify the fact that all statements in a complaint are subject to the statutes governing perjury, and

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that the complainant should differentiate between statements based upon personal knowledge and statements based upon information and belief. Further, 11 C.F.R. § 111.4(d)(2) provides that "[s]tatements which are not based upon personal knowledge should be accompanied by an identification of the source of the information which gives rise to the complainant's belief in the truth of such statements." While the regulations provide that there should be supporting statements which identify the source of the information for the factual allegations, there is no requirement for such statement. In the present matter, it is evident that a source of the information in the complaint was the subject press article published in The Greek Orthodox Observer. There is also no requirement that the phrase "under penalty of perjury" be included in the notarization. Therefore, the complaint was properly filed.

Nor is the contention that the failure to cite specific statutes renders the complaint vague sufficient to preclude the Commission's jurisdiction. That a complaint should contain "a clear and concise recitation of facts which describe a violation" under 11 C.F.R. § 111.4(d)(3) is not a requirement, but a guideline. The complaint and its accompanying materials should be viewed together to determine if substantial compliance with the regulatory requirements have been met and if sufficient facts are set forth to describe a violation under the Act. To hold otherwise would require the Commission to act only if specific statutory or regulatory provisions are enumerated by a complainant, a requirement that would make the Commission

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unresponsive to complaints from the general public untrained in election law. The respondents in this matter were provided a copy of the complaint, and have had an opportunity to respond to the issues raised, directly or by implication, in the complaint. Therefore, the procedural arguments presented by counsel do not justify dismissal without the Commission's consideration of the complaint.

Further, the "impurity" of motives of a complainant does not invalidate the Commission's jurisdiction. Although many factors may motivate the filing of a complaint, the Commission's authority is established when the statutory and regulatory requirements for a complaint are met.

B. Statutory Provisions

Although the complainant cites no specific statutes as having been violated, at issue is whether any or all of the reported activities constitute a violation of the Act, particularly the contribution and expenditure limitations. Under the Act, a contribution is "any gift, subscription, loan advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office;" or the payment of compensation to anyone who rendered personal services without charge to a political committee. 2 U.S.C. § 431(9)(A)(i). The Act and the Commission's regulations, however, provide certain exclusions from these definitions of contributions and expenditures, including volunteer services. 2 U.S.C. § 431(8)(B), (9)(B).

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The Act also limits contributions made by a person to a Federal candidate and his committee with respect to any election for Federal office to \$1,000, in the aggregate. 2 U.S.C. § 441a(a)(1)(A). Further, a candidate's or committee's knowing acceptance of any contribution which exceeds this limit is prohibited. 2 U.S.C. § 441a(f). A person can be "an individual, partnership, committee, association, corporation, labor organization, or group of persons ...." 2 U.S.C. § 431(11).

Pursuant to 2 U.S.C. § 434(b) and 11 C.F.R. § 104.13, political committees are required to report the receipt of all in-kind contributions as both receipts and expenditures.

**C. Specific Events**

Each activity alleged to have possibly violated the Act is assessed below. Counsel's characterization of each of these activities is also considered below.

**1. Reception and Dinner to Honor Governor Dukakis at the Archdiocese**

The complainant apparently suggests that a dinner held to honor Governor Dukakis, as described in the Observer article, may have resulted in violations of the Act. The press release states that the Archbishop "held a reception and dinner at the Archdiocese in New York on April 2, 1987, .... [T]he opportunity was given to the Greek American candidate to come into contact" with persons in letters, industry and the arts.

If this event is found to have been held for the purpose of influencing Governor Dukakis' nomination for the office of

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President, the provision of this forum and opportunity to Governor Dukakis would constitute a "thing of value," and thus be considered a contribution under the Act. See AO 1980-89 (express advocacy or solicitation of contributions occurring in conjunction with a reception render the donation of food and beverages used in connection with the reception a "contribution"). Nor would the exceptions to the term "contribution" at 2 U.S.C. § 431(8)(B)(ii) and 11 C.F.R. § 100.7(b)(5) and (6), which apply to individuals incurring costs and expenses in the course of volunteering personal services, apply here where the entity making the expenditures is the Archdiocese, rather than an individual.

Taken alone, the purported purpose of the Archdiocese dinner, "to honor Dukakis," could bring this situation within the exception outlined in AO 1978-4. There, the Commission concluded that a testimonial dinner in honor of a sitting member of Congress, which was designated and held only as a non-profit, non-partisan event, and not for the purpose of influencing the congressman's nomination or election to Federal office, was a bona fide testimonial event rather than a campaign event, so long as no political contributions were solicited, made or received by any person in conjunction with the event, and so long as the event did not involve any communication addressed to the attendees as a group which expressly advocated the honoree's nomination or election to Federal office or the defeat of any Federal candidate.

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Here, however, that Archdiocese's own press release states that the dinner and reception were provided to the "Greek American candidate" (emphasis added), thus implying that efforts were made so as to aid or promote that candidacy. If so, then the costs associated with the reception and the dinner would constitute in-kind contributions.

Moreover, it appears that the dinner and reception were official functions of the Archdiocese and were not individual efforts by Archbishop Iakovos. It is reasonable to assume that the dinner and reception cost more than \$1,000. Thus, there is sufficient basis for finding reason to believe that the Archdiocese made excessive in-kind contributions to the Dukakis for President Committee, Inc. in the form of expenditures for the dinner and reception. There is reason to believe the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A).

**2. Invitation to Governor Dukakis to Speak at St. Iakovos Dinner**

The complainant also argues that attendance by Governor Dukakis at a St. Iakovos dinner resulted in contributions under the Act. Counsel for the Archdiocese has explained that the St. Iakovos dinner is an annual banquet. "Routinely, guests and speakers at the yearly banquet are politicians and other public figures" who are invited to celebrate "the namesday of the Archbishop." According to the Observer article, Governor Dukakis delivered a "political

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speech" at this event held on October 24, 1987, in Cleveland, Ohio.

While the purpose of an event is important in determining whether a contribution or expenditure results, even a non-political event can be transformed into a political one if there is any communication expressly advocating a person's nomination or election, or the defeat of any other candidate, or if there is any solicitation, making or acceptance of campaign contributions. See AO 1981-37. Here, there is no evidence in the complaint as to what exactly Governor Dukakis stated in his speech; thus it cannot be determined at present whether it constituted express advocacy of Governor Dukakis' election, or contained a solicitation for contributions to his or any other campaign. On the other hand, Governor Dukakis is acknowledged in the Observer article to have given a "political speech" at this dinner. This description provides sufficient basis for concluding that this opportunity was provided to Governor Dukakis to aid his candidacy. As with the April 2, 1987 dinner and reception, this yearly dinner appears to be an official function of the Archdiocese, rather than an individual effort by Archbishop Iakovos. Here too, it is reasonable to assume that the dinner cost more than \$1,000. Because such contributions would be in addition to those resulting from the April 2, 1987 dinner and reception, the Commission has added this issue to its findings of reason to believe that excessive contributions were made and received, but not reported.

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### 3. Promotion and Fundraising Services

The complainant claims that certain personal services for Governor Dukakis or for the Dukakis for President Committee, Inc. inappropriately may have been performed. According to the press release, the Archbishop encouraged others to support the Dukakis candidacy. Further, he reportedly "charged his assistants (Father Karloutsos and Mr. Gazouleas) to help insure the success of the first fundraising events" held to finance the Dukakis campaign.

The affidavits of Father Karloutsos and Mr. Gazouleas furnished in response to the complaint contradict the article, in that they state that Archbishop Iakovos did not direct them to participate in any political fundraising or activities. However, neither explicitly states that he did not work for the Dukakis campaign during hours for which he was paid by his employer, the Archdiocese. The article also implies that the Archbishop provided services to the Dukakis campaign.

The Archdiocese would have made a contribution to the Dukakis for President Committee, Inc. if it paid any of these three their normal wage for hours during which work was performed for the Dukakis campaign. See 11 C.F.R. § 100.7(a)(3)(i)-(ii). Although the Observer article acknowledges that the Archbishop charged his assistants to help insure the success of the first Dukakis fundraising events, there is no evidence that any such help was actually given; even if such assistance was provided, there is no evidence that the Archdiocese compensated these individuals for any hours during

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which they may have aided the Dukakis campaign. Accordingly, the Commission has not added this issue to its finding of reason to believe that excessive contributions were made.

#### 4. Invitation to Pray

According to the complaint, the Archbishop invited Governor Dukakis to pray at the St. Paul Chapel on April 14, 1988. He also apparently invited journalists to observe Governor Dukakis' devotions. The purpose allegedly was "so that it could be confirmed that Michael Dukakis is a good Orthodox Christian ... and thus to belie the published reports to the contrary." The complainant intimates that such invitation may have violated the Act.

Counsel for the respondents confirms that Governor Dukakis participated in a prayer service at the Archdiocese chapel. At that time, Governor was not asked to and did not give any political speech. Further, other prominent individuals have periodically been invited to the Archdiocese to join in worship.

An intangible benefit to the candidate, considering the stated purpose of the invitation, could possibly accrue. That benefit might arguably influence an election for Federal office. However, there is no evidence that any political activity occurred during this devotional service or that any funds were expended to influence an election for Federal office. Nor does the provision of a forum for personal devotions appear to be activity regulatable by the Act.

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**5. July 30 Interviews**

The complaint indicates that the Archbishop may have violated the Act as a result of interviews given on July 30, 1988. According to the article, the Archbishop "spoke warmly about the personality of the Greek American candidate" on PBS and to the Boston Globe newspaper. Counsel acknowledges that the Archbishop gave various interviews to the press. However, counsel argues that discussing a candidate's personality does not rise to an endorsement of a candidacy or constitute a violation of the Act..

There is no allegation that the Archbishop financed these declarations nor is such expenditure likely. Again as described in subsection 4 above, an expression of personal belief and political preference are not proscribed or limited by the Act, absent an expenditure, contribution or other activity subject to the Act. The complaint provides no information to ascertain that a violation occurred by the Archbishop's granting these interviews.

**6. Invitation to Speak to Clergy Laity Congress**

The complainant suggests that an invitation and address to attendees at a church function may have resulted in statutory violations. According to the complaint, at a special ceremony during the 29th Clergy Laity Congress in Boston on July 6, 1988, the Archbishop honored Governor Dukakis. Then, according to the Observer article, Governor Dukakis presented a "campaign speech" to the assembly.

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According to the response by counsel, the Clergy Laity Congress meets annually to consider matters of the church. Although political figures have historically addressed the Congress, the Congress does not endorse either candidates or political platforms. Vice-President Bush also attended and was the keynote speaker at a banquet for the Congress. Counsel states that neither Vice-President Bush nor Governor Dukakis received any honorarium for their attendance. Further, no proceeds from various dinners were or have been given to any political candidate.

As stated above, a non-political event can be transformed into a political one, and thus into a contribution by the person staging the event, if there is communication which expressly advocates a person's election or defeat, or if there is any solicitation, making or acceptance of campaign contributions. See AO 1981-37. Moreover, in the situation here, a special ceremony was held during which Governor Dukakis delivered a "campaign speech." Although the Observer article states that this was a special ceremony without elaborating on what it was that made the ceremony "special," there is a strong suggestion that an extraordinary accommodation was made to allow Governor Dukakis to promote his candidacy. While the article states that the Archbishop "honored" Governor Dukakis at the ceremony, and thus gives rise to the possibility that this was a valid testimonial event, such a possibility appears diminished by the description of Governor Dukakis' address as a "campaign speech."

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Because this event occurred prior to the nominating convention, any contribution resulting from it is also considered as having been made to the primary committee. Although the exact text of Governor Dukakis' remarks is not known, based on the representation in the Observer article that the address was a "campaign speech," there is reason to believe that an in-kind contribution was received. Because such contributions would be in addition to those resulting from the April 2, 1987 dinner and reception, and from the St. Iakovos dinner, the Commission has added this issue to its findings of reason to believe that excessive contributions were made and received, but not reported.

**7. Photo-Opportunity at the Governor's Office**

The complainant impliedly argues that the holding of a reception at the Massachusetts Governor's Offices as part of the program of the Clergy Laity Congress possibly violated the Act. During this reception, Governor Dukakis apparently had an opportunity to speak and be photographed with those who attended. In response, counsel states that routinely the governors of the states in which the Clergy Laity Congresses have been held have given receptions for the delegates of the Congress. Counsel asserts that, as with the receptions hosted by the other governors, the "meeting was not held for the purpose of fundraising," but was a courtesy extended to the Congress delegates by Governor Dukakis in his capacity as governor.

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Although such interaction with the public may benefit an electoral campaign, an officeholder frequently meets constituents and other delegations as part of his duties as an officeholder. The Commission does not presume that all appearances and speeches of a candidate for Federal office made before a substantial number of people are made for the purpose of enhancing that individual's candidacy. See AO 1981-37. Although the Observer article notes that this meeting provided a "unique and highly valued opportunity during the pre-election period" to "the Greek American politician," this is true of other official functions of a current office-holder who is running for higher office. Accordingly, this event does not provide a basis for finding reason to believe a violation of the Act has occurred.

#### 8. Invocation at Democratic National Convention

Another event which the complainant deems may have violated the Act was the invocation given by the Archbishop on July 21, 1988. During the invocation at the Democratic National Convention, the Archbishop took the unusual step of mentioning Governor Dukakis and his abilities. Counsel in response acknowledges that the Archbishop attended and led the Democratic National Convention in prayer. Archbishop Iakovos also presented a prayer at the Republican National Convention which counsel claims demonstrates the Archbishop's efforts to be non-partisan.

The Act does not constrain one's right to political expression, absent a contribution, expenditure or other activity

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regulated by the Act, or constrain any right to religious expression. Therefore, there are no apparent grounds to find reason to believe on the basis of this occurrence.

**9. Rebuttals to Neutralize Criticism of Dukakis**

Other events which the complainant asserts possibly violated the Act were certain interviews granted by the Archbishop in addition to those given on July 30, 1988 and discussed above. During an interview with the Associated Press, the Archbishop apparently stated that he had encouraged Governor Dukakis in his decision to run for the presidency. Counsel acknowledges that George Cornell of the Associated Press interviewed the Archbishop on June 2, 1988.

Such right of public comment is not limited by the Act, unless a contribution, expenditure or other advocacy as defined by the Act is determined to have occurred. There is no allegation or information which demonstrates that the Archbishop expended any funds or otherwise performed any acts subject to the Act in connection with this interview.

**10. Special Message to Church Members**

The complainant indicates that a communication by the Archbishop may have resulted in violations of the Act. On August 31, 1988, the Archbishop addressed church members in a broadcast aired over "eight radio stations and three television stations." During this address the Archbishop apparently explained, inter alia, why he had accepted invitations to offer prayers at both the Democratic and Republican conventions. Counsel stated that the broadcast in question responded to

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criticism from members of the Greek American community. The Archbishop's "message was neither a political endorsement nor a solicitation for fundraising." Instead this broadcast was apparently an explanation of the Archbishop's views, reasons and actions in response to that criticism.

There is no evidence in hand that the election or defeat of a clearly identified Federal candidate was advocated during this broadcast. Nor is there any evidence that this message was coordinated with Governor Dukakis or his campaign. The apparent purpose and message of this address was the Archbishop's explanation of his own actions and an elaboration of personal opinion. As the Observer article does not even suggest that this broadcast had any partisan overtones, there is no reason to believe any violation of the Act occurred in this instance.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 17, 1990

Theodore J. Theophilos, Esq.  
Sidley & Austin  
520 Madison Avenue  
New York, NY 10022

RE: MUR 2782  
Reverend Alexander Karloutsos

Dear Mr. Theophilos:

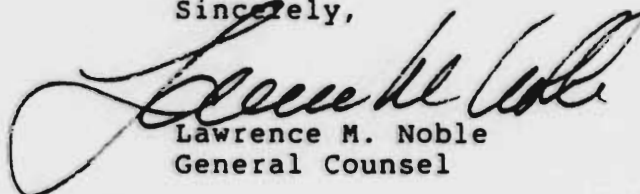
On November 16, 1988, the Federal Election Commission notified your client, the Reverend Alexander Karloutsos, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On December 19, 1989, the Commission determined, on the basis of the information in the complaint and information provided by you, to take no action at this time against the Reverend Karloutsos. The Commission, however, is continuing its investigation into this matter and believes that your client may be able to provide some relevant information. Accordingly, the Commission approved the enclosed questions, to which it requests your client provide answers. Please have your client submit answers to these questions to the Office of the General Counsel within 15 days of your receipt of this letter.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please contact Anthony Buckley, the attorney assigned to this matter, at (800) 424-9530.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Questions

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)  
) MUR 2782  
)

INTERROGATORIES

TO: Reverend Alexander Karloutsos

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request.

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INSTRUCTIONS

In answering these interrogatories, furnish all information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any communications or other items about which information is requested by any of the following interrogatories, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1987 to November 8, 1988.

The following interrogatories are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the term "Archdiocese" shall mean the Greek Orthodox Archdiocese of North and South America.

Please provide the following information:

1. Describe any and all activities undertaken by you on behalf of the Dukakis campaign. For each such activity, your description should include: (a) the type of activity performed; (b) the days on which it was performed; and (c) the hours of each day it was performed.
2. Describe your duties with the Archdiocese. Your description should include: (a) the type of work you perform; and (b) the basis on which you are monetarily compensated.
3. State whether you continued to receive full compensation for duties to be performed for the Archdiocese while working for the Dukakis campaign?

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 17, 1990

Theodore J. Theophilos, Esq.  
Sidley & Austin  
520 Madison Avenue  
New York, NY 10022

RE: MUR 2782  
Takis Gazouleas

Dear Mr. Theophilos:

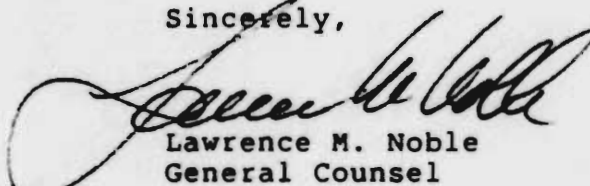
On November 16, 1988, the Federal Election Commission notified your client, Takis Gazouleas, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On December 19, 1989, the Commission determined, on the basis of the information in the complaint and information provided by you, to take no action at this time against Mr. Gazouleas. The Commission, however, is continuing its investigation into this matter and believes that your client may be able to provide some relevant information. Accordingly, the Commission approved the enclosed questions, to which it requests your client provide answers. Please have your client submit answers to these questions to the Office of the General Counsel within 15 days of your receipt of this letter.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please contact Anthony Buckley, the attorney assigned to this matter, at (800) 424-9530.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Questions

93040980890

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)  
) MUR 2782  
)

INTERROGATORIES

TO: Takis Gazouleas

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request.

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INSTRUCTIONS

In answering these interrogatories, furnish all information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any communications or other items about which information is requested by any of the following interrogatories, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1987 to November 8, 1988.

The following interrogatories are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the term "Archdiocese" shall mean the Greek Orthodox Archdiocese of North and South America.

Please provide the following information:

1. Describe any and all activities undertaken by you on behalf of the Dukakis campaign. For each such activity, your description should include: (a) the type of activity performed; (b) the days on which it was performed; and (c) the hours of each day it was performed.
2. Describe your duties with the Archdiocese. Your description should include: (a) the type of work you perform; and (b) the basis on which you are monetarily compensated.
3. State whether you continued to receive full compensation for duties to be performed for the Archdiocese while working for the Dukakis campaign?

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 17, 1990

Governor Michael S. Dukakis  
85 Perry Street  
Brookline, MA 02146

RE: MUR 2782  
Governor Michael S. Dukakis

Dear Governor Dukakis:

On November 16, 1988, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On December 19, 1989, the Commission determined, on the basis of the information in the complaint and other information, to take no action at this time against you individually. The Commission, however, is continuing its investigation into this matter, and the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) still applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please contact Anthony Buckley, the attorney assigned to this matter, at (800) 424-9530.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence M. Noble".

Lawrence M. Noble  
General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 17, 1990

Theodore J. Theophilos, Esq.  
Sidley & Austin  
520 Madison Avenue  
New York, NY 10022

RE: MUR 2782  
Archbishop Iakovos Coucouzes

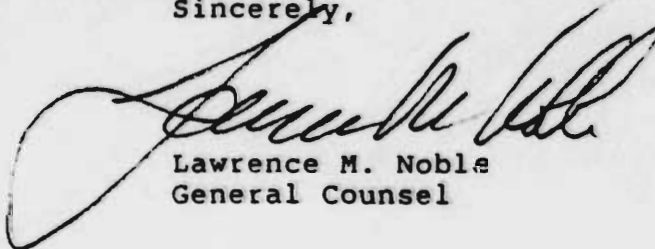
Dear Mr. Theophilos:

On November 16, 1988, the Federal Election Commission notified your client, Archbishop Iakovos Coucouzes, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act").

On December 19, 1989, the Commission determined, on the basis of the information in the complaint and information provided by you, to take no action at this time against Archbishop Iakovos. The Commission, however, is continuing its investigation into this matter, and the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) still applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please contact Anthony Buckley, the attorney assigned to this matter, at (800) 424-9530.

Sincerely,



Lawrence M. Noble  
General Counsel

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**HAND DELIVERED**

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90 JAN 31 AM 10:50

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312 553-7000 FAX 312-553-7312

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LOS ANGELES, CALIFORNIA 90067  
213 553-8100 FAX 213-553-6544

1722 EYE STREET, N.W.  
WASHINGTON, DC 20006  
202 429-4000 FAX 202-429-6144

875 THIRD AVENUE  
NEW YORK, NEW YORK 10022

TELEPHONE 212: 418-2100

TELEX 97-1696

FACSIMILE 212: 418-2105

15 KING WILLIAM STREET  
LONDON, EC4N 7SA, ENGLAND  
441 521-1616 FAX 441-626-7937

6 SHENTON WAY  
SINGAPORE 0105  
65 224-5000 FAX 65-224-0530

ASSOCIATED OFFICE

HASHIDATE LAW OFFICE  
IMPERIAL TOWER, 7TH FLOOR  
1-1, UCHISAIWAICHO 1-CHOME  
CHIYODA-KU, TOKYO 100 JAPAN  
03-504-3880 FAX 03-504-1908

January 30, 1990

FEDERAL EXPRESS

Anthony Buckley, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

Re: MUR 2782

Investigation of Greek Orthodox Archdiocese of  
North and South America

Interrogatories addressed to Rev. A. Karloutsos  
and Mr. P. Gazouleas.

Dear Mr. Buckley:

As mentioned in our telephone conversation today, the Greek Orthodox Archdiocese of North and South America ("Archdiocese") requests that the Office of the General Counsel extend the time within which the Archdiocese may respond to the Commission's "Reason to Believe" Finding (received January 24, 1990). See 11 C.F.R. §111.9. According to Chairman Elliott's letter accompanying the Finding, the Archdiocese would have to respond within fifteen (15) days of receipt, i.e., by February 8, 1990. The Archdiocese requests that it be granted an additional twenty (20) days in which to demonstrate that no action should be taken. Under the terms of such an extension, the Archdiocese will not have to respond until February 28, 1990.

This additional period is necessary because lead counsel, Theodore J. Theophilos, Esq., is presently occupied in the midst of a trial and has not had an opportunity to consult with officials of the Archdiocese.

For the same reason, the Archdiocese, Rev. Karloutsos, and Mr. Gazouleas also request a similar twenty-day extension to respond to the Commission's (1) Interrogatories and Subpoena to Produce Documents addressed to the Archdiocese; (2) Interrogatories addressed to Rev. Karloutsos; and (3) Interrogatories addressed to Mr. Gazouleas. As you recommended,

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OFFICE OF THE GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

January 30, 1990  
Page 2

we shall treat the extension requests as having been granted in the event that we do not receive notification from the Office of the General Counsel by February 8, 1990.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Michael F. Reilly

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 5, 1990

Michael F. Reilly, Esq.  
Sidley & Austin  
875 Third Avenue  
New York, NY 10022

RE: MUR 2782  
Greek Orthodox Archdiocese of  
North and South America  
Reverend Alexander Karloutsos  
Takis Gazouleas

Dear Mr. Reilly:

This is in response to your letter dated January 30, 1990, which we received on January 31, 1990, requesting extensions of 20 days to respond to the Federal Election Commission's Interrogatories and Request for Production of Documents sent to your client, the Greek Orthodox Archdiocese of North and South America, and to respond to the Commission's Interrogatories sent to your clients, the Reverend Alexander Karloutsos and Mr. Takis Gazouleas. After considering the circumstances presented in your letter, I have granted the requested extensions. Accordingly, your responses are due by the close of business on February 28, 1990.

If you have any questions, please contact Anthony Buckley, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Anne A. Weissenborn  
Assistant General Counsel

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90 FEB 12 AM 10:44

February 9, 1990

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

Re: MUR 2782

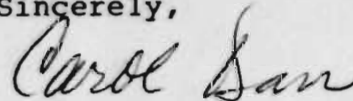
Dear Ms. Lerner:

I am writing to confirm our telephone conversation this morning in which you stated that if I made a written request for a 15-day extension of time in which to respond to MUR 2782, one would be granted. Such a request is hereby made.

As we discussed, the Respondent Dukakis for President Committee ("the Committee") needs additional time to respond because it never received a copy of the original, notarized complaint and the Commission's "reason to believe" notification, despite the fact that the Commission's records indicate that these materials were sent to its campaign headquarters at 105 Chauncy Street, Boston, Massachusetts. It is the Commission's procedure, you indicated, not to send such notifications by registered or certified mail, nor to affix a "return receipt requested" card, but rather to rely on the presumption of delivery by regular U.S. mail service.

This letter also confirms that you are sending me in today's mail a copy of the notarized complaint, without which I lack sufficient information to be able to make a substantive response.

Sincerely,



Carol C. Darr, Esq.  
2123 R Street, N.W.  
Washington, D.C. 20008

cc: Anthony Buckley, Esq., FEC  
Daniel A. Taylor, Esq.

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OFFICE OF GENERAL COUNSEL

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2049 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067  
213 553-8100 FAX 213-556-6544  
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WASHINGTON D.C. 20006  
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875 THIRD AVENUE  
NEW YORK, NEW YORK 10022  
TELEPHONE 212: 418-2100  
TELEX 97-1696  
FACSIMILE 212: 418-2165  
February 28, 1990

18 KING WILLIAM STREET  
LONDON, EC4N 7SA, ENGLAND  
441 621-1616 FAX 441-626-7937  
3 SHENTON WAY  
SINGAPORE 0106  
65 224-5000 FAX 65-224-0530  
ASSOCIATED OFFICE  
HASHIDATE LAW OFFICE  
IMPERIAL TOWER 7TH FLOOR  
1-1, UCHISAIWAICHO 1-CHOME  
CHIYODA-KU, TOKYO 100 JAPAN  
03-504-0800 FAX 03-504-1009

BY FEDERAL EXPRESS

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

Re: MUR 2782

Dear Mr. Buckley:

Enclosed please find the executed affidavits and  
interrogatory responses of Father Karloutsos and Mr. Gazouleas.  
With the addition of these documents, our submissions are now  
complete.

Very truly yours,  
*Michael F. Reilly*  
Michael F. Reilly

MFR:vcw  
Enclosures

RECEIVED  
FEDERAL ELECTION COMMISSION  
90 MAR -1 PM 12:32

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CHICAGO, ILLINOIS 60603  
312: 553-7000 FAX 312-553-7312

2049 CENTURY PARK EAST  
LOS ANGELES, CALIFORNIA 90067  
213: 553-8100 FAX 213-553-6544

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WASHINGTON, D.C. 20006  
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18 KING WILLIAM STREET  
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5 SHENJON WAY  
SINGAPORE 0106  
65 224-5000 FAX 65-224-0530

ASSOCIATED OFFICE  
HASHIDATE LAW OFFICE  
IMPERIAL TOWER, 7TH FLOOR  
1-1, UCHISAIWAICHO 1-CHOME  
CHIYODA-KU, TOKYO 100 JAPAN  
03-504-3800 FAX 03-504-1009

February 28, 1990

**PRIVILEGED AND  
CONFIDENTIAL COMMUNICATION**  
2 U.S.C. § 437

Anthony Buckley, Esq.  
Asst. General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2782  
Investigation of Greek Orthodox  
Archdiocese Of North and South America

Dear Mr. Buckley:

We represent the Greek Orthodox Archdiocese of North and South America ("Archdiocese"), the subject of this investigation, and the Reverend Alexander Karloutsos and Mr. Panayiotis Gazouleas, named respondents to Federal Election Commission's ("Commission") interrogatories<sup>1</sup>.

We have reviewed the Commission's "Reason to Believe" Finding ("Finding") dated January 17, 1990 regarding MUR 2782. "Based on an article which appeared in The Greek Orthodox Observer on September 28, 1988," the Commission found that three events may have constituted excessive and unreported in-kind contributions to the Dukakis for President Committee, Inc. in violation of 2 U.S.C. §441(a)(1)(A). See Finding at 1. Specifically, the Commission questioned:

<sup>1</sup> The Archdiocese reserves its objection to the failure of the Commission to give the Archdiocese the opportunity to provide information concerning this matter prior to the Commission determining the there existed reason to believe that the Archdiocese had committed a Federal Election Law violation.

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- (1) A reception and dinner to honor Governor Dukakis at the Archdiocese's offices in New York City on April 2, 1987;
- (2) An invitation to Governor Dukakis to speak at Archbishop Iakovos' NAMEDAY Dinner in Cleveland on October 24, 1987; and
- (3) An invitation to Governor Dukakis to speak at the Clergy-Laity Congress of the Greek Orthodox Church in Boston on July 6, 1988.

See Finding at 9, 10, 15.

This letter is intended to provide the Commission with information demonstrating that no action should be taken against the Archdiocese. As discussed further infra, and as detailed in the attached affidavits of Father Karloutsos and Mr. Gazouleas, none of these three events constituted any unlawful contribution to a political campaign. At no time did the Archdiocese ever contribute to the campaign of Governor Dukakis.<sup>2</sup> Therefore, the Commission should determine that no action be taken against the Archdiocese and the Complaint be dismissed.

I. Reception and Dinner to Honor Governor Dukakis At The Archdiocese

On April 2, 1987, the Archdiocese sponsored a dinner at its offices at 10 East 79th Street, New York, New York to honor Governor Dukakis as a prominent and successful Greek-American<sup>3</sup>. Approximately thirty-eight (38) persons attended the event which was open by invitation only. Karloutsos Aff. at ¶3. The individuals in attendance were primarily members of the Greek Orthodox Church who reside at various locales throughout the United States. The dinner itself involved no award for Governor Dukakis; moreover, no testimonials were given in Governor Dukakis' honor. Instead, the dinnertime discussion focused on Greek-American concerns and often involved ethnic Greek-American stories and memories which were recounted by various guests. Id. at ¶4.

Specifically, His Eminence Archbishop Iakovos (the "Archbishop") remarked that he was proud of Governor Dukakis as a

<sup>2</sup> The responses to the interrogatories addressed to the Archdiocese, Father Karloutsos, and Mr. Gazouleas further demonstrate that no political contribution of any type was ever given by the Archdiocese to Governor Dukakis.

<sup>3</sup> It is believed that, as of the date of the Archdiocesan Dinner, Governor Dukakis had not yet decided to seek election for Presidency.

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Greek-American and promised that he would pray for him. Governor Dukakis spoke briefly and thanked the Archbishop for the dinner and expressed his continuing concern about Greek-American affairs as well as his pride in being a Greek-American. Id. at ¶6. At no point during the dinner did Governor Dukakis (or any other guest) urge support for Governor Dukakis' candidacy or the defeat of the Republican candidate. Similarly, Governor Dukakis did not solicit any monetary contributions to his campaign nor were any offered by any guest at the event. Id. at ¶7.

This event falls squarely within the scope of Advisory Opinion 1978-4. The April 2, 1987 Archdiocesan dinner was designated and held only as a non-profit, non-partisan event and not for the purpose of influencing Governor Dukakis's election to the Presidency. Indeed, the Archdiocese dinner presents even stronger facts than those considered by the Commission in that Advisory Opinion inasmuch as: (1) Governor Dukakis was honored as a prominent Greek-American public servant, not for his status as governor or presidential candidate, and (2) no testimonial per se occurred at the Archdiocesan dinner. Compare Advisory Opinion 1978-4 (Commission held no contribution for "testimonial" banquet "honoring Congressman John Rhodes on his completion of 25 years as the Congressman from Congressional District One"). The event, rather, was an affirmation of the achievements of one Greek-American by persons of similar ethnic heritage. Similar events have been held for other Greek-American persons.

As this event clearly did not constitute an in-kind "contribution" to Governor Dukakis' campaign, see Advisory Opinion 1980-89 (in-kind contribution may result from an express advocacy of the election of a candidate or defeat of rival, or the solicitation of monetary contributions), the Commission should rule that the April 2, 1987 Reception and Dinner in honor of Governor Dukakis did not constitute any unlawful action by the Archdiocese.

## II. Invitation To Governor Dukakis To Speak At Archbishop Iakovos' Nameday Dinner

On October 24, 1987, Governor Dukakis was one of many speakers called upon to honor the Archbishop at his annual Nameday Dinner. See Gazouleas Aff. at Exhibit A (1987 Nameday Program). As explained in our letter of December 6, 1988, each year, on the occasion of the Archbishop's nameday, a banquet is held at varying locations throughout the United States<sup>4</sup>. The banquet is held purely in celebration of and reverence for the spiritual leader of the Greek Orthodox Church in America. Routinely, guests and speakers at the yearly banquet include politicians and other public figures.

<sup>4</sup> The Archdiocese did not pay this event.

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At the 1987 event held at a hotel in Cleveland, many speakers gave tribute to the Archbishop. See Karloutsos Aff. at ¶9; Gazouleas Aff. at ¶3. During his comments, Governor Dukakis spoke about his childhood memories of life in Boston and his recollections of the Archbishop. During the Governor's youth, the Archbishop was the parish priest in the local Greek Orthodox community, as well as a spiritual advisor and friend to the Dukakis family. At no point during this event did Governor Dukakis make any political or campaign speech. See Karloutsos Aff. at ¶11; Gazouleas Aff. at ¶5. Indeed, under the circumstances, any such speech would have been highly inappropriate. Neither Governor Dukakis nor any other speaker at the 1987 NAMEDAY Dinner spoke in favor of Governor Dukakis' candidacy, nor advocated the defeat of the as-yet-unnamed Republican candidate. Similarly, neither Governor Dukakis nor any other speaker solicited any contribution for his campaign. See Karloutsos Aff. at ¶11; Gazouleas Aff. at ¶5.

In light of these facts, it is clear that no grounds exist for the Commission to find that the Archdiocese violated any provision of the Federal Election Campaign Act. See Advisory Opinions 1980-89; 1981-37. No electioneering of any type occurred at the event. Therefore, the Commission should determine that no action be taken against the Archdiocese on the basis of this event.

### III. Invitation to Speak To Clergy-Laity Congress

On July 6, 1988, Governor Dukakis was one of twenty persons of Greek-American descent to be honored at a "Tribute To Public Service" which was part of the six-day Clergy-Laity Congress of the Archdiocese. See Karloutsos Aff. at Exhibit A (Program of Tribute). The Clergy-Laity Congress is the highest legislative assembly in the Archdiocese and meets biennially at various locations throughout the United States. The purpose of the Congress is to consider various issues of concern to members of the Greek Orthodox Church. Like the Archdiocese, the Congress does not endorse any political candidates or political platforms. See Gazouleas Aff. at ¶10. The 1988 convention was held in Boston, Massachusetts on July 3-8, 1988.

At the 1988 Tribute, Archbishop Iakovos presented each honoree with a certificate of the medal of Saint Andrew, recognizing that person for outstanding service to the Greek Orthodox Church and to the United States. See Gazouleas Aff. at Exhibit B (example of redacted certificate). The Tribute was attended by delegates to the Congress--the parish priest and 2-4 parishioners of every Greek Orthodox parish in North and South America. The event was not open to the general public. The Tribute program consisted of an invocation, several brief addresses by certain honorees, a response by the Archbishop, and a benediction.



After the invocation by the Archbishop, each honoree was presented with a certificate. Subsequently, four honorees made brief comments to the Congress: Helen Boosalis, former mayor of Lincoln, Nebraska; Peter Peterson, chairman of the Counsel of Foreign Relations; Dr. John Brademas, president of New York University; and Michael Dukakis, governor of the host state of Massachusetts. See Karloutsos Aff. at ¶17. All four speakers focused on their Greek-American heritage. Namely, each reminisced about their upbringing as the children or grandchildren of Greek immigrants and noted the achievements that Greek-Americans had attained in the United States. Each speaker expressed gratification and admiration for Governor Dukakis, who, as a fellow Greek-American, was a candidate for the Presidency.<sup>5</sup>

Governor Dukakis began his remarks by first welcoming the Congress' delicacies to his host state of Massachusetts. He then reminisced about his boyhood in Brookline, Massachusetts and his many encounters with Archbishop Iakovos who then served as his parish priest. Karloutsos Aff. at ¶19. Governor Dukakis then picked up on the theme developed by the previous speakers and reiterated the pride of Greek-Americans as heirs of the culture which, in ancient times, gave birth to democracy and which, in modern times, has been a moving and dedicated element of American society. Governor Dukakis acknowledged the work of all Greek-American parents and grandparents who, as immigrants, came to this land and struggled hard to insure that their children would lead a better life. Id. at ¶20. Governor Dukakis then spoke about his own family and their pride in Greek heritage. The audience applauded when Governor Dukakis mentioned that a major television network was planning to broadcast live from his ancestral village in the mountains of Greece on the night of the Democratic National Convention. See Gazouleas Aff. at Ex. C.

<sup>5</sup> Dr. Brademas, who, like Ms. Boosalis, spoke as a result of the unanticipated absences of Senators Tsongas and Sarbanes, briefly made the one comment that could be characterized as "political". In concluding his remarks, Dr. Brademas stated that, "I realize, Your Eminence, that this is not a political gathering, yet . . . what this country needs today is a leader of intelligence, integrity, and competence. And that is spelled D-U-K-A-K-I-S." See Gazouleas Aff. at Ex. C (videotape of Tribute).

Under these circumstances, where a speaker made one comment in direct and acknowledged contravention of the Archdiocese's wishes, it would be unfair and unreasonable for the Commission to characterize the entire Tribute as an in-kind contribution to the Dukakis campaign. Therefore, Dr. Brademas' statement should not suffice as grounds for finding the Archdiocese in violation of the Act.

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Governor Dukakis then spoke about the rich tradition of public service first espoused by ancient Greeks and how, in America, immigrant groups have taken up that same call to public service with regards to their new homeland. In particular, he cited the legacy of John F. Kennedy as an inspiration for himself as well as many others of his generation. The governor then thanked the Clergy-Laity Congress for honoring public servants such as himself and the other honorees, and fostering the tradition of public service in America. In closing, Governor Dukakis stated that: "If all goes well," he hoped to continue his public service in Washington. As the chief law enforcement officer, Governor Dukakis stated that the President must be one who exemplifies and requires public trust not only of himself but all those who work in government. Governor Dukakis concluded by repeating an ancient Greek pledge to serve his country to the best of his ability. He asked the Clergy-Laity Congress that, as Greek-Americans, they honor their past commitment to public service in the future.

Following these remarks, Archbishop Iakovos made a brief response to the comments of all four speakers and then pronounced a benediction on all the honorees and the Congress.

As is evident, the Tribute to public service did not constitute a "contribution" to the campaign of Governor Dukakis. No special accommodation was made for Governor Dukakis, nor did he receive from the Archbishop or the Archdiocese any extraordinary laudation. Governor Dukakis, just like the other nineteen honorees, received a certificate of the medal of St. Andrew, nothing else.<sup>6</sup> Moreover, Governor Dukakis' address cannot properly be categorized as a prohibited "campaign speech" on its face or when properly viewed in the context of the surrounding circumstances. The overriding theme of his remarks stressed the particular traditions of Greek-Americans and their history of public service as exemplified by the twenty persons honored by the Archdiocese at the Tribute. Although Governor Dukakis stated that he would endeavor to continue that tradition as President of the United States, he never called on the Congress' delegates to vote for him. Similarly, he did not call for the defeat of then-Vice President Bush. See Advisory Op. 1981-37 (no in-kind contribution occurs by candidate's appearance at public forum when there is an "absence of any communication

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<sup>6</sup> The translation of the Orthodox Observer article, stating that Governor Dukakis delivered a "campaign speech" and participated in a "special" ceremony in his "honor" does not accurately express the true sense of the words written in Greek in the original copy of the article. Again, the Orthodox Observer article does not reflect, for reasons detailed in our initial letter of December 6, 1988, an accurate rendition of the various events involving Governor Dukakis and the Archdiocese. Moreover, further distortion occurs due to the inaccurate translation provided to the Commission.

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expressly advocating [the] nomination or election or the defeat of any other candidate"). Finally, Governor Dukakis made no attempt to solicit any contribution of any kind from the delegates assembled before him. Id. His statements regarding the presidency did not expressly advocate his election, but instead, exemplified, in his eyes, how Greek-Americans served the United States and ought to pursue careers in public service.

The Archdiocese remained neutral regarding the presidential campaign throughout the Clergy-Laity Congress and at all subsequent times. To demonstrate its non-partisan position, then-Vice President Bush spoke at the closing banquet of the Congress on July 8, 1988 as keynote speaker. President Bush's remarks likewise focused on issues of general interest to the Clergy-Laity Congress and the Greek Orthodox Church in particular: abortion, importance of the family in today's society, and the moral force of religion. Karloutsos Aff. at ¶22. President Bush also commented favorably on the pride that Greek-Americans must be feeling upon witnessing the candidacy of Governor Dukakis. President Bush's address was well-received by the delegates and other persons who attended the keynote banquet. Id. Like Governor Dukakis, Mr. Bush did not call for the delegates to vote for him in the upcoming election, nor did he call for the defeat of Governor Dukakis. (Indeed, as noted before, he complimented Governor Dukakis). Likewise, President Bush did not solicit any contributions for his campaign.<sup>7</sup>

In light of these facts, this event did not constitute a "contribution" to a political campaign. An event such as the Tribute cannot be construed to constitute a contribution in violation of the Act.

\* \* \* \* \*

In summary, when viewed in the context of the relevant facts the three above-mentioned events did not constitute violations of the Federal Election Laws. The Archdiocese appreciates your consideration in this matter. Please do not

<sup>7</sup> The Archdiocese did not pay any honoraria to either Governor Dukakis or President Bush, and no proceeds remaining from the event were sent to either campaign. Any remaining proceeds from the Congress, were distributed to various Greek-American scholarship funds. Karloutsos Aff. at ¶25.

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hesitate to contact Sidley & Austin should you require additional information.

Very truly yours,

*Sidley & Austin*  
SIDLEY & AUSTIN

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BEFORE THE FEDERAL ELECTION COMMISSION:

-----X  
Investigation of Greek Orthodox : MUR 2782  
Archdiocese of North and South  
America :  
----- X

STATE OF NEW YORK )  
 )ss.:  
COUNTY OF NEW YORK )

I, Panayiotis Gazouleas, being first duly sworn, state on oath that:

1. I have read the letter written by Sidley & Austin, dated February 28, 1990, consisting of 8 pages, and state that the factual statements made in the letter to be true and correct, based upon my personal knowledge and on information and belief.

2. I attended the October 24, 1987 NAMEDAY Dinner in honor of His Eminence Archbishop Iakovos in Cleveland, Ohio.

3. At this event, many speakers gave tribute to the Archbishop. See Exhibit A attached (1987 NAMEDAY Program). No speaker at any time ever advocated the nomination or election of Governor Dukakis or the defeat of any other candidate; moreover, no speaker solicited contributions for Governor Dukakis' campaign.

4. Governor Dukakis, when he spoke, briefly made a few personal remarks about his memories of growing up in Brookline, Massachusetts, where the Archbishop (then his parish priest) served as spiritual advisor and friend to the Dukakis family.

5. At no point during this event did Governor Dukakis expressly advocate his nomination or election or the defeat of any other candidate, or seek any contributions to his campaign.

6. I attended the Greek Orthodox Archdiocese's Clergy-Laity Congress held on July 3, 1988 in Boston, Massachusetts. I attended the "Tribute to Public Service" program held on July 6, 1988 as part of the Congress.

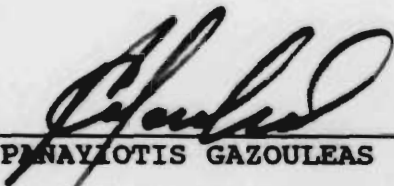
7. At this event, Archbishop Iakovos presented 20 persons of Greek-American descent a certificate of the Medal of St. Andrew. See Exhibit B attached (certificate presented to Senator Paul Tsongas).

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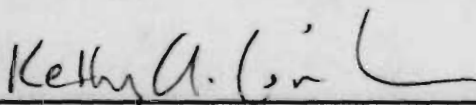
8. Part of the Tribute was videotaped by the Greek Orthodox Archdiocesan Public Relations Office and is referenced in this Affidavit as Exhibit C. (A copy of the videotape is being provided with the Archdiocese's submission.)

9. During the Tribute, Governor Dukakis never expressly advocated his nomination or election or the defeat of any other candidate, or seek any contributions to his campaign.

10. The Archdiocese or the Clergy-Laity Congress has never endorsed any political candidate or political program. Moreover, the Archdiocese has never contributed toward any political campaign.

  
PANAYIOTIS GAZOULEAS

Subscribed and sworn to me  
this 26<sup>th</sup> day of February, 1990

  
NOTARY PUBLIC

KELLEY A. CORNISH  
Notary Public, State of New York  
No. 31-488684  
Qualified in New York County  
Commission Expires March 18, 1991

93040980911

BEFORE THE FEDERAL ELECTION COMMISSION:

-----X  
 Investigation of Greek Orthodox :  
 Archdiocese of North and South :  
 America : MUR 2782  
 -----X

STATE OF NEW YORK )  
 ) ss.:  
 COUNTY OF NEW YORK )

RESPONSES TO INTERROGATORIES ADDRESSED TO  
 PANAYIOTIS GAZOULEAS

1. Describe any and all activities undertaken by you on behalf of the Dukakis campaign. For each such activity, your description should include: (a) the type of activity performed; (b) the days on which it was performed; and (c) the hours of each day it was performed.

ANSWER: None.

2. Describe your duties with the Archdiocese. Your description should include: (a) the type of work you perform; and (b) the basis on which you are monetarily compensated.

ANSWER: I am the publisher of the Orthodox Observer, an independent non-profit corporation organized under the laws of the state of New York. I also serve as press officer for the Archdiocese, managing relations with the print media. Finally, I also serve as special assistant to His Eminence Archbishop Iakovos, assisting him at public events. I receive a salary from the Archdiocese.

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3. State whether you continued to receive full compensation for duties to be performed for the Archdiocese while working for the Dukakis campaign?

ANSWER: See response to interrogatory 1.

PANAYIOTIS GAZOULEAS



Subscribed and sworn to before me this 28<sup>th</sup> day of February, 1990.

Kelley A. Cornish  
Notary Public

KELLEY A. CORNISH  
Notary Public, State of New York  
No. 31-488904  
Qualified in New York County  
Commission Expires March 18, 1991

93040980913

BEFORE THE FEDERAL ELECTION COMMISSION:

-----X  
 Investigation of Greek Orthodox :  
 Archdiocese of North and South :  
 America : MUR 2782  
 -----X

STATE OF NEW YORK )  
 )ss.:  
 COUNTY OF NEW YORK )

I, Alexander Karloutsos, being first duly sworn state on oath that:

1. I have read the letter written by Sidley & Austin, dated February 28, 1990, consisting of 8 pages, and find the factual statements made therein to be true and correct, based upon my personal knowledge and on information and belief.

2. On April 2, 1987, the Greek Orthodox Archdiocese of North and South America ("Archdiocese") sponsored a dinner at its offices at 10 East 79th Street, New York, New York to honor Governor Michael S. Dukakis. I attended this dinner.

3. This event was a formal dinner, by invitation only, and was attended by approximately 38 persons. Those in attendance were overwhelmingly Greek-Orthodox Americans from throughout the United States.

4. The purpose of the dinner was to honor Governor Dukakis as a prominent and successful Greek-American. The dinner itself involved no award for Governor Dukakis. No testimonials were given in Governor Dukakis' honor.

5. At this dinner, discussion focussed on Greek-American concerns and personal stories.

6. His Eminence Archbishop Iakovos briefly remarked that he was proud of Governor Dukakis and stated that he would pray for him. Governor Dukakis spoke briefly, and stated his thanks to the Archbishop for hosting the dinner. Governor Dukakis expressed his continuing concern about Greek-American affairs as well as his pride in being a Greek-American.

7. At no point during the dinner did Governor Dukakis or any other guest advocate his nomination or election or the defeat of any other candidate. Neither Governor Dukakis, nor any other dinner guest, solicited any monetary contributions to the Dukakis

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campaign, nor were any contributions voluntarily offered by any guest at the event.

8. I attended the Archbishop Iakovos Nameday Dinner in Cleveland, Ohio on October 24, 1987.

9. At this event, which was held at the Stouffer Tower City Plaza Hotel in Cleveland, numerous persons spoke in tribute to the Archbishop. See Gazouleas Aff. at Exhibit A (1987 Nameday Program).

10. Governor Dukakis, like all other speakers, spoke about the Archbishop and the impact that His Eminence has had on his life. Particularly, Governor Dukakis spoke about his childhood memories of life in Brookline, Massachusetts where the Archbishop (then his parish priest) served as spiritual advisor and friend to the Dukakis family.

11. At the 1987 Nameday Dinner, Governor Dukakis never advocated his nomination or election or the defeat of any other candidate. Similarly, Governor Dukakis never solicited any monetary contribution to his campaign.

12. No other speaker made any other type of electioneering comment at the 1987 Nameday Dinner.

13. I attended the Tribute to Public Service on July 6, 1988, as part of the biennial Clergy-Laity Congress of the Archdiocese. See Exhibit A attached (program of Tribute).

14. The Clergy-Laity Congress is the highest legislative assembly in the Archdiocese and meets biennially at various locations throughout the United States. The purpose of the Congress is to consider various issues of concern to members of the Greek Orthodox Church. Like the Archdiocese, the Congress does not endorse any political candidates or political platforms.

15. The 1988 Congress was held in Boston, Massachusetts on July 3-8, 1988.

16. At the 1988 Tribute, Archbishop Iakovos presented 20 persons of Greek-American heritage with the Certificate of the Medal of St. Andrew, recognizing that person for outstanding service to the Greek-Orthodox Church and the United States.

17. After an invocation and the presentation of the certificates, four honorees made brief comments to the Congress. These speakers were: Helen Boosalis, former mayor of Lincoln, Nebraska; Peter Peterson, chairman of the Council of Foreign Relations; Dr. John Brademas, president of New York University; and Michael S. Dukakis, governor of the host state of Massachusetts.

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18. All four speakers spoke about Greek-American heritage and the role played by their parents and grandparents in helping shape their lives and this nation.

19. Governor Dukakis began his remarks by first welcoming the delegates to his host state of Massachusetts. He then reminisced about his boyhood in Brookline and his many encounters with Archbishop Iakovos, who then served as his parish priest.

20. Like the previous speakers, Governor Dukakis acknowledged the important role that had been played by Greek-American parents and grandparents in generations past in helping better the lives of their own families and this country.

21. At no point during Governor Dukakis' speech did he expressly advocate his nomination or election or the defeat of any other candidate. Moreover, he did not solicit any contribution towards his campaign.

22. On the following and concluding day of the Congress, now-President Bush spoke to the Congress as the keynote speaker at the closing banquet. President Bush's well-received remarks focus on issues of interest to the Clergy-Laity Congress and the Greek Orthodox Church: abortion, importance of the family in today's society, and the moral force of religion.

23. President Bush complimented Governor Dukakis and noted that Governor Dukakis' candidacy must be a source of great pride for the entire Greek-American community.

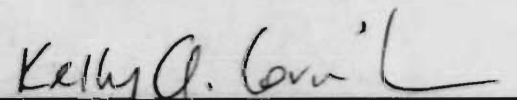
24. President Bush did not expressly advocate his nomination or election, nor did he solicit any contributions to his campaign.

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25. The Archdiocese did not pay any honoraria to either Governor Dukakis or President Bush, and no proceeds remaining from the event were sent to either campaign. Any remaining proceeds from the Congress, were distributed to various Greek-American scholarship funds.

  
ALEXANDER KARLOUTSOS

Subscribed and sworn to me  
this 28 of February, 1990

  
NOTARY PUBLIC

KELLEY A. CORNISH  
Notary Public, State of New York  
No. 311-4888884  
Qualified in New York County  
Commission Expires March 16, 1991

93040980917

BEFORE THE FEDERAL ELECTION COMMISSION:

-----X  
 Investigation of Greek Orthodox :  
 Archdiocese of North and South :  
 America : MUR 2782  
 -----X

STATE OF NEW YORK )  
 )ss.:  
 COUNTY OF NEW YORK )

RESPONSES TO INTERROGATORIES ADDRESSED TO  
 ALEXANDER KARLOUTSOS

1. Describe any and all activities undertaken by you on behalf of the Dukakis campaign. For each such activity, your description should include: (a) the type of activity performed; (b) the days on which it was performed; and (c) the hours of each day it was performed.

ANSWER: At no time did I conduct any activities on behalf of the Dukakis campaign. As Director of Communication for the Archdiocese I am responsible for assisting the Archdiocese in coordinating its relations with public office holders at local, state, national and international levels. See, response to interrogatory 2.

2. Describe your duties with the Archdiocese. Your description should include: (a) the type of work you perform; and (b) the basis on which you are monetarily compensated.

ANSWER: I am the Director of Communications for the Archdiocese. I oversee and coordinate public relations for the Archdiocese, i.e., meeting with government officials and representatives of public and private institutions, as well as managing relations with the mass communications media. I receive a salary from the Archdiocese.

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3. State whether you continued to receive full compensation for duties to be performed for the Archdiocese while working for the Dukakis campaign?

ANSWER: See response to interrogatory 1.

The Reverend Alexander Karloutsos

*Alexander Karloutsos*

Subscriber and sworn to before me this 28<sup>th</sup> day of February, 1990.

*Kelley A. Cornish*  
Notary Public

KELLEY A. CORNISH  
Notary Public, State of New York  
No. 31-488884  
Qualified in New York County  
Commission Expires March 18, 1991

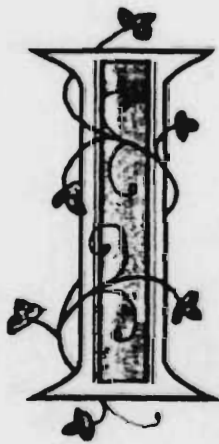
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greek orthodox archdiocese  
of north and south america



*IN RECOGNITION OF  
outstanding service to Church and Community,  
devotion to human rights and social justice,  
commitment to the American Spirit and faith in  
this Nation, the Greek Orthodox Archdiocese of  
North and South America bestows upon*

*The Medal of St. Andrew*

July 6, 1988

*Archbishop Iakovos*  
**Iakouos**  
Primate and Exarch  
of the Western Hemisphere

93040980921

BEFORE THE FEDERAL ELECTION COMMISSION

Investigation of Greek Orthodox Archdiocese  
of North and South America

RESPONSES TO INTERROGATORIES ADDRESSED TO GREEK ORTHODOX  
ARCHDIOCESE OF NORTH AND SOUTH AMERICA:

1. Describe the expenditures made by the Archdiocese for the reception and dinner for Governor Michael S. Dukakis held at the Archdiocese on April 2, 1987. Your description should include itemized costs for invitations, food, beverage, rental of space, etc.

ANSWER: The Archdiocese paid for the food and beverages served for the dinner. Exact records are unavailable however it is estimated that the total expenditure was \$3,000.00.

2. Provide a copy or transcript of the speech delivered by Governor Michael S. Dukakis at the reception and dinner held at the Greek Orthodox Archdiocese of North and South America in New York on April 2, 1987.

ANSWER: See Letter dated February 28, 1990. No transcript of Mr. Dukakis' remarks was made.

3. Describe the expenditures made by the Archdiocese for the St. Iakovos dinner held on October 24, 1987. Your description should include itemized costs for invitations, food, beverage, rental of space, etc.

ANSWER: The Archdiocese made no expenditures in connection with the October 24, 1987 dinner.

4. Provide a copy or transcript of the speech delivered by Governor Michael S. Dukakis at the St. Iakovos dinner held on October 24, 1987.

ANSWER: See Letter dated February 28, 1990. No transcript of Mr. Dukakis' remarks was made.

5. Describe the expenditures made by the Archdiocese for the special ceremony held to honor Governor Michael S. Dukakis at the 29th Clergy Laity Congress on July 6, 1988. Your description should include itemized costs for invitations, food, beverage, rental of space, etc. Provide a copy or transcript of this event.

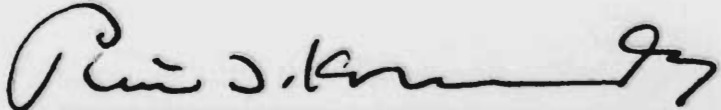
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ANSWER: The Archdiocese made no expenditures in connection with the July 6, 1987 ceremony.

6. Did the Archdiocese compensate the Reverend Alexander Karloutsos and Mr. Takis Gazouleas for official duty hours which were actually spend working on the Dukakis campaign If so, when did this occur and by how much were they compensated?

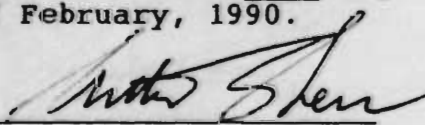
ANSWER: Neither Father Karloutsos nor Mr. Gazouleas worked on the Dukakis campaign; neither man received compensation for any campaign activities.

GREEK ORTHODOX ARCHDIOCESE OF NORTH AND SOUTH AMERICA



PETER KOURIDES, Esq.  
Secretary of the Greek Orthodox  
Archdiocese of North & South  
America

Subscribed and sworn to  
before me this 26<sup>th</sup> day  
of February, 1990.



Notary Public

ARTHUR STEIN  
Notary Public State of New York  
No. 91-000000  
Qualified in New York County  
(Qualifies Not with  
Education, Degree, Honor Count  
Qualifies New York Register Office  
and Expires March 31, 1991

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DGC 5673

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
90 MAR 13 PM 1:24

Dukakis for President Committee, Inc.  
2123 R Street, N.W., Washington, D.C. 20008

March 13, 1990

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

Attention: Anthony Buckley, Esq.

Re: MUR 2782

Dear Mr. Buckley:

This letter constitutes the response of the Dukakis for President Committee, Inc. (the "Committee"), to the notification by the Federal Election Commission (the "Commission") that the Commission has found "reason to believe" that the Committee may have committed certain violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), in the matter styled MUR 2782.

The original complaint, filed on November 4, 1988, by Peter Flaherty, Chairman of the Conservative Campaign Fund, against Governor Michael Dukakis and others, charged that the Greek Orthodox Archdiocese of North and South America paid for several events and activities that should have been treated as contributions to, and expenditures by, the Committee. The complainant listed ten events and activities which he believed should have been so treated.

The other respondents, Archbishop Iakovos Coucouzes, and Rev. Alexander Karloutsos and Takis Gazouleas, who are employed by the Archdiocese, were apparently notified of the complaint in a timely fashion; and their responses have been incorporated in the Commission's "Factual and Legal Analysis." However, while that Analysis states that "Governor Dukakis was notified of the complaint on November 16, 1988," neither Governor Dukakis nor the Committee received notification of the notarized complaint until January 20, 1990. This lack of timely notification necessarily prejudices the Committee's ability to defend itself. Individuals' recollections of the events, including that of Nick Mitropoulos on whose affidavit we rely, have have dimmed with the passage of time. Almost certainly, his recollection and that of others would have been more precise had we, and he, had the opportunity to respond when the complaint was fresh.

The Commission, in its Factual and Legal Analysis, appears to have disposed of all but three of the ten charges listed in the complaint. (Five of the allegations, numbered 3, 7, 8, 9, and 10 are not even addressed in the Analysis, but these charges,

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even if proven, do not appear to constitute violations of the Act; and Mr. Buckley has confirmed that these allegations are not at issue. The other two charges, numbered 3 and 4, are dismissed.) The remaining events still at issue are (1) a reception and dinner at the Archdiocese in New York on April 2, 1987; (2) the St. Iakovos dinner in Cleveland, Ohio, on October 24, 1987; and (6) a ceremony conducted during the Clergy Laity Congress on June 6, 1988.

The legal issue with respect to these three events is whether they were held "for the purpose of influencing" Governor Dukakis' nomination for the office of president; and specifically, whether there occurred at any of these events the express advocacy of Michael Dukakis' candidacy or the defeat of his opponent(s), or the solicitation, making or acceptance of contributions to his campaign. Such advocacy or solicitations at these events would render all or a portion of the costs of food, beverages, etc., in-kind contributions to the Committee.

In this regard, the Commission has requested that the Committee produce transcripts of the speeches by Governor Dukakis at the events on April 2, 1987, and October 24, 1987. In a telephone conversation between Anthony Buckley and Carol Darr, Mr. Buckley also requested a transcript of Governor Dukakis' remarks at the June 6, 1988 event. Unfortunately, no such transcripts exist. The Committee did compile copies of some of the Governor's political speeches; but the volumes contains only those speeches that addressed policy issues. No copies were kept of the Governor's remarks at the three religious events in question.

The reception and dinner at the Archdiocese in New York on April 2, 1987, was a black-tie affair for approximately 50 people. It was one of the first of a series of dinners, the purpose of which was, and is, to bring together Greek-American community leaders. Governor Dukakis had not even announced his candidacy yet (an event which would not occur until almost four weeks later on April 29, 1987), and statements by him or anyone else that expressly advocated his election or the defeat of his opponents, or solicited contributions would have been wholly inappropriate to the occasion. As the affidavit of Mr. Mitropoulos indicates, to the best of his knowledge and recollection, Governor Dukakis not make any such remarks, nor did he solicit or accept any contributions, nor did any one else do so on Governor Dukakis' behalf.

The second event in question was a dinner in Cleveland, Ohio, on October 24, 1987, an annual event held to honor the Archbishop on St. Iakovos Day, his "namesday". Approximately 1,500 people were in attendance, including a two-row dais of

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Republican and Democratic elected officials and community leaders. Given the religious nature of the event, any speeches expressly advocating the election of Michael Dukakis (or the election of any of the other public officials in attendance) would have been inappropriate. Similarly, solicitations for contributions would have been out of place. According to the knowledge and recollection of Mr. Mitropoulos, who was in attendance, Michael Dukakis made no such statements or solicitations for contributions, nor did he accept such contributions, nor did anyone else advocate Michael Dukakis' election or the defeat of his opponents, or solicit or accept contributions.

The final event concerns a ceremony during the Clergy Laity Congress in Boston on June 6, 1988. At a special ceremony, a "Tribute to Public Service", five Greek-American elected officials and public servants were honored. Those honored were John Brademas, Michael Dukakis, and the Mayor of Lincoln, Massachusetts, who were present, and Paul Tsongas and Paul Sarbanes, who were not present. According to the knowledge and recollection of Mr. Mitropoulos, who was in attendance, Governor Dukakis did not expressly advocate his election or the defeat of his opponent(s), or solicit or accept contributions. Again, the religious nature of the ceremony would have rendered any such remarks wholly inappropriate. To the best of Mr. Mitropoulos' knowledge and recollection, no one else advocated Mr. Dukakis election or the defeat of his opponents, or solicited, made or accepted contributions on Governor Dukakis' behalf.

It should also be noted that the keynote speech of the Clergy Laity Congress was delivered by George Bush. The complainant further fails to note that the Archbishop also offered the prayer at the Republican National Convention, and was seated beside Mrs. Bush during several of the televised proceedings, thus belying any suggestion that the Archbishop acted in a partisan fashion toward Michael Dukakis.

In sum, there is not a shred of proof that any impermissible advocacy or solicitations occurred at any of these religious events, events at which such behavior would have been wholly inappropriate. After examining the complaint and the responses of Archbishop Iakovos, Reverend Alexander Karloutsos, and Takis Gazoulos, the Commission has found no more "evidence" that such advocacy or solicitations occurred at the April 2, 1987, dinner and reception than the fact that a press release referred to Michael Dukakis as the "Greek American candidate." With respect to the second and third events, the October 24, 1987 St. Iakovos dinner, and the June 6, 1988 ceremony during the

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Federal Election Commission  
March 13, 1990  
Page 4

Clergy Laity Congress, the only "evidence" is that the press release vaguely characterized Governor Dukakis' remarks, respectively, as a "political speech" and a "campaign speech." In response, to the best knowledge and recollection of Mr. Mitropoulis, who was actually in attendance at each of these events, at no time did Governor Dukakis expressly advocate his election or the defeat of his opponent(s), nor did he solicit or accept contributions, nor did anyone else do so on Governor Dukakis' behalf. Consequently, the Committee respectfully requests that the Commission find that there is no reasonable cause to believe that Governor Dukakis or the Committee committed any violation of the Act with respect to MUR 2782.

Sincerely,



Carol C. Darr, Esq.  
Counsel for the Committee

Enclosure

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AFFIDAVIT

I, Nick Mitropoulos, having been duly sworn, depose and say:

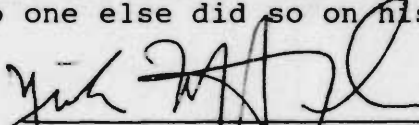
1. I served as Executive Assistant to Governor Michael Dukakis throughout the course of his presidential campaign.

2. In my capacity as Executive Assistant I travelled extensively with Governor Dukakis, more than 600,000 miles in twenty months. In the course of this travel I accompanied Governor Dukakis to (1) a reception and dinner at the Greek Orthodox Archdiocese in New York on April 2, 1987; (2) the St. Iakovos dinner in Cleveland, Ohio, on October 24, 1987; and a "Tribute to Public Service" ceremony held during the Clergy Laity Congress in Boston, Massachusetts, on June 6, 1988.


3. To the best of my knowledge and recollection, Governor Michael S. Dukakis did not expressly advocate his own election for the Democratic nomination for president, nor did he expressly advocate the defeat of any of his opponents, nor did he solicit or accept contributions to his campaign at the reception and dinner at the Archdiocese on April 2, 1987. To the best of my knowledge and recollection, no one else did so on his behalf.

4. To the best of my knowledge and recollection, Governor Michael S. Dukakis did not expressly advocate his own election for the Democratic nomination for president, nor did he expressly advocate the defeat of any of his opponents, nor did he solicit or accept contributions to his campaign at the annual St. Iakovos dinner held in Cleveland, Ohio, on October 24, 1987. To the best of my knowledge and recollection, no one else did so on his behalf.

5. To the best of my knowledge and recollection, Governor Michael S. Dukakis did not expressly advocate his own election for the Democratic nomination for president, nor did he expressly advocate the defeat of any of his opponents, nor did he solicit or accept contributions to his campaign at the "Tribute to Public Service" award ceremony held during the Clergy Laity Congress in Boston, Massachusetts on June 6, 1988. To the best of my knowledge and recollection, no one else did so on his behalf.

  
\_\_\_\_\_  
Nick Mitropoulos

Sworn to and subscribed before me this 8th day of March, 1990.

  
\_\_\_\_\_  
Notary Public

My commission expires on:

KIMBERLY M. SARTELLE, Notary Public  
My Commission Expires July 12, 1995

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65 224-5000 FAX 65-224-0530  
  
ASSOCIATED OFFICE  
  
HASHIDATE LAW OFFICE  
IMPERIAL TOWER, 7TH FLOOR  
1-1 UCHISAIWAICHO 1-CHOME  
CHIYODA-KU, TOKYO 100 JAPAN  
03-504-0800 FAX 03-504-1009

April 20, 1990

PRIVILEGED AND  
CONFIDENTIAL COMMUNICATION  
2 U.S.C. § 437

Anthony Buckley, Esq.  
Federal Election Commission  
999 E. Street N.W.  
Washington, DC 20463

Re: MUR 2782

Investigation of Greek Orthodox Archdiocese of  
North and South America

Dear Mr. Buckley:

On April 12, 1990, you telephoned this office requesting further information regarding your investigation in MUR 2782. Specifically, you requested:

- (1) details regarding the distribution and/or broadcast of the videotape of the Tribute to Public Service ceremony at the Clergy-Laity Congress, Exhibit C to Gazouleas Affidavit; and
- (2) details regarding expenses specifically related to the Tribute to Public Service ceremony.

As evidenced in the attached supplemental affidavit of the Reverend Alexander Karloutsos, the videotape of the Tribute was never broadcast or distributed. Instead, the videotape was simply and solely given to each person honored at the Tribute as a gift memorializing the event. As to expenses relating to the Tribute, the only identifiable expense was the publication of the Tribute program, which cost less than \$1,800 and was funded by the independent Clergy-Laity Congress Governing Committee.

These responses again highlight the groundless nature of the Commission's "Reason to Believe" Finding issued on January 17, 1990. As is evident from the Archdiocese's submissions, the

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OFFICE OF GENERAL COUNSEL  
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April 20, 1990  
Page 2

Tribute to Public Service did not constitute a "contribution" to the campaign of Governor Dukakis. See Advisory Op. 1981-37.

Should you have any further questions, please do not hesitate to contact me.

Very truly yours,

*Michael F. Reilly*  
Michael F. Reilly

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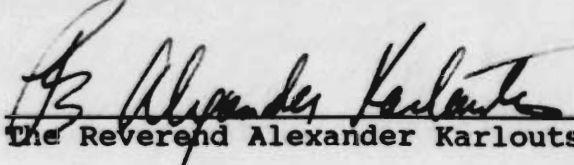
BEFORE THE FEDERAL ELECTION COMMISSION:

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 Investigation of Greek Orthodox :  
 Archdiocese of North and South :  
 America : MUR 2782  
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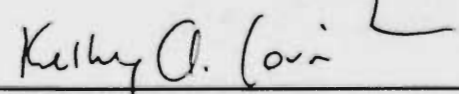
STATE OF NEW YORK )  
 )ss:  
 COUNTY OF NEW YORK )

I, Alexander Karloutsos, being first duly sworn state on oath that:

1. I am Director of Communications for the Greek Orthodox Archdiocese of North and South America ("Archdiocese").
2. On July 6, 1988, as part of the Archdiocese's biennial Clergy-Laity Congress, the Congress featured a Tribute to Public Service ceremony honoring twenty persons of Greek-American descent.
3. A videotape of the Tribute was prepared to memorialize the event and later given as a gift to each of the honorees.
4. The Tribute videotape was never otherwise distributed, presented, or broadcast.
5. The only expense specifically attributable to the Tribute was the publication of the six-page program. See Karloutsos Affidavit dated February 20, 1990 at Exhibit A. The publication costs of this program totalled less than \$1,800 and were paid for by the Clergy-Laity Congress Governing Committee, an entity independent of the Archdiocese.

  
 The Reverend Alexander Karloutsos

Subscribed and sworn to me  
 this 19<sup>th</sup> of April, 1990

  
 \_\_\_\_\_  
 Notary Public

KELLEY A. CORNISH  
 Notary Public, State of New York  
 No. 31-488664  
 Qualified in New York County  
 Commission Expires March 18, 1991

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Greek Orthodox Archdiocese of	)	
North and South America; Dukakis	)	MUR 2782
for President Committee, Inc. and	)	
Robert A. Farmer, as treasurer	)	

**SENSITIVE**

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to all respondents, based on the assessment of the information presently available.

3/21/91  
Date

LM Noble (792)  
Lawrence M. Noble  
General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 25, 1991

**SENSITIVE**

**MEMORANDUM**

TO: The Commission

FROM: Lawrence M. Noble *LM*  
General Counsel

SUBJECT: MUR 2782 -- Greek Orthodox Archdiocese of North and South America; Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues regarding the above-captioned respondents in MUR 2782. Copies of these briefs and letters notifying the respective respondents of the General Counsel's intent to recommend to the Commission findings of probable cause to believe were mailed on April 25, 1991. Following receipt of the respondents' replies to these notices, this Office will make a further report to the Commission.

**Attachments**

1. Briefs (2)
2. Letters (2)

Staff person: T. Buckley

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 25, 1991

Carol C. Darr, Esq.  
2123 R Street, N.W.  
Washington, D.C. 20463

RE: MUR 2782  
Dukakis for President  
Committee, Inc. and Robert A.  
Farmer, as treasurer

Dear Ms. Darr:

Based on a complaint filed with the Federal Election Commission on November 7, 1988, and information supplied by your clients, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, and others, the Commission, on December 19, 1989, found that there was reason to believe the your client violated 2 U.S.C. §§ 434(b) and 441a(f), 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.

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

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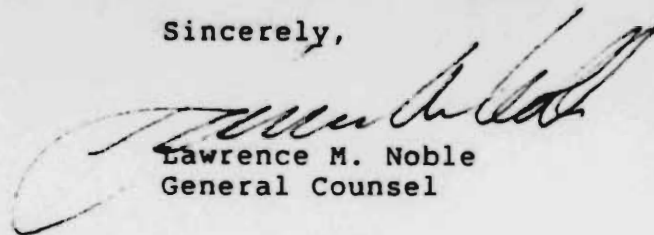


Carol C. Darr, Esq.  
Page 2

than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Tony Buckley, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Dukakis for President )  
Committee, Inc. and Robert A. ) MUR 2782  
Farmer, as treasurer )

GENERAL COUNSEL'S BRIEF

I. BACKGROUND

On December 19, 1989, the Commission found, inter alia, that there is reason to believe the Dukakis for President Committee, Inc. ("Committee") and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f). These findings were based on an article which appeared in a publication of the Greek Orthodox Archdiocese of North and South America (the "Archdiocese"), which suggested that the Archdiocese had paid for certain banquets and dinners at which Governor Michael S. Dukakis had either expressly advocated his own election or had expressly advocated the defeat of any opposing candidate, or had solicited contributions. The events were: an April 2, 1987 reception and dinner, the St. Iakovos dinner on October 24, 1987, and a special ceremony at the Clergy Laity Congress on July 6, 1988. In addition to its reason to believe findings, the Commission authorized questions to be sent to Respondents and the Archdiocese and its employees, which requested information regarding the costs associated with the events, as well as the contents of the remarks made by Governor Dukakis at the events.

On March 1, 1990, responses to the Commission's discovery requests were received in this Office from the Archdiocese.

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This response included affidavits from, and responses to interrogatories by, Reverend Alexander Karloutsos and Takis Gazouleas; programs from the St. Iakovos dinner and the special ceremony at the Clergy Laity Congress; and a videotape of the special ceremony at the Clergy Laity Congress. The Archdiocese claimed that it did not otherwise have transcripts of Governor Dukakis' remarks at these three events. Subsequently, on March 13, 1990, responses to the Commission's discovery requests were also received in this Office from the Committee. The Committee was unable to produce transcripts of Governor Dukakis' remarks at these events, but included an affidavit from Nick Mitropoulos, then-Executive Assistant to Governor Dukakis, who attended all three events. A supplementary response was received from the Archdiocese on April 23, 1990, which answered questions regarding any distribution of the videotape of the ceremony at the Clergy Laity Congress, and the expenses of the ceremony.

II. ANALYSIS

Pursuant to 2 U.S.C. § 441a(a)(1)(A), no person may contribute more than \$1,000 to any candidate and his authorized political committee with respect to any election for Federal office. Pursuant to 2 U.S.C. § 441a(f), it is unlawful for any political committee to knowingly accept any contribution which exceeds this limitation. A contribution is "any gift, subscription, loan advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office," 2 U.S.C. § 431(9)(A)(i). A person

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can be "an individual, partnership, committee, association, corporation, labor organization, or group of persons." 2 U.S.C. § 431(11). Pursuant to 2 U.S.C. § 434(b) and 11 C.F.R. § 104.13, political committees are required to report the receipt of all in-kind contributions as both receipts and expenditures.

In determining whether a contribution exists in a situation where a candidate appears at an event, the Commission has determined that an event will be considered campaign related, and thus the costs associated with it a contribution, if there was a communication soliciting contributions to the candidate or candidate's campaign, or if there was a communication expressly advocating the nomination, election or defeat of a candidate. Advisory Opinion 1988-27. However, the absence of solicitation of contributions or express advocacy regarding candidates will not preclude a determination that an activity is "campaign-related"; other circumstances may nevertheless indicate that the overall purpose of an event was advocacy of a candidate. Id. The Commission has also considered "the nature and purpose of an event to determine if it is campaign related so as to implicate the making of contributions or expenditures by those sponsoring or financially supporting the event." Id. Other factors which the Commission has considered relevant in this regard include: the content of the communications at the event (even if they do not constitute express advocacy), the timing of the event and the circumstances under which it occurred. See Advisory Opinion 1984-13.

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"Express advocacy" was first defined by the Supreme Court as "communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject'." Buckley v. Valeo, 424 U.S. 1, 44, n. 52 (1976). More recently, the Court has determined that when a communication urges voters to vote for candidates who hold a certain position and identifies specific candidates who hold that position, such a message "goes beyond issue discussion to express electoral advocacy," even though it "is marginally less direct than 'Vote for Smith'." Federal Election Commission v. Massachusetts Citizens for Life, 479 U.S. 238, 248 (1986). Likewise, the United States Court of Appeals for the Ninth Circuit has determined that "speech need not include any of the words listed in Buckley to be express advocacy under the Act, but it must, when read as a whole, and with limited reference to external events, be susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." Federal Election Commission v. Furgatch, 807 F.2d 857, 864 (9th Cir.), cert. denied, 108 S.Ct. 151 (1987). Under the Ninth Circuit's test, speech is express "if its message is unmistakable and unambiguous, suggestive of only one plausible meaning," and constitutes advocacy only if "it presents a clear plea for action," and it is clear what that action is. Id.

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As stated above, the Commission found reason to believe as to three different events. Each event is examined individually below.

**A. April 2, 1987 Reception and Dinner**

The Archdiocese argues that this reception and dinner were held at the Archdiocese's New York City offices to honor Governor Dukakis as "a prominent and successful Greek-American." The invitation-only event was attended by 38 persons who were primarily members of the Greek Orthodox Church. No award was presented to Governor Dukakis and no testimonials were given in his honor.

The Archdiocese further states that Archbishop Iakovos merely indicated at the events that he was proud of Governor Dukakis and promised that he would pray for him, and that Governor Dukakis' address included expressions of concern about Greek-American affairs as well as his pride in being a Greek-American. The Archdiocese describes the dinner-time discussion as focusing on "Greek-American concerns [which] often involved ethnic Greek-American stories and memories which were recounted by various guests."

At no point, the Archdiocese argues, did Governor Dukakis or any other guest advocate his candidacy or advocate the defeat of any other candidate, or solicit contributions. The Archdiocese has held similar events for other Greek-Americans.

According to the Committee, Governor Dukakis did not announce his candidacy until four weeks after this dinner. The Committee further states that the purpose of the dinner was to

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bring together Greek-American community leaders, and that any comments by Governor Dukakis advocating his election or the defeat of another candidate, or soliciting contributions, would have been wholly inappropriate to the occasion.

Both the Archdiocese and the Committee have informed this Office that they did not retain transcripts of Governor Dukakis' remarks at this event, or his remarks at the other events. Nor is this Office aware of any evidence suggesting that anyone else who attended this event may have engaged in express advocacy or solicited contributions.

Several factors compel the conclusion that the Commission should not find probable cause to believe as to this event. First, the persons who recall the event and whose affidavits are available to the Commission state that Governor Dukakis did not engage in express advocacy and that any such express advocacy would have been inappropriate. Second, there is no credible evidence to the contrary demonstrating that express advocacy or solicitation occurred. Third, none of the other factors relating to campaign-related activity are present. Accordingly, the evidence does not support such a finding, and this event should not figure in any probable cause to believe finding by the Commission.

**B. October 24, 1987 Namesday Dinner**

The Archdiocese contends that Governor Dukakis was one of many speakers called upon to honor the Archbishop at his annual Namesday Dinner. The Archdiocese notes that the Archbishop was Governor Dukakis' parish priest in the local Greek Orthodox

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community during the Governor's youth, and was a spiritual advisor and friend to the Dukakis family. The Archdiocese further states that, in his address, Governor Dukakis spoke about his childhood memories of his life in Boston and his recollections of the Archbishop, and that at "no point during this event did Governor Dukakis make any political or campaign speech." The Archdiocese points out that any such speech would have been highly inappropriate to the occasion. Moreover, the list of speakers at the function includes religious leaders of several denominations, a diplomat, a Federal judge, and both Democratic and Republican politicians, thus making any such advocacy more unlikely.

The Committee's response echoes the Archdiocese's response. It too states that any express advocacy on Governor Dukakis' part would have been wholly inappropriate to the occasion. The Committee also denies that Governor Dukakis advocated his own election or the defeat of any other candidate, or solicited contributions. As with the first event, there is no other evidence of it being campaign-related. Accordingly, the evidence does not support a finding of probable cause to believe, and this event should not figure into any such finding by the Commission.

**C. June 6, 1988 Clergy Laity Congress Ceremony**

The Archdiocese states that Governor Dukakis "was one of twenty persons of Greek-American descent to be honored at a 'Tribute to Public Service' which was part of the six-day Clergy-Laity Congress of the Archdiocese." As the Archdiocese

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describes the ceremony, Archbishop Iakovos gave an invocation and then presented each honoree with a certificate. After this, four honorees made "brief comments to the Congress," during which they "focused on their Greek-American heritage." Each honoree "expressed gratification and admiration for Governor Dukakis, who as a fellow Greek-American, was a candidate for the Presidency." The Archdiocese states that this Tribute was attended by "delegates to the Congress -- the parish priest and 2-4 parishioners of every Greek Orthodox parish in North and South America." The Archdiocese further notes that then-Vice President George Bush was the keynote speaker at the closing banquet of the Congress.

The Archdiocese states that the only identifiable expense connected with the ceremony was the cost of publishing the Tribute program, approximately \$1,800. The Archdiocese further states that these costs were funded by "the independent Clergy-Laity Congress Governing Committee." The Archdiocese does not say how this committee is independent or whether the Archdiocese exercises any control over it; regardless, the tribute was sponsored and conducted by the Archdiocese.<sup>1</sup>

A videotape of the ceremony provided by the Archdiocese includes Governor Dukakis' remarks. A transcript of Governor

---

1. Indeed, the information regarding funding of this event was originally requested in the Commission's interrogatories which were mailed out on January 17, 1990. When this information was not provided in response to the interrogatories, this Office telephoned counsel for the Archdiocese, and the information was finally provided on April 20, 1990.

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Dukakis' remarks has been prepared by this Office.

Attachment 1.

This Office does not question that Governor Dukakis never solicited contributions during his address. Regardless, the context of the remarks by Governor Dukakis and others at this event, and other factors, compel the conclusion that the purpose of the event was to expressly advocate Governor Dukakis' election or, in the very least, that it was campaign related.

Remarks by several individuals at the Tribute revolved around the then-approaching presidential election and, taken together, constitute express advocacy. First, the master of ceremonies, Ernie Anastos, made several remarks. Such remarks include a reference to the Presidential mountain range in New Hampshire, and the statement which followed: "Something tells me we're going to be hearing more about the presidency a little bit later on." Mr. Anastos went on to note that, in New England, there were "[g]reat restaurants, interesting historical attractions, and we recently found out that we have 36 electoral votes here." Later, he asked the people there to "consider the pride, the great pride, the governor of this great state has given the Greek-American community. A year ago he was the brilliant Chief Executive of the state of Massachusetts. Well today, in addition to his job, he is Michael Dukakis, the first choice of the Democratic Party for the presidential nomination."

Additionally, former congressman John Brademas made more direct remarks regarding Governor Dukakis' candidacy. He stated: "I realize, your Eminence, that this is not a political

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gathering, yet . . . what this country needs today is a leader of intelligence, integrity, and competence. And that is spelled D-U-K-A-K-I-S."

Governor Dukakis started his presentation by welcoming the delegates to Massachusetts and reminiscing about his boyhood and his encounters with Archbishop Iakovos. He then spoke of the pride Greek-Americans felt in their heritage and its role in American society. The bulk of his speech, however, focused on the upcoming general election and the type of leadership he would bring to the country.

Governor Dukakis continually alluded to a favorable result in the November election. Referring in part to his expected grandchild, he stated: "[i]t's going to be an interesting January if all goes well." He also acknowledged his mother, who was present at the function, who had been "campaigning all over the United States of America for her son as President."

Governor Dukakis next joked about his possible running mate, and mentioned how the South was important to his chances of being elected. He mentioned how ABC News would be broadcasting live from his father's native village in Greece the night of his nomination, and spoke of the pride the villagers would have in his nomination.

Governor Dukakis mentioned John F. Kennedy's run for the presidency, and stated that "he too, broke new ground." He further stated that "one of the reasons John Kennedy won that nomination and won the election, I believe, is because . . . he believed deeply in public service. He was enthused about the

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public service. He exulted in public service. His vocation was public service and he was proud of it. And so am I." Dukakis talked further of his pride in public service and how those in attendance had to "convey the message" that public service is "important and is valued and that we need first rate public servants in this country at all levels of government."

Governor Dukakis continued by saying how he wanted to bring the same enthusiasm and pride in public service to Washington. He mentioned that public service was in his blood because the Greeks had invented it.

Governor Dukakis then talked about how the rule of law was important to public service, and how "it must begin at the top, in the White House, in the Defense Department, and in the Justice Department of the United States of America." He alluded to the resignation of Ed Meese as Attorney General, and stated: "next year, if all goes well, you're going to have a President that will insist that those who accept the privilege of public service must understand the meaning of public service." He gave a meaning of public service and stated: "[Y]ou don't have to be in public office to meet that test. But if you seek or accept public office then you had better try."

He continued by saying: "Next year, if we have a son of Greek immigrants in the White House, I can promise you this, we won't be cutting sweetheart deals with polluters we won't be doing business with drug-running Panamanian dictators. We won't be engaging in illegal wars in Central America and we won't be running roughshod over the system of checks and balances in this

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country." Governor Dukakis continued on in this vein and stated: "And the way to clean up Washington is to clean out those who are indifferent to breaches of public trust and public laws."

Governor Dukakis then recited an ancient Greek pledge and concluded by stating: "[L]et us honor our past, let us renew our friendship, let us celebrate our faith, let us prepare for the future and let us dedicate ourselves to preserving the fundamental values of honor, and decency and public service that unite us as Greek-Americans and as citizens of the greatest nation on the face of the earth."

Certainly, the comments of Mr. Brademas constitute express advocacy. The Archdiocese tacitly admits this, but protests that this comment "was in direct and acknowledged contravention of the Archdiocese's wishes."

However, this denial does not hold when the comments of Mr. Anastos and Governor Dukakis are considered. Mr. Anastos initiated the talk of the presidential election and the pride the Greek-American community had in him.

Initially, Governor Dukakis played on the possibility of his becoming president by talking about his expected grandchild, his mother campaigning, and his possible running mate. As he focused on public service, the Governor drew favorable comparisons between himself and John F. Kennedy and their commitments to public service, one point stating that those in attendance had to "convey the message" that public service was important. The way to do this would obviously have been to

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elect Dukakis as president. Additionally, his talk that "if all goes well" a president who respected the idea of public service would be elected was another plea for his election.

This also holds true for Dukakis' description of what his administration would and would not do. As he characterized these efforts as consistent with respect for public service, the only option open to the audience which was paying tribute to public service was to vote for him. Moreover, his description of public service as having Greek origins and thus being in his blood suggested that he was uniquely qualified for the presidency.

His suggestion that the way to clean up Washington was to clean out those who were indifferent to breaches of the public trust promoted his election in that the listener would have understood that the way to fill the vacuum this would leave would be to vote Dukakis into office. Finally, his request that those in attendance honor their past and dedicate themselves to preserving the fundamental values of honor, decency and public service suggested that the way to do this was to elect him.

The Furgatch court dismissed the need for exact words telling people to vote for or against someone for there to be express advocacy. Rather, that court looked to the whole speech to see whether it could only be read as urging people to vote for or against a candidate. Such is the case here. None of the three persons cited above specifically told the crowd to vote for Governor Dukakis. However, they did create an atmosphere which was tied into the overall theme of the event, and which

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unequivocally indicated that those who supported the idea of public service should support Governor Dukakis in his presidential bid. Accordingly, the three addresses constituted express advocacy.

In addition to the addresses, the timing of the event and the composition of the audience also causes concern. References in certain of the speeches reveal that this was the first "Tribute to Public Service" held by the Archdiocese. This Office finds it hardly coincidental that this award was inaugurated in the same year that Governor Dukakis was running for the presidency. Likewise, as noted above, representatives from every Greek Orthodox parish in North America were in attendance for the Tribute. Thus, the audience present for this event would have the opportunity, to return to their parishes and promote Governor Dukakis' candidacy. Given these factors, this Office believes that, even should express advocacy be absent, this event was campaign-related.<sup>2</sup> Accordingly, this Office recommends that the Commission find probable cause to

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2. The Archdiocese notes that Vice President Bush delivered the keynote address at the closing banquet, and that this was evidence of the non-partisan nature of the Congress. However, the Tribute to Public Service was a separate, distinguishable event. Moreover, the fact that an opposing candidate also appears does not automatically erase any possibility of partisanship occurring.

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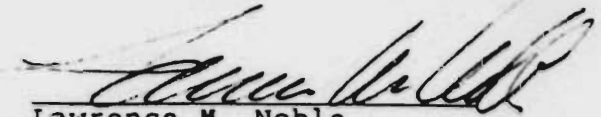


believe that Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).

**III. GENERAL COUNSEL'S RECOMMENDATION**

1. Find probable cause to believe that Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f).

4/27/91  
Date

  
Lawrence M. Noble  
General Counsel

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MUR 2782

PARTIAL TRANSCRIPT OF "A TRIBUTE TO PUBLIC SERVICE"

Master of Ceremonies ("MC") Ernie Anastos, Eyewitness News, WABC-TV, NEW YORK: Thank you very much Chris for that fine introduction. And I know that you've done an outstanding job as co-chairman of this conference and all of us congratulate you on your good work and dedication.

Applause.

MC: You know, Chris and I are both from the wonderful state of New Hampshire. Do we have people from New Hampshire here today?

Applause.

MC: It's not very far from here. It's interesting to know that it was Daniel Webster, a great warrior and a great statesman, who really understood what the Granite State stands for. He once wrote, "Up in the mountains of New Hampshire, God almighty has hung a sign out there to show that there, there he makes men."

Laughter.

MC: He of course was referring to the great wide mountains of Presidential Range. Something tells me we're going to be hearing more about the presidency a little bit later on.

Many of you have visited New England for the first time on this trip. You've been here before, some of you have and it's a wonderful place. Great restaurants, interesting historical attractions and we recently found out that we have 36 electoral votes here.

Laughter.

MC: It is an honor to be with you today to join in paying tribute to 19 men and women of Greek heritage, all distinguished ladies and all distinguished men and leaders of their country. We honor them for what they have achieved, but in a much broader sense we also recognize they have fulfilled the dreams of those who came here and struggled to provide better lives for their children and for their grandchildren.

Americans from [Greek] descent have worked hard and you know that. And they continue to work to preserve the precious legacies of their ancestors -- the gift of democracy, the freedom of civil and religious liberties. It is a critical time of decision in our history, we are asked to remember who we are and the responsibility that we share as Americans.

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You know, President Kennedy referred to America as a nation of immigrants. "And immigration," he said, "reminds every American old and new that American society is a process, a process, not a conclusion." And he wrote, "Perhaps the brightest hope for the future lies in the lessons of the past." And in our past, from the first days of democracy in Athens of Piraeus, Greece has answered the call for governmental service and for political life. Those chosen to receive the first medal of St. Andrew for public service here today include ambassadors, administrators, mayors, members of Congress, educators and a high ranking naval officer.

We have indeed come a long way folks, as in the peak year of Greek immigration back in 1907, the journey has been long and it has been difficult, marked by a deep sense of family pride and dignity. And throughout the Greek-American experience, the stories, you've heard them all, of family sacrifices, of fathers and mothers who have worked countless hours at non-skilled jobs, saving, hoping with their prayers, and just hoping that their children would be able to make a better life for themselves in professional careers. We are honoring individuals here today, yes, of course, but we also honor our parents today and our grandparents, for without their devotion, what we have now would be much harder to achieve.

And folks, consider the pride, the great pride, the governor of this great state has given the Greek-American community. A year ago he was the brilliant Chief Executive of the state of Massachusetts. Well today, in addition to his job he is Michael Dukakis, the first choice of the Democratic Party for the presidential nomination.

#### Applause.

MC: The first 6 months of this year have been extraordinary. We prepare now to elect the 41st President of the United States, and I believe perhaps the second half will be even more historic. Our next president will lead us into the 1990's and will also set the agenda for the beginning of the 21st century. Pretty exciting. Domestically we face new problems in education, the environment, health and other social needs.

And far beyond our borders terrorism threatens us each day. Our prayers are now with the 9 Americans, including my colleague, Terry Anderson, of the Associated Press, who remains hostage, kept somewhere in Beirut. And the tragic accident in the Persian Gulf, this July 4th weekend, was yet another demonstration of the danger and volatility in that part of the world. And I can tell you that covering the Middle East is far from being glamorous. It is one of the most risky assignments for any reporter or any photographer. We can expect the issues to be debated in the coming weeks and television will play a very, very important part. Sometimes twice as big a roll, bringing millions of people to the conventions, the campaigns,

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the exit polls and the election results as it happens. So like it or not, television anchors and television reporters are now a unique and indefinable part of the electoral process. We must take care as we explore new territory.

As the great Ed Murrow, CBS News, once said about television, "As human beings we hope we are up to it and as reporters we hope that we may never abuse it." So those of us who report the news must also earn and keep the public trust. It is a standard measured by the magnificent medal of St. Andrew presented here today. It is what citizens of ancient Athens taught us. It is what our children will expect from us.

Ladies and gentlemen, in all our lives there have been men and women who inspired us to work to succeed and one man I'm sure you will agree stands above all. A man respected throughout the world as one of our great religious leaders. For thirty years he has led us and our families, guiding our spiritual lives and providing hope and comfort in times of sadness. Providing a smile, perhaps a kiss, a handshake in times of great joy. And today on this grand occasion in the history of the Greek Orthodox Archdiocese of North and South America, we welcome him to present the first St. Andrew medals for public service. Ladies and gentlemen, the Archbishop Iakovos.

Applause.

MC: The presentations will be made in alphabetical order. We begin with the honorable George Athanson.

[Continues to call names.]

MC: The honorable Michael S. Dukakis, Governor of Massachusetts, a great leader, a dedicated family man and a friend to us all. Governor Michael S. Dukakis.

Applause. [Continued names.]

MC: Now I would mention that Senator Sarbanes apologizes for not being here with us today. He was needed in Washington, for a very important vote in Congress and accepting his award for Senator Sarbanes is his son Michael.

Applause.

C: Michael wants to say a few words on behalf of his father. Michael.

[Michael Sarbanes speaks in Greek.] Applause. [Master of Ceremonies continues to call names.] Applause.

C: We are now going to hear from 4 recipients of the St. Andrew medal for public service.

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[Master of Ceremonies calls the first three speakers and they give their speeches. These speakers are Hon. Helen Boosalis, Peter G. Peterson and Dr. John Brademas.]

MC: Michael Dukakis has spent his entire life in this area as an attorney, a teacher, a moderator of a public television show and as governor. And we all know that Mike loves Massachusetts. But I believe on the morning of November 9, he would love to see a moving van pick up a few things and move them on down to Pennsylvania Avenue. We'll all be watching. Ladies and gentlemen, the governor of the great state of Massachusetts, Michael Dukakis.

Applause.

DUKAKIS: Thank you all very much, thank you Ernie, thank you all. Thank you very, very much. Thank you everybody. After listening to (speaks in Greek), Mike [Sarbanes], you are putting us all to shame. And Mike let me tell you, your accent is a lot better than your father's. No question about it. Agreed? Is there any question about that? Terrific. Terrific.

Let me begin by welcoming all of you to this wonderful capital city of my state. And to tell you how pleased we are to have you with us in this very special place, on this very special day. And to be led by an Archbishop who we love, who was my parish priest when I was a little boy. Who is, as I am, Ernie, a passionate Red Sox fan, though long suffering, as all Red Sox fans are, and who I told, let the record show, from this platform, in this room, in early 1986, that the team that I referred to at that time, Ernie, as (uses Greek word) would win the pennant and the World Series. Well, they won the pennant, but I want you to know that our Archbishop actually wept tears when that ball went through Bill Buckner's legs in the 6th game of the World Series. Right? We were both choked up that night.

Laughter.

D: You know I listened to Helen and Pete and by the way, Pete Peterson is sounding more and more like a Democrat everyday. Keep it up, Pete!

Applause.

D: And John, three wonderful people. Three people who I've admired and respected for a long time. Along with their colleagues who we honor here today. And the thing that comes through, doesn't it, over and over again is our pride in who we are and our traditions and the appreciation of the fact, my friends, that none of us got here by accident. It was our parents who got us here. It was our parents who made us who we are.

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**Applause.**

D: As one grows and gets a little older, and people let me tell you that when my son came to Kitty and me the other day and told me I would be a papoo (Greek for grandfather) soon, I was beginning to have those feelings. And you know when the baby is due friends, between the 18th and 31st of January.

**Laughter.**

D: It's going to be an interesting January if all goes well, Ernie. You think a lot about who you are and where you come from and who made you. And Pete, I wish my dad were here today cause your dad sounds an awful lot like my father. But I'm very proud that my mother who will be 85 in September, who came here when she was 9, as a little girl from Levktra. And who, with the help and hospitality and love of so many of you in this room, has been campaigning all over the United States of America for her son as President. I'm very proud, my friends, that she is here today and I hope she will stand and say a word.

**Applause.** [Camera does not focus on her and nothing apparently is said by Dukakis' mother.]

D: And I'm also very proud of the fact that you all had an opportunity to see my father-in-law conduct the orchestra. And I want to tell you that Harry Dickson was as excited about that concert as he has been, I think, about any concert that I've heard him talk about. The only thing he didn't say to you is the Greek he knows. I mean he said a little bit, but he never entertained you as he always does with Greek-Americans by saying, (speaks in Greek) which is his Greek.

**Applause. Laughter.**

D: You know, I hadn't planned to make a major announcement here today but as all of you know, I've been spending the last 2 or 3 weeks thinking long and hard about my running mate and who my vice president might be. And this afternoon I was handed a little cartoon, which, really for me, crystallized my thinking.

After all, the South is important. It would be great to have a running mate from the South. A running mate who I could run with, with pride and enthusiasm. And a running mate whose name might give a kind of musical lilt to this ticket of ours. And this cartoon did it for me. It has this little character who says, the comic strip frog, "Now just think about this as a ticket, Dukakis and Rousakis." It's got a nice ring to it. What do you think, ladies and gentlemen?

**Applause. Laughter.**

D: John? John, if you turn me down I'm going to South Carolina next. Let me also thank Ernie. For giving me, I can read this,

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can't I? This is not a top secret document, is it, at ABC? It's okay. Listen to this folks. I mean talk about what's happened over the past 6 months or 16 months. This is something which I guess was a cable or some kind of a message, right, from Athens, from the ABC Bureau in Athens, Ernie, to the ABC Bureau in New York. It reads as follows, "Greetings from Athens. Please be advised that the following bookings have been made for the ABC crew coverage for celebrations in Dukakis' native village of Pelopi on the Greek Isle of Lesvos to coincide with upcoming Democratic convention." Folks, if all goes well, I guess, Ernie, ABC is going to be broadcasting live from Mitilini, my dad's home village during the convention.

**Applause.**

D: Folks, it's incredible, it's incredible. If all goes well, people of the United States will be watching the residents, the citizens of that village, way up in the mountains, used to be called (speaks Greek), now it's called Pelopi on the island of Mitilini. As they celebrate this son of Mitilini. As I hope I'm nominated as the President of the United States. **Applause.** That is something. That is something.

But let me say a few words this evening if I can to you in a more serious vein. Picking up on some of the things that Helen and Pete and John just said. You know, 28 years ago another son of Massachusetts ran for the Presidency of the United States. He was born in a home just a mile from where Kitty and I live in the town of Brookline. And he too, broke new ground. He was not the son, but descended from Irish immigrants. He was Roman Catholic. All of you remember 1960, that was supposed to be a great burden, you remember. Impossible, they said. Couldn't run. Couldn't win. And one of the reasons John Kennedy won that nomination and won the election, I believe, is because, John, he believed deeply in public service. He was enthused about the public service. He exulted in public service. His vocation was public service and he was proud of it. And so am I. And so are the people on this platform.

**Applause.**

D: And he was able, Michael, to transmit that enthusiasm for public service to those of us who were about your age at the time. He created the Peace Corps, he reached out to the young people all over this country and he said, you have a responsibility to give something back to the community, the state, the country that has given so much to you. The same thing my parents used to say to me over and over again. Much has been given to you and much is expected of you. And my friends, much has been given to us. And much is expected of us. Yes, my profession is public service and I'm proud of it. And I'm very proud of the Archbishop and you and that this conference has chosen to honor some outstanding public servants,

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who are Greek-Americans. Because in doing so, what you are saying is that public service is important. That we have to take it seriously. That we have to attract the best of public servants. Not the 2nd best or the 5th best, but the best. And whether they we're presidents or governors or senators or congressmen or women, church leaders or just good citizens, that we have to convey that message that public service is important and is valued and that we need first rate public servants in this country at all levels of government.

I want to bring that spirit to Washington, I want to bring that same enthusiasm and pride in public service to Washington. Why, because I believe in it deeply and it is in my blood. It is in our blood because we started it. (Uses Greek phrase). Means, it is in our blood. It is in our blood that public service and a commitment to ones community and to ones nation is when it really began. Out of all the things the ancient Greeks gave us, perhaps the most important was something called the rule of law.

You know, respect for the rule of law is the most basic, the most conservative and the most important principal of our democratic society. And my friends, it must begin at the top, in the White House, in the Defense Department, and in the Justice Department of the United States of America. That's where it has to begin.

**Applause.**

D: Yesterday, we lost an attorney general but we gained a measure of self-respect.

**Applause.**

D: And next year, if all goes well, you're going to have a President that will insist that those who accept the privilege of public service must understand the meaning of public service. And if you ask Paul Tsongas, or Paul Sarbanes, John Brademas or any of the good people on this platform they will tell you the meaning of public service isn't very complicated, as a matter of fact it is quite simple. It's helping our neighbors to build a better life. It's helping our communities to grow and prosper. It's helping our nation to be as strong and true to its purpose as we possibly can.

Now, you don't have to be in public office to meet that test. But if you seek or accept public office then you had better try. Because public trust is the engine that drives our political system. It's what makes us different. It's what makes us special. It's what makes democracy work in a land of 240 million people.

But my friends, you can't earn the public trust if you don't trust the public. And you can't lead a democracy if you don't

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have respect for democratic institutions and democratic values. Next year, if all goes well, and we do have a son of Greek immigrants in the White House, I can promise you this, we won't be cutting sweetheart deals with polluters, we won't be doing business with drug-running Panamanian dictators.

**Applause.**

D: We won't be engaging in illegal wars in Central America and we won't be running roughshod over the system of checks and balances that are the heart of the democratic system in this country. And if someone in my administration is caught breaking the law, we won't make excuses for them. We're going to prosecute them.

**Applause.**

D: Because under the Constitution of our country, the President is not only the Commander-in-Chief, he is also the chief law enforcement officer. And the way to clean up Washington is to clean out those who are indifferent to breaches of public trust and public laws.

Many of you will recall that when I first announced my candidacy for the presidency, right here in Boston, on Boston Common back in April of 1987. I said that in ancient Greece, the citizens of Athens used to conclude their ceremonies on important occasions such as this, by taking a pledge. And that pledge, that covenant, is as timely today as it was way back then in ancient Athens.

And it went like this, "We will never bring disgrace to this, our country, by any act of dishonesty or cowardice. We will fight for the ideals of this, our country. We will revere and obey the laws. We will strive to quicken our sense of civic duty. Thus in all these ways we will transmit this country greater, better, stronger, prouder and more beautiful than it was transmitted to us." I hope that all of us will remember those words. Whether we have chosen to make our contribution to this country through public service, or through the church or in our communities.

I hope we will remember as well the words of St. John the Apostle who said that, "Things that concern us are fair dealing, disdain of money and fame and overcoming our nature by virtue in our lives. It is these that constitute good place, and reputation and honor." So today, let us honor our past, let us renew our friendship, let us celebrate our faith, let us prepare for the future and let us dedicate ourselves to preserving the fundamental values of honor, and decency and

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public service that unite us as Greek-Americans and as citizens of the greatest nation on the face of this earth. Thank you all very, very much.

Applause.

End of tape.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 25, 1991

Michael F. Reilly, Esq.  
Sidley & Austin  
520 Madison Avenue  
New York, NY 10022

RE: MUR 2782  
Greek Orthodox Archdiocese of  
North and South America

Dear Mr. Reilly:

Based on a complaint filed with the Federal Election Commission on November 7, 1988, and information supplied by your client, the Greek Orthodox Archdiocese of North and South America, the Commission, on December 19, 1989, found that there was reason to believe the your client violated 2 U.S.C. § 441a(a)(1)(A), 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.

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

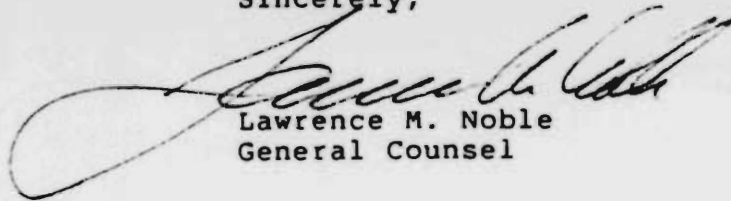
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Michael F. Reilly, Esq.  
Page 2

than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Tony Buckley, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Greek Orthodox Archdiocese of )  
North and South America ) MUR 2782

GENERAL COUNSEL'S BRIEF

I. BACKGROUND

On December 19, 1989, the Commission found that inter alia, there is reason to believe the Greek Orthodox Archdiocese of North and South America (the "Archdiocese") violated 2 U.S.C. § 441a(a)(1)(A). These findings were based on an article which appeared in a publication of the Greek Orthodox Archdiocese of North and South America (the "Archdiocese"), which suggested that the Archdiocese had paid for certain banquets and dinners at which Governor Michael S. Dukakis had either expressly advocated his own election or had expressly advocated the defeat of any opposing candidate, or had solicited contributions. The events were: an April 2, 1987 reception and dinner, the St. Iakovos dinner on October 24, 1987, and a special ceremony at the Clergy Laity Congress on July 6, 1988. In addition to its reason to believe findings, the Commission authorized questions to be sent to the Archdiocese and its employees, and to the Dukakis committee which requested information regarding the costs associated with the events, as well as the contents of the remarks made by Governor Dukakis at the events.

On March 1, 1990, responses to the Commission's discovery requests were received in this Office from the Archdiocese. This response included affidavits from, and responses to

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interrogatories by, Reverend Alexander Karloutsos and Takis Gazouleas; programs from the St. Iakovos dinner and the special ceremony at the Clergy Laity Congress; and a videotape of the special ceremony at the Clergy Laity Congress. The Archdiocese claimed that it did not otherwise have transcripts of Governor Dukakis' remarks at these three events. Subsequently, on March 13, 1990, responses to the Commission's discovery requests were also received in this Office from the Committee. The Committee was unable to produce transcripts of Governor Dukakis' remarks at these events, but included an affidavit from Nick Mitropoulos, then-Executive Assistant to Governor Dukakis, who attended all three events. A supplementary response was received from the Archdiocese on April 23, 1990, which answered questions regarding any distribution of the videotape of the ceremony at the Clergy Laity Congress, and the expenses of the ceremony.

II. ANALYSIS

Pursuant to 2 U.S.C. § 441a(a)(1)(A), no person may contribute more than \$1,000 to any candidate and his authorized political committee with respect to any election for Federal office. Pursuant to 2 U.S.C. § 441a(f), it is unlawful for any political committee to knowingly accept any contribution which exceeds this limitation. A contribution is "any gift, subscription, loan advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office," 2 U.S.C. § 431(9)(A)(i). A person can be "an individual, partnership, committee, association,

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corporation, labor organization, or group of persons." 2 U.S.C. § 431(11). Pursuant to 2 U.S.C. § 434(b) and 11 C.F.R. § 104.13, political committees are required to report the receipt of all in-kind contributions as both receipts and expenditures.

In determining whether a contribution exists in a situation where a candidate appears at an event, the Commission has determined that an event will be considered campaign related, and thus the costs associated with it a contribution, if there was a communication soliciting contributions to the candidate or candidate's campaign, or if there was a communication expressly advocating the nomination, election or defeat of a candidate. Advisory Opinion 1988-27. However, the absence of solicitation of contributions or express advocacy regarding candidates will not preclude a determination that an activity is "campaign-related"; other circumstances may nevertheless indicate that the overall purpose of an event was advocacy of a candidate. Id. The Commission has also considered "the nature and purpose of an event to determine if it is campaign related so as to implicate the making of contributions or expenditures by those sponsoring or financially supporting the event." Id. Other factors which the Commission has considered relevant in this regard include: the content of the communications at the event (even if they do not constitute express advocacy), the timing of the event and the circumstances under which it occurred. See Advisory Opinion 1984-13.

"Express advocacy" was first defined by the Supreme Court

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as "communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject'." Buckley v. Valeo, 424 U.S. 1, 44, n. 52 (1976). More recently, the Court has determined that when a communication urges voters to vote for candidates who hold a certain position and identifies specific candidates who hold that position, such a message "goes beyond issue discussion to express electoral advocacy," even though it "is marginally less direct than 'Vote for Smith'." Federal Election Commission v. Massachusetts Citizens for Life, 479 U.S. 238, 248 (1986). Likewise, the United States Court of Appeals for the Ninth Circuit has determined that "speech need not include any of the words listed in Buckley to be express advocacy under the Act, but it must, when read as a whole, and with limited reference to external events, be susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." Federal Election Commission v. Furgatch, 807 F.2d 857, 864 (9th Cir.), cert. denied, 108 S.Ct. 151 (1987). Under the Ninth Circuit's test, speech is express "if its message is unmistakable and unambiguous, suggestive of only one plausible meaning," and constitutes advocacy only if "it presents a clear plea for action," and it is clear what that action is. Id.

As stated above, the Commission found reason to believe as to three different events. Each event is examined individually below.

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**A. April 2, 1987 Reception and Dinner**

The Archdiocese argues that this reception and dinner were held at the Archdiocese's New York City offices to honor Governor Dukakis as "a prominent and successful Greek-American." The invitation-only event was attended by 38 persons who were primarily members of the Greek Orthodox Church. No award was presented to Governor Dukakis and no testimonials were given in his honor.

The Archdiocese further states that Archbishop Iakovos merely indicated at the events that he was proud of Governor Dukakis and promised that he would pray for him, and that Governor Dukakis' address included expressions of concern about Greek-American affairs as well as his pride in being a Greek-American. The Archdiocese describes the dinner-time discussion as focusing on "Greek-American concerns [which] often involved ethnic Greek-American stories and memories which were recounted by various guests."

At no point, the Archdiocese argues, did Governor Dukakis or any other guest advocate his candidacy or advocate the defeat of any other candidate, or solicit contributions. The Archdiocese has held similar events for other Greek-Americans.

According to the Committee, Governor Dukakis did not announce his candidacy until four weeks after this dinner. The Committee further states that the purpose of the dinner was to bring together Greek-American community leaders, and that any comments by Governor Dukakis advocating his election or the defeat of another candidate, or soliciting contributions, would

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have been wholly inappropriate to the occasion.

Both the Archdiocese and the Committee have informed this Office that they did not retain transcripts of Governor Dukakis' remarks at this event, or his remarks at the other events. Nor is this Office aware of any evidence suggesting that anyone else who attended this event may have engaged in express advocacy or solicited contributions.

Several factors compel the conclusion that the Commission should not find probable cause to believe as to this event. First, the persons who recall the event and whose affidavits are available to the Commission state that Governor Dukakis did not engage in express advocacy and that any such express advocacy would have been inappropriate. Second, there is no credible evidence to the contrary demonstrating that express advocacy or solicitation occurred. Third, none of the other factors relating to campaign-related activity are present. Accordingly, the evidence does not support such a finding, and this event should not figure in any probable cause to believe finding by the Commission.

**B. October 24, 1987 Namesday Dinner**

The Archdiocese contends that Governor Dukakis was one of many speakers called upon to honor the Archbishop at his annual Namesday Dinner. The Archdiocese notes that the Archbishop was Governor Dukakis' parish priest in the local Greek Orthodox community during the Governor's youth, and was a spiritual advisor and friend to the Dukakis family. The Archdiocese further states that, in his address, Governor Dukakis spoke

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about his childhood memories of his life in Boston and his recollections of the Archbishop, and that at "no point during this event did Governor Dukakis make any political or campaign speech." The Archdiocese points out that any such speech would have been highly inappropriate to the occasion. Moreover, the list of speakers at the function includes religious leaders of several denominations, a diplomat, a Federal judge, and both Democratic and Republican politicians, thus making any such advocacy more unlikely.

The Committee's response echoes the Archdiocese's response. It too states that any express advocacy on Governor Dukakis' part would have been wholly inappropriate to the occasion. The Committee also denies that Governor Dukakis advocated his own election or the defeat of any other candidate, or solicited contributions. As with the first event, there is no other evidence of it being campaign-related. Accordingly, the evidence does not support a finding of probable cause to believe, and this event should not figure into any such finding by the Commission.

**C. June 6, 1988 Clergy Laity Congress Ceremony**

The Archdiocese states that Governor Dukakis "was one of twenty persons of Greek-American descent to be honored at a 'Tribute to Public Service' which was part of the six-day Clergy-Laity Congress of the Archdiocese." As the Archdiocese describes the ceremony, Archbishop Iakovos gave an invocation and then presented each honoree with a certificate. After this, four honorees made "brief comments to the Congress,"

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during which they "focused on their Greek-American heritage." Each honoree "expressed gratification and admiration for Governor Dukakis, who as a fellow Greek-American, was a candidate for the Presidency." The Archdiocese states that this Tribute was attended by "delegates to the Congress -- the parish priest and 2-4 parishioners of every Greek Orthodox parish in North and South America." The Archdiocese further notes that then-Vice President George Bush was the keynote speaker at the closing banquet of the Congress.

The Archdiocese states that the only identifiable expense connected with the ceremony was the cost of publishing the Tribute program, approximately \$1,800. The Archdiocese further states that these costs were funded by "the independent Clergy-Laity Congress Governing Committee." The Archdiocese does not say how this committee is independent or whether the Archdiocese exercises any control over it; regardless, the tribute was sponsored and conducted by the Archdiocese.<sup>1</sup>

A videotape of the ceremony provided by the Archdiocese includes Governor Dukakis' remarks. A transcript of Governor Dukakis' remarks has been prepared by this Office.

Attachment 1.

This Office does not question that Governor Dukakis never solicited contributions during his address. Regardless, the

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1. Indeed, the information regarding funding of this event was originally requested in the Commission's interrogatories which were mailed out on January 17, 1990. When this information was not provided in response to the interrogatories, this Office telephoned counsel for the Archdiocese, and the information was finally provided on April 20, 1990.

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context of the remarks by Governor Dukakis and others at this event, and other factors, compel the conclusion that the purpose of the event was to expressly advocate Governor Dukakis' election or, in the very least, that it was campaign related.

Remarks by several individuals at the Tribute revolved around the then-approaching presidential election and, taken together, constitute express advocacy. First, the master of ceremonies, Ernie Anastos, made several remarks. Such remarks include a reference to the Presidential mountain range in New Hampshire, and the statement which followed: "Something tells me we're going to be hearing more about the presidency a little bit later on." Mr. Anastos went on to note that, in New England, there were "[g]reat restaurants, interesting historical attractions, and we recently found out that we have 36 electoral votes here." Later, he asked the people there to "consider the pride, the great pride, the governor of this great state has given the Greek-American community. A year ago he was the brilliant Chief Executive of the state of Massachusetts. Well today, in addition to his job, he is Michael Dukakis, the first choice of the Democratic Party for the presidential nomination."

Additionally, former congressman John Brademas made more direct remarks regarding Governor Dukakis' candidacy. He stated: "I realize, your Eminence, that this is not a political gathering, yet . . . what this country needs today is a leader of intelligence, integrity, and competence. And that is spelled D-U-K-A-K-I-S."

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Governor Dukakis started his presentation by welcoming the delegates to Massachusetts and reminiscing about his boyhood and his encounters with Archbishop Iakovos. He then spoke of the pride Greek-Americans felt in their heritage and its role in American society. The bulk of his speech, however, focused on the upcoming general election and the type of leadership he would bring to the country.

Governor Dukakis continually alluded to a favorable result in the November election. Referring in part to his expected grandchild, he stated: "[i]t's going to be an interesting January if all goes well." He also acknowledged his mother, who was present at the function, who had been "campaigning all over the United States of America for her son as President."

Governor Dukakis next joked about his possible running mate, and mentioned how the South was important to his chances of being elected. He mentioned how ABC News would be broadcasting live from his father's native village in Greece the night of his nomination, and spoke of the pride the villagers would have in his nomination.

Governor Dukakis mentioned John F. Kennedy's run for the presidency, and stated that "he too, broke new ground." He further stated that "one of the reasons John Kennedy won that nomination and won the election, I believe, is because . . . he believed deeply in public service. He was enthused about the public service. He exulted in public service. His vocation was public service and he was proud of it. And so am I." Dukakis talked further of his pride in public service and how those in

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attendance had to "convey the message" that public service is "important and is valued and that we need first rate public servants in this country at all levels of government."

Governor Dukakis continued by saying how he wanted to bring the same enthusiasm and pride in public service to Washington. He mentioned that public service was in his blood because the Greeks had invented it.

Governor Dukakis then talked about how the rule of law was important to public service, and how "it must begin at the top, in the White House, in the Defense Department, and in the Justice Department of the United States of America." He alluded to the resignation of Ed Meese as Attorney General, and stated: "next year, if all goes well, you're going to have a President that will insist that those who accept the privilege of public service must understand the meaning of public service." He gave a meaning of public service and stated: "[Y]ou don't have to be in public office to meet that test. But if you seek or accept public office then you had better try."

He continued by saying: "Next year, if we have a son of Greek immigrants in the White House, I can promise you this, we won't be cutting sweetheart deals with polluters we won't be doing business with drug-running Panamanian dictators. We won't be engaging in illegal wars in Central America and we won't be running roughshod over the system of checks and balances in this country." Governor Dukakis continued on in this vein and stated: "And the way to clean up Washington is to clean out

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those who are indifferent to breaches of public trust and public laws."

Governor Dukakis then recited an ancient Greek pledge and concluded by stating: "[L]et us honor our past, let us renew our friendship, let us celebrate our faith, let us prepare for the future and let us dedicate ourselves to preserving the fundamental values of honor, and decency and public service that unite us as Greek-Americans and as citizens of the greatest nation on the face of the earth."

Certainly, the comments of Mr. Brademas constitute express advocacy. The Archdiocese tacitly admits this, but protests that this comment "was in direct and acknowledged contravention of the Archdiocese's wishes."

However, this denial does not hold when the comments of Mr. Anastos and Governor Dukakis are considered. Mr. Anastos initiated the talk of the presidential election and the pride the Greek-American community had in him.

Initially, Governor Dukakis played on the possibility of his becoming president by talking about his expected grandchild, his mother campaigning, and his possible running mate. As he focused on public service, the Governor drew favorable comparisons between himself and John F. Kennedy and their commitments to public service, one point stating that those in attendance had to "convey the message" that public service was important. The way to do this would obviously have been to elect Dukakis as president. Additionally, his talk that "if all goes well" a president who respected the idea of public service

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would be elected was another plea for his election.

This also holds true for Dukakis' description of what his administration would and would not do. As he characterized these efforts as consistent with respect for public service, the only option open to the audience which was paying tribute to public service was to vote for him. Moreover, his description of public service as having Greek origins and thus being in his blood suggested that he was uniquely qualified for the presidency.

His suggestion that the way to clean up Washington was to clean out those who were indifferent to breaches of the public trust promoted his election in that the listener would have understood that the way to fill the vacuum this would leave would be to vote Dukakis into office. Finally, his request that those in attendance honor their past and dedicate themselves to preserving the fundamental values of honor, decency and public service suggested that the way to do this was to elect him.

The Furgatch court dismissed the need for exact words telling people to vote for or against someone for there to be express advocacy. Rather, that court looked to the whole speech to see whether it could only be read as urging people to vote for or against a candidate. Such is the case here. None of the three persons cited above specifically told the crowd to vote for Governor Dukakis. However, they did create an atmosphere which was tied into the overall theme of the event, and which unequivocally indicated that those who supported the idea of public service should support Governor Dukakis in his

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presidential bid. Accordingly, the three addresses constituted express advocacy.

In addition to the addresses, the timing of the event and the composition of the audience also causes concern. References in certain of the speeches reveal that this was the first "Tribute to Public Service" held by the Archdiocese. This Office finds it hardly coincidental that this award was inaugurated in the same year that Governor Dukakis was running for the presidency. Likewise, as noted above, representatives from every Greek Orthodox parish in North America were in attendance for the Tribute. Thus, the audience present for this event would have the opportunity, to return to their parishes and promote Governor Dukakis' candidacy. Given these factors, this Office believes that, even should express advocacy be absent, this event was campaign-related.<sup>2</sup> Accordingly, this Office recommends that the Commission find probable cause to

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2. The Archdiocese notes that Vice President Bush delivered the keynote address at the closing banquet, and that this was evidence of the non-partisan nature of the Congress. However, the Tribute to Public Service was a separate, distinguishable event. Moreover, the fact that an opposing candidate also appears does not automatically erase any possibility of partisanship occurring.

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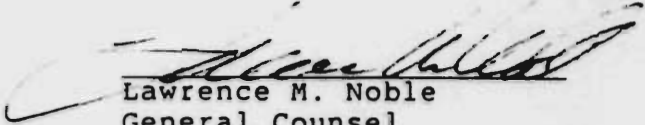
believe that the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A).

**III. GENERAL COUNSEL'S RECOMMENDATION**

1. Find probable cause to believe that the Greek Orthodox Archdiocese of North and South America violated 2 U.S.C. § 441a(a)(1)(A).

Date

4/24/91

  
Lawrence M. Noble  
General Counsel

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PARTIAL TRANSCRIPT OF "A TRIBUTE TO PUBLIC SERVICE"

Master of Ceremonies ("MC") Ernie Anastos, Eyewitness News, WABC-TV, NEW YORK: Thank you very much Chris for that fine introduction. And I know that you've done an outstanding job as co-chairman of this conference and all of us congratulate you on your good work and dedication.

Applause.

MC: You know, Chris and I are both from the wonderful state of New Hampshire. Do we have people from New Hampshire here today?

Applause.

MC: It's not very far from here. It's interesting to know that it was Daniel Webster, a great warrior and a great statesman, who really understood what the Granite State stands for. He once wrote, "Up in the mountains of New Hampshire, God almighty has hung a sign out there to show that there, there he makes men."

Laughter.

MC: He of course was referring to the great wide mountains of Presidential Range. Something tells me we're going to be hearing more about the presidency a little bit later on.

Many of you have visited New England for the first time on this trip. You've been here before, some of you have and it's a wonderful place. Great restaurants, interesting historical attractions and we recently found out that we have 36 electoral votes here.

Laughter.

MC: It is an honor to be with you today to join in paying tribute to 19 men and women of Greek heritage, all distinguished ladies and all distinguished men and leaders of their country. We honor them for what they have achieved, but in a much broader sense we also recognize they have fulfilled the dreams of those who came here and struggled to provide better lives for their children and for their grandchildren.

Americans from [Greek] descent have worked hard and you know that. And they continue to work to preserve the precious legacies of their ancestors -- the gift of democracy, the freedom of civil and religious liberties. It is a critical time of decision in our history, we are asked to remember who we are and the responsibility that we share as Americans.

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You know, President Kennedy referred to America as a nation of immigrants. "And immigration," he said, "reminds every American old and new that American society is a process, a process, not a conclusion." And he wrote, "Perhaps the brightest hope for the future lies in the lessons of the past." And in our past, from the first days of democracy in Athens of Piraeus, Greece has answered the call for governmental service and for political life. Those chosen to receive the first medal of St. Andrew for public service here today include ambassadors, administrators, mayors, members of Congress, educators and a high ranking naval officer.

We have indeed come a long way folks, as in the peak year of Greek immigration back in 1907, the journey has been long and it has been difficult, marked by a deep sense of family pride and dignity. And throughout the Greek-American experience, the stories, you've heard them all, of family sacrifices, of fathers and mothers who have worked countless hours at non-skilled jobs, saving, hoping with their prayers, and just hoping that their children would be able to make a better life for themselves in professional careers. We are honoring individuals here today, yes, of course, but we also honor our parents today and our grandparents, for without their devotion, what we have now would be much harder to achieve.

And folks, consider the pride, the great pride, the governor of this great state has given the Greek-American community. A year ago he was the brilliant Chief Executive of the state of Massachusetts. Well today, in addition to his job he is Michael Dukakis, the first choice of the Democratic Party for the presidential nomination.

#### Applause.

MC: The first 6 months of this year have been extraordinary. We prepare now to elect the 41st President of the United States, and I believe perhaps the second half will be even more historic. Our next president will lead us into the 1990's and will also set the agenda for the beginning of the 21st century. Pretty exciting. Domestically we face new problems in education, the environment, health and other social needs.

And far beyond our borders terrorism threatens us each day. Our prayers are now with the 9 Americans, including my colleague, Terry Anderson, of the Associated Press, who remains hostage, kept somewhere in Beirut. And the tragic accident in the Persian Gulf, this July 4th weekend, was yet another demonstration of the danger and volatility in that part of the world. And I can tell you that covering the Middle East is far from being glamorous. It is one of the most risky assignments for any reporter or any photographer. We can expect the issues to be debated in the coming weeks and television will play a very, very important part. Sometimes twice as big a roll, bringing millions of people to the conventions, the campaigns,

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the exit polls and the election results as it happens. So like it or not, television anchors and television reporters are now a unique and indefinable part of the electoral process. We must take care as we explore new territory.

As the great Ed Murrow, CBS News, once said about television, "As human beings we hope we are up to it and as reporters we hope that we may never abuse it." So those of us who report the news must also earn and keep the public trust. It is a standard measured by the magnificent medal of St. Andrew presented here today. It is what citizens of ancient Athens taught us. It is what our children will expect from us.

Ladies and gentlemen, in all our lives there have been men and women who inspired us to work to succeed and one man I'm sure you will agree stands above all. A man respected throughout the world as one of our great religious leaders. For thirty years he has led us and our families, guiding our spiritual lives and providing hope and comfort in times of sadness. Providing a smile, perhaps a kiss, a handshake in times of great joy. And today on this grand occasion in the history of the Greek Orthodox Archdiocese of North and South America, we welcome him to present the first St. Andrew medals for public service. Ladies and gentlemen, the Archbishop Iakovos.

**Applause.**

MC: The presentations will be made in alphabetical order. We begin with the honorable George Athanson.

[Continues to call names.]

MC: The honorable Michael S. Dukakis, Governor of Massachusetts, a great leader, a dedicated family man and a friend to us all. Governor Michael S. Dukakis.

**Applause. [Continued names.]**

MC: Now I would mention that Senator Sarbanes apologizes for not being here with us today. He was needed in Washington, for a very important vote in Congress and accepting his award for Senator Sarbanes is his son Michael.

**Applause.**

C: Michael wants to say a few words on behalf of his father. Michael.

[Michael Sarbanes speaks in Greek.] Applause. [Master of Ceremonies continues to call names.] Applause.

C: We are now going to hear from 4 recipients of the St. Andrew medal for public service.

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[Master of Ceremonies calls the first three speakers and they give their speeches. These speakers are Hon. Helen Boosalis, Peter G. Peterson and Dr. John Brademas.]

MC: Michael Dukakis has spent his entire life in this area as an attorney, a teacher, a moderator of a public television show and as governor. And we all know that Mike loves Massachusetts. But I believe on the morning of November 9, he would love to see a moving van pick up a few things and move them on down to Pennsylvania Avenue. We'll all be watching. Ladies and gentlemen, the governor of the great state of Massachusetts, Michael Dukakis.

Applause.

DUKAKIS: Thank you all very much, thank you Ernie, thank you all. Thank you very, very much. Thank you everybody. After listening to (speaks in Greek), Mike [Sarbanes], you are putting us all to shame. And Mike let me tell you, your accent is a lot better than your father's. No question about it. Agreed? Is there any question about that? Terrific. Terrific.

Let me begin by welcoming all of you to this wonderful capital city of my state. And to tell you how pleased we are to have you with us in this very special place, on this very special day. And to be led by an Archbishop who we love, who was my parish priest when I was a little boy. Who is, as I am, Ernie, a passionate Red Sox fan, though long suffering, as all Red Sox fans are, and who I told, let the record show, from this platform, in this room, in early 1986, that the team that I referred to at that time, Ernie, as (uses Greek word) would win the pennant and the World Series. Well, they won the pennant, but I want you to know that our Archbishop actually wept tears when that ball went through Bill Buckner's legs in the 6th game of the World Series. Right? We were both choked up that night.

Laughter.

D: You know I listened to Helen and Pete and by the way, Pete Peterson is sounding more and more like a Democrat everyday. Keep it up, Pete!

Applause.

D: And John, three wonderful people. Three people who I've admired and respected for a long time. Along with their colleagues who we honor here today. And the thing that comes through, doesn't it, over and over again is our pride in who we are and our traditions and the appreciation of the fact, my friends, that none of us got here by accident. It was our parents who got us here. It was our parents who made us who we are.

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Applause.

D: As one grows and gets a little older, and people let me tell you that when my son came to Kitty and me the other day and told me I would be a papoo (Greek for grandfather) soon, I was beginning to have those feelings. And you know when the baby is due friends, between the 18th and 31st of January.

Laughter.

D: It's going to be an interesting January if all goes well, Ernie. You think a lot about who you are and where you come from and who made you. And Pete, I wish my dad were here today cause your dad sounds an awful lot like my father. But I'm very proud that my mother who will be 85 in September, who came here when she was 9, as a little girl from Levktra. And who, with the help and hospitality and love of so many of you in this room, has been campaigning all over the United States of America for her son as President. I'm very proud, my friends, that she is here today and I hope she will stand and say a word.

Applause. [Camera does not focus on her and nothing apparently is said by Dukakis' mother.]

D: And I'm also very proud of the fact that you all had an opportunity to see my father-in-law conduct the orchestra. And I want to tell you that Harry Dickson was as excited about that concert as he has been, I think, about any concert that I've heard him talk about. The only thing he didn't say to you is the Greek he knows. I mean he said a little bit, but he never entertained you as he always does with Greek-Americans by saying, (speaks in Greek) which is his Greek.

Applause. Laughter.

D: You know, I hadn't planned to make a major announcement here today but as all of you know, I've been spending the last 2 or 3 weeks thinking long and hard about my running mate and who my vice president might be. And this afternoon I was handed a little cartoon, which, really for me, crystallized my thinking.

After all, the South is important. It would be great to have a running mate from the South. A running mate who I could run with, with pride and enthusiasm. And a running mate whose name might give a kind of musical lilt to this ticket of ours. And this cartoon did it for me. It has this little character who says, the comic strip frog, "Now just think about this as a ticket, Dukakis and Rousakis." It's got a nice ring to it. What do you think, ladies and gentlemen?

Applause. Laughter.

D: John? John, if you turn me down I'm going to South Carolina next. Let me also thank Ernie. For giving me, I can read this,

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can't I? This is not a top secret document, is it, at ABC? It's okay. Listen to this folks. I mean talk about what's happened over the past 6 months or 16 months. This is something which I guess was a cable or some kind of a message, right, from Athens, from the ABC Bureau in Athens, Ernie, to the ABC Bureau in New York. It reads as follows, "Greetings from Athens. Please be advised that the following bookings have been made for the ABC crew coverage for celebrations in Dukakis' native village of Pelopi on the Greek Isle of Lesvos to coincide with upcoming Democratic convention." Folks, if all goes well, I guess, Ernie, ABC is going to be broadcasting live from Mitilini, my dad's home village during the convention.

**Applause.**

D: Folks, it's incredible, it's incredible. If all goes well, people of the United States will be watching the residents, the citizens of that village, way up in the mountains, used to be called (speaks Greek), now it's called Pelopi on the island of Mitilini. As they celebrate this son of Mitilini. As I hope I'm nominated as the President of the United States. **Applause.** That is something. That is something.

But let me say a few words this evening if I can to you in a more serious vein. Picking up on some of the things that Helen and Pete and John just said. You know, 28 years ago another son of Massachusetts ran for the Presidency of the United States. He was born in a home just a mile from where Kitty and I live in the town of Brookline. And he too, broke new ground. He was not the son, but descended from Irish immigrants. He was Roman Catholic. All of you remember 1960, that was supposed to be a great burden, you remember. Impossible, they said. Couldn't run. Couldn't win. And one of the reasons John Kennedy won that nomination and won the election, I believe, is because, John, he believed deeply in public service. He was enthused about the public service. He exulted in public service. His vocation was public service and he was proud of it. And so am I. And so are the people on this platform.

**Applause.**

D: And he was able, Michael, to transmit that enthusiasm for public service to those of us who were about your age at the time. He created the Peace Corps, he reached out to the young people all over this country and he said, you have a responsibility to give something back to the community, the state, the country that has given so much to you. The same thing my parents used to say to me over and over again. Much has been given to you and much is expected of you. And my friends, much has been given to us. And much is expected of us. Yes, my profession is public service and I'm proud of it. And I'm very proud of the Archbishop and you and that this conference has chosen to honor some outstanding public servants,

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who are Greek-Americans. Because in doing so, what you are saying is that public service is important. That we have to take it seriously. That we have to attract the best of public servants. Not the 2nd best or the 5th best, but the best. And whether they we're presidents or governors or senators or congressmen or women, church leaders or just good citizens, that we have to convey that message that public service is important and is valued and that we need first rate public servants in this country at all levels of government.

I want to bring that spirit to Washington, I want to bring that same enthusiasm and pride in public service to Washington. Why, because I believe in it deeply and it is in my blood. It is in our blood because we started it. (Uses Greek phrase). Means, it is in our blood. It is in our blood that public service and a commitment to ones community and to ones nation is when it really began. Out of all the things the ancient Greeks gave us, perhaps the most important was something called the rule of law.

You know, respect for the rule of law is the most basic, the most conservative and the most important principal of our democratic society. And my friends, it must begin at the top, in the White House, in the Defense Department, and in the Justice Department of the United States of America. That's where it has to begin.

**Applause.**

D: Yesterday, we lost an attorney general but we gained a measure of self-respect.

**Applause.**

D: And next year, if all goes well, you're going to have a President that will insist that those who accept the privilege of public service must understand the meaning of public service. And if you ask Paul Tsongas, or Paul Sarbanes, John Brademas or any of the good people on this platform they will tell you the meaning of public service isn't very complicated, as a matter of fact it is quite simple. It's helping our neighbors to build a better life. It's helping our communities to grow and prosper. It's helping our nation to be as strong and true to its purpose as we possibly can.

Now, you don't have to be in public office to meet that test. But if you seek or accept public office then you had better try. Because public trust is the engine that drives our political system. It's what makes us different. It's what makes us special. It's what makes democracy work in a land of 240 million people.

But my friends, you can't earn the public trust if you don't trust the public. And you can't lead a democracy if you don't

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have respect for democratic institutions and democratic values. Next year, if all goes well, and we do have a son of Greek immigrants in the White House, I can promise you this, we won't be cutting sweetheart deals with polluters, we won't be doing business with drug-running Panamanian dictators.

Applause.

D: We won't be engaging in illegal wars in Central America and we won't be running roughshod over the system of checks and balances that are the heart of the democratic system in this country. And if someone in my administration is caught breaking the law, we won't make excuses for them. We're going to prosecute them.

Applause.

D: Because under the Constitution of our country, the President is not only the Commander-in-Chief, he is also the chief law enforcement officer. And the way to clean up Washington is to clean out those who are indifferent to breaches of public trust and public laws.

Many of you will recall that when I first announced my candidacy for the presidency, right here in Boston, on Boston Common back in April of 1987. I said that in ancient Greece, the citizens of Athens used to conclude their ceremonies on important occasions such as this, by taking a pledge. And that pledge, that covenant, is as timely today as it was way back then in ancient Athens.

And it went like this, "We will never bring disgrace to this, our country, by any act of dishonesty or cowardice. We will fight for the ideals of this, our country. We will revere and obey the laws. We will strive to quicken our sense of civic duty. Thus in all these ways we will transmit this country greater, better, stronger, prouder and more beautiful than it was transmitted to us." I hope that all of us will remember those words. Whether we have chosen to make our contribution to this country through public service, or through the church or in our communities.

I hope we will remember as well the words of St. John the Apostle who said that, "Things that concern us are fair dealing, disdain of money and fame and overcoming our nature by virtue in our lives. It is these that constitute good place, and reputation and honor." So today, let us honor our past, let us renew our friendship, let us celebrate our faith, let us prepare for the future and let us dedicate ourselves to preserving the fundamental values of honor, and decency and

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public service that unite us as Greek-Americans and as citizens of the greatest nation on the face of this earth. Thank you all very, very much.

**Applause.**

**End of tape.**

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RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

Dukakis for President Committee, Inc.  
2123 R Street, N.W.  
Washington, D.C. 20008  
MAY - 8 PM 2:03

May 8, 1991

HAND DELIVERED

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

Attention: Anthony Buckley, Esq.

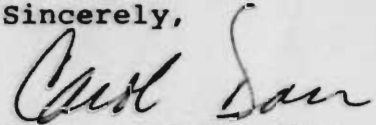
Re: MUR 2782

Dear Mr. Buckley:

In connection with our conversation this morning, I am writing to request a copy of the transcript of the "Clergy Laity Congress Ceremony" which is at issue in the above-referenced MUR. The reason for the request is that the written transcript of the tape which the Commission provided in connection with its "reasonable cause to believe" finding contains only one sentence of John Brademas' speech. Without the opportunity to review the rest of his remarks, I am unable to put that sentence in context.

Since I am unable properly to respond to the Commission's finding without this information, I am also requesting an extension of time with which to respond of ten (10) days after the tape has been made available.

Sincerely,



Carol C. Darr, Esq.  
Counsel for the Committee

93040980986

**SIDLEY & AUSTIN**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

875 THIRD AVENUE  
NEW YORK, NEW YORK 10022  
TELEPHONE 212: 906-2000  
TELEX 97-1696  
FACSIMILE 212: 906-2021

CHICAGO  
LOS ANGELES  
WASHINGTON, D.C.

LONDON  
SINGAPORE  
TOKYO

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FEDERAL ELECTION COMMISSION  
MAIL ROOM  
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OGC 1107

WRITER'S DIRECT NUMBER

May 10, 1991

PRIVILEGED AND CONFIDENTIAL  
COMMUNICATION  
2 U.S.C. § 437  
VIA FEDERAL EXPRESS

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2782  
Recommendation Concerning the  
Greek Orthodox Archdiocese of  
North and South America

Dear Mr. Noble:

We represent the Greek Orthodox Archdiocese of North and South America ("Archdiocese") in regard to MUR 2782. This letter acknowledges that today, May 10, 1991, we received a copy of your recommendation to the Federal Election Commission in regard to MUR 2782. According to 11 C.F.R. § 111.16(c), the Archdiocese may file a reply brief within fifteen (15) days of our receipt of the recommendation. Because the fifteen-day reply period terminates on Saturday, May 25th and the next non-holiday weekday is May 28th, it appears that the Archdiocese does not need to file its reply brief until May 28, 1991.

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MAIL ROOM

May 10, 1991  
Page 2

Please confirm in writing this understanding as to our  
reply deadline.

Thank you.

Very truly yours,

*Michael F. Reilly*  
Michael F. Reilly

MFR:adr

cc: Theodore J. Theophilos, Esq.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 17, 1991

Michael F. Reilly, Esq.  
Sidley & Austin  
875 Third Avenue  
New York, NY 10022

RE: MUR 2782  
Greek Orthodox Archdiocese of  
North and South America

Dear Mr. Reilly:

This is in response to your letter dated May 10, 1991, which we received on May 13, 1991, requesting clarification as to when your client must file its reply brief in the above-captioned matter. Your letter states that the General Counsel's Brief was received on May 10, 1991, and that, since a reply brief must be filed within 15 days of the receipt of the General Counsel's Brief, the Archdiocese's reply brief would ordinarily be due on Saturday, May 25, 1991.

Pursuant to 11 C.F.R. § 111.2(a), whenever a party is required to perform an act within a specified period of time, the last day of the period cannot fall on a Saturday, Sunday or legal holiday. Because your 15-day period expires on a Saturday, and because the following Monday is Memorial Day, a legal holiday, your response is due by the close of business on Tuesday, May 28, 1991.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

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**WIDLEY & AUSTIN**  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

06C#1305

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NEW YORK, NEW YORK 10022  
TELEPHONE 212: 906-2000  
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CHICAGO  
LOS ANGELES  
WASHINGTON, D.C.

LONDON  
SINGAPORE  
TOKYO

WRITER'S DIRECT NUMBER

May 24, 1991

BY HAND

Secretary  
Federal Election Commission  
999 E Street, N.W. (9th Floor)  
Washington, D.C. 20463

Re: MUR 2782

Dear Secretary:

Enclosed please find the original and ten (10) copies of the reply submissions by the Greek Orthodox Archdiocese of North and South America ("Archdiocese") in regard to MUR 2782. In its reply, the Archdiocese also relies on the videotape of the 1988 Tribute to Public Service, a copy of which is already in the possession of the Office of General Counsel.

Very truly yours,

*Michael F. Reilly*  
Michael F. Reilly

MFR:adr  
Enc.

cc: Office of General Counsel (6th Floor) ✓

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FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
91 MAY 28 AM 10:21

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BEFORE THE FEDERAL ELECTION COMMISSION

-----  
 In the Matter of )  
 )  
 GREEK ORTHODOX ARCHDIOCESE ) MUR 2782  
 OF NORTH and SOUTH AMERICA )  
 )  
 -----

BRIEF OF RESPONDENT  
 GREEK ORTHODOX ARCHDIOCESE  
OF NORTH AND SOUTH AMERICA

91 MAY 28 AM 10:22

RECEIVED  
 FEDERAL ELECTION COMMISSION  
 MAY 28 1991

I. INTRODUCTION

Respondent Greek Orthodox Archdiocese of North and South America ("Archdiocese") submits this brief in reply to the April 24, 1991 recommendation made by the General Counsel to the Federal Election Commission ("Commission"). In his recommendation, the General Counsel asserts that an award ceremony honoring Greek American public servants held during the Archdiocese's 1988 biennial Clergy-Laity Congress constituted an unlawful contribution to the presidential campaign of Governor Michael S. Dukakis. Therefore General Counsel contends that there exists probable cause to believe that the Archdiocese violated the individual contribution limitation of the Federal Election Campaign Act ("Act"), 2 U.S.C. §441a(a)(1)(A). As demonstrated below, the General Counsel's recommendation lacks any foundation in the Commission's Advisory Opinion precedents and relies on unfounded speculation and groundless insinuations concerning the facts at issue here. Furthermore, the General

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Counsel employs a new standard (never endorsed by the Commission) for measuring whether the costs associated with an event at which a candidate appears constitute a campaign "contribution" under the Act. Finally, the General Counsel's new proposed standard not only provides no guidance to candidates and event sponsors, but, as applied to events involving religious organizations, could unconstitutionally infringe on the fundamental right to freedom of worship.

For these reasons, the Commission should reject the General Counsel's recommendation and terminate the MUR 2782 investigation.

## II. BACKGROUND

On July 6, 1988, Governor Dukakis was one of the twenty persons of Greek-American descent to be honored at a "Tribute To Public Service" which was part of the six-day Clergy-Laity Congress of the Archdiocese. See Karloutsos Aff.<sup>1</sup> at Exhibit A (Program of Tribute). The Clergy-Laity Congress is the highest

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<sup>1</sup> In prior submissions to the Office of the General Counsel, the Archdiocese presented the affidavits of Reverend Alexander Karloutsos and Mr. Panyotis Gazouleas. Their affidavits executed on February 28, 1991 shall be hereinafter referred to as "Karloutsos Aff." and "Gazouleas Aff." respectively. Copies of these affidavits, with exhibits, are herewith provided to the Commission.

To address the unfounded misstatements in the General Counsel's brief, the Archdiocese herewith submits a second affidavit by Father Karloutsos. This affidavit, executed on May 24, 1991, shall be referred to as "Karloutsos Reply Aff."

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legislative assembly in the Archdiocese and meets biennially at various locations throughout the United States. The purpose of the Congress is to consider various issues of concern to members of the Greek Orthodox Church. The Congress is convened every two years and has taken place biennially since 1930. It is attended by delegates who consist of the parish priest and 2-4 parishioners of every Greek Orthodox parish in North and South America. In addition to offering a sense of spiritual renewal and togetherness to the delegates, the Congress provides a forum for the discussion of Church issues and celebration of Greek-American culture. The 1988 Congress was typical of the range of liturgy, activities, forums, and legislative meetings held during recent Clergy-Laity Congresses. See Karloutsos Reply Aff. at Exhibit A (copy of 1988 Congress program). Like the Archdiocese, the Congress does not endorse any political candidates or political platforms. See Gazouleas Aff. at ¶10. The 1988 Congress was held in Boston, Massachusetts on July 3-8, 1988.

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Starting in 1986, the Archdiocese began to recognize the public service contributions of certain prominent Americans by awarding a certificate during the biennial Congress. Thus, at the 1986 Congress held in Dallas, Texas, the Archdiocese honored then-Vice President Bush. Karloutsos Reply Aff. at ¶4. In 1988, the Archdiocese honored twenty public servants of Greek-American ancestry. Their backgrounds included work in federal, state, and local government, the military, business, and foreign service.

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Specifically, the Archdiocese honored: George A. Athanson, former Mayor of Hartford, Connecticut; Andrew A. Athens, President of the United Hellenic American Congress; Helen Boosalis, former Mayor of Lincoln, Nebraska; Dr. John Brademas, President of New York University and former United States Congressman; Philip Christopher, President of the Pancyprian Association of America; Michael S. Dukakis, Governor of Massachusetts; Nicholas Galifianakis, former United States Congressman; Rear Admiral Michael P. Kalleres, Director of the General Planning and Program Division Office of the Chief of Naval Operations; Ambassador C. William Kontos, Senior Vice President of the Executive Council on Foreign Diplomats; Andrew E. Nanatos, former Assistant Secretary of Commerce; Peter G. Peterson, Chairman of the Council of Foreign Relations and former Secretary of Commerce; Eugene T. Rossides, Chairman/Founder of the American Hellenic Institute and former Assistant Secretary of the Treasury; John P. Rousakis, Mayor of Savannah, Georgia; Paul S. Sarbanes, United States Senator; Michael Sotirhos, United States Ambassador to Jamaica; Barbara Spyridon Pope, Deputy Assistant Secretary of Defense; Nicholas L. Strike, Supreme President, Order of AHEPA; Nick A. Theodore, Lieutenant Governor of South Carolina; Paul E. Tsongas, former United States Senator; and Ambassador Nicholas A. Veliotis, Retired President of the Association of American Publishers. See Karloutsos Aff. at Exhibit A. At its most recent Congress, held in July 1990 in Washington, D.C., and attended by His Holiness Dimitrios,



Patriarch of the Orthodox Church, the Archdiocese held another Tribute. The Tribute ceremony took place in the Capitol Rotunda and honored Representative Helen Bentley, Representative Michael Bilirakis, Representative William Broomfield, Senator Robert Dole, Representative Thomas Foley, Representative George Gekas, Representative Nicolas Mavroules, Senator George Mitchell, Senator Paul Sarbanes, Representative Olympia Snowe, and Representative Gus Yatron. See Karloutsos Reply Aff. at Exhibit B (copy of 1990 Tribute program).

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With regard to the planning and timing of the 1988 Tribute, it was in no way designed to promote the candidacy of Governor Dukakis. The event planning began in 1986, and the sole intention was to honor him as one Greek-American among twenty. In his capacity as governor of the host state of Massachusetts, it was deemed appropriate that he provide one of the four Tribute addresses. Karloutsos Reply Aff. at ¶¶5-6. Given the diverse backgrounds and political affiliations of the twenty 1988 honorees, the Tribute was not, nor could not be, viewed as an event to promote Governor Dukakis' candidacy. Rather, the 1988 Tribute, like the 1986 and 1990 Tributes, was designed to voice pride in the achievements of Greek persons in the United States and to give thanks for the many opportunities provided by the United States to persons of Greek ancestry. At the upcoming 1992 Congress in New Orleans, the Archdiocese plans to continue and broaden the Tribute by honoring the mayors of San Francisco and

Moscow, U.S.S.R., both of whom claim Greek ancestry. Karloutsos Reply Aff. at ¶9.

At the 1988 Tribute, Archbishop Iakovos presented each honoree with a certificate of the medal of Saint Andrew, recognizing that person for outstanding service to the Greek Orthodox Church and to the United States.<sup>2</sup> See Gazouleas Aff. at Exhibit B (example of reacted certificate). The event was not open to the general public. The Tribute program consisted of an invocation, introduction by the master of ceremonies, several brief addresses by certain honorees, a response by the Archbishop, and a benediction. In the planning of the Tribute, the Archdiocese advised each speaker that the theme of the event was to emphasize Greek heritage, Orthodox faith, and pride in America. At no point did any Archdiocesan representative ever advise the speakers to touch on or promote Governor Dukakis' candidacy. Karloutsos Reply Aff. at ¶¶11-12. Indeed, as evidenced by the statement by Dr. John Brademas, discussed infra note 3, the Tribute's speakers plainly knew that such statements were inappropriate and out-of-place.

After the invocation by the Archbishop, each honoree was presented with a certificate. Subsequently, Ernie Anastos,

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<sup>2</sup> A videotape of the entire Tribute was provided to the Office of General Counsel. The Archdiocese urges that the Commission watch the entire program rather than rely on the abridged transcript of certain speakers attached to the General Counsel's brief.

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the master of ceremonies, made opening remarks. Then, four honorees made brief comments to the Congress: Helen Boosalis, former mayor of Lincoln, Nebraska; Peter Peterson, chairman of the Counsel of Foreign Relations and former Secretary of Commerce under President Nixon; Dr. John Brademas, president of New York University; and Michael Dukakis, governor of the host state of Massachusetts. See Karloutsos Aff. at ¶17. As evidenced by the videotape of the Tribute, all four speakers focused on their Greek-American heritage. Namely, each reminisced about his or her upbringing as the child or grandchild of Greek immigrants and noted the achievements that Greek-Americans had attained in the United States. Each speaker expressed gratification and admiration for Governor Dukakis, who, as a fellow Greek-American, was a candidate for the Presidency.<sup>3</sup> Under the circumstances, admiration of Governor Dukakis' achievement was a natural extension of the Tribute's theme of Greek-Americans in public service. To have ignored his status as a presidential candidate

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<sup>3</sup> Dr. Brademas, who, like Ms. Boosalis, spoke as a result of the unanticipated absences of Senators Tsongas and Sarbanes, briefly made the one comment that would be characterized as "political." In concluding his remarks, Dr. Brademas stated that, "I realize, Your Eminence that this is not a political gathering, yet . . . what this country needs today is a leader of intelligence, integrity, and competence. And that is spelled D-U-K-A-K-I-S." See Gazouleas Aff. at Ex. C. (videotape of Tribute).

Under these circumstances, where a speaker made one comment indirect and acknowledged contravention of the Archdiocese's wishes, it would be unfair and unreasonable for the Commission to characterize the entire Tribute as an in-kind contribution to the Dukakis campaign. Therefore, Dr. Brademas' statement should not suffice as grounds for finding the Archdiocese in violation of the Act.

would have been an unnatural constraint on the event. This acknowledgement of his candidacy, however, did not transform the Tribute into an endorsement for his election.

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Governor Dukakis began his remarks by first welcoming the Congress' delegates to his host state of Massachusetts. He then reminisced about his boyhood in Brookline, Massachusetts and his many encounters with Archbishop Iakovos who then served as his parish priest. Karloutsos Aff. at ¶19. Governor Dukakis then picked up on the theme developed by the previous speakers and reiterated the pride of Greek-Americans as heirs of the culture which, in ancient times, gave birth to democracy and which, in modern times, has been a moving and dedicated element of American society. Governor Dukakis acknowledged the work of all Greek-American parents and grandparents who, as immigrants, came to this land and struggled hard to insure that their children would lead a better life. Id. at ¶20. Governor Dukakis then spoke about his own family and their pride in Greek heritage. The audience applauded when Governor Dukakis mentioned that a major television network was planning to broadcast live from his ancestral village in the mountains of Greece on the night of the Democratic National Convention. See Gazouleas Aff. at Ex. C.

Governor Dukakis then spoke about the rich tradition of public service first espoused by ancient Greeks and how, in

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America, immigrant groups have taken up that same call to public service with regards to their new homeland. In particular, he cited the legacy of John F. Kennedy as an inspiration for himself as well as many others of his generation. The governor then thanked the Clergy-Laity Congress for honoring public servants such as himself and the other honorees, and fostering the tradition of public service in America. In closing, Governor Dukakis stated that: "If all goes well," he hoped to continue his public service in Washington. As the chief law enforcement officer, Governor Dukakis stated that the President must be one who exemplifies and requires public trust not only of himself but all those who work in government. Governor Dukakis concluded by repeating an ancient Greek pledge to serve his country to the best of his ability. He asked the Clergy-Laity Congress that, as Greek-Americans, they honor their past commitment to public service in the future.

Following these remarks, Archbishop Iakovos made a brief response to the comments of all four speakers and then pronounced a benediction on all the honorees and the Congress.



### III. ANALYSIS

THE GENERAL COUNSEL'S RECOMMENDATION  
SHOULD BE REJECTED BECAUSE THE  
ARCHDIOCESE DID NOT VIOLATE 4 U.S.C. § 441a(a) (1) (A)

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The Commission has on numerous occasions reviewed the criteria necessary to determine whether an event sponsored by a group constitutes a campaign event whose costs represent a "contribution" which must be reported under the Act. The Act defines "contribution" to include: "(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or (ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose." 2 U.S.C. § 431(8)(a) (emphasis added). The General Counsel here asserts that the Clergy-Laity Congress event was a "thing of value" given by the Archdiocese "for the purpose of influencing" the 1988 presidential election in favor of Governor Dukakis. Nothing, however, could be further from the truth than the General Counsel's assertion. His conclusion collapses upon an examination of the facts and the established Commission precedent interpreting the "event contribution" definition. When seen in the light of that standard (which the General Counsel ignores), no support remains for his recommendation.

A. The Commission's Two-Part Standard for Event Contribution

In its review of events which involve the active participation of a candidate for federal office, the Commission has consistently considered the nature and purposes of the event according to a two-part inquiry. This inquiry involves an oft-repeated and easy-to-apply examination. In sum, the Commission has stated that in these circumstances,

so long as the event does not involve (i) the solicitation of political contributions, or (ii) the express advocacy of a candidate's election or defeat, then the event would not be viewed as a campaign event for the purpose of influencing a federal election.

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Advisory Op. 1982-50 (emphasis added) (luncheon series). See also, e.g., Advisory Op. 1978-4 (same 2-part test) (testimonial banquet); Advisory Op. 1981-37 (same 2-part test) (participation in television forum); Advisory Op. 1980-89 (same 2-part test) (food donations to public issues appearances); Advisory Op. 1980-22 (same 2-part test) (sponsorship of town meetings); Advisory Op. 1988-27 (same 2-part test) (paying expenses of PAC fundraiser). Here, the Clergy-Laity Congress event did not violate either of the two elements of the Commission's test. The General Counsel recognizes this fact but, for some unstated reason, is nevertheless anxious to find the Archdiocese liable. Therefore, he pays lip service to this fundamental test but instead employs a new standard under which he then analyzes his distorted under-

standing of the 1988 Clergy-Laity Congress event. See infra Part III.D.

B. The Commission's Two-Part Test Incorporates Important Principles Enunciated by the Supreme Court.

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The longstanding two-part test for the determination of an event's "campaign relatedness" stems from the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), and its progeny. In Buckley, the Court reviewed the original Federal Election Campaign Act of 1971, 86 Stat. 3 (1971), as amended by the Federal Election Campaign Act Amendments of 1974, 88 Stat. 1263 (1974). Among the provisions which it examined closely as overbroad and violative of the first amendment was the limitation on campaign expenditures. See 424 U.S. at 39. The Court interpreted the statute's expenditure limitation to be limited to communications that "in express terms advocate the election of defeat of a clearly identified candidate for federal office." 424 U.S. at 44. The Court listed, as examples of express advocacy, phrases such as "'vote for', 'elect', 'support', 'cast your ballot for', 'Smith for Congress', 'vote against', 'defeat', 'reject'" Id. at n.52. The Court overturned the expenditure limitation, as then written, as impermissibly limiting first amendment freedom of expression. Id. at 51.

Following Buckley, Congress revised the Act substantially, and enacted the Federal Election Campaign Act Amendments

of 1976. Pub. L. 94-283 (1976), 90 Stat. 475; see also H. Conf. Rep. No. 94-1057, reprinted in 1976 U.S. Code Cong. & Admin. News 929, 946 (legislative history). After the revision of the Act, the Commission began to employ the two-part test, discussed supra, to determine whether costs associated with an ostensibly non-partisan event constituted a "contribution" to the campaign of a candidate-speaker. See, e.g., Advisory Op. 1977-27; Advisory Op. 1977-42; Advisory Op. 1978-4; Advisory Op. 1981-37. In these advisory opinions, the Commission delineated the limits of the two-part contribution test. For example, in Advisory Opinion 1978-4, the Commission reviewed whether a testimonial banquet in honor of re-election candidate Congressman John Rhodes was a "contribution" under the Act. The Commission concluded that the event would be "a bona fide testimonial event rather than a campaign event so long as (i) no political contributions are solicited, made, or received by any person in conjunction with the event and (ii) the event does not involve any communication addressed to the attendees as a group which expressly advocates Mr. Rhodes' nomination or election to Federal office or the defeat of any Federal candidate." Advisory Op. 1978-4.

The Commission's adoption and application of the Buckley "express advocacy" limitation on "expenditures" to situations such as these event-sponsoring "contribution" circumstances is appropriate because in this context the

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distinction between "contribution" and "expenditure" blurs. A religious organization's sponsoring of an award ceremony at which a candidate will be provided an opportunity to speak or a testimonial banquet in honor of a congressman's service bear little resemblance to an individual giving a \$1,000 check to a candidate or his committee. Thus, the valid corruption concerns present in the cash-type contribution context and relied upon by Buckley are not present in the event-type contribution situations. See Buckley, 424 U.S. at 31. Accordingly, the Commission has consistently examined these "contribution" events under its two-part elaboration on the Buckley test. This application has remained uniform throughout all relevant Advisory Opinions issued since 1977.

In 1986, the Supreme Court revisited the express advocacy element of the "expenditure" definition. Federal Election Comm'n v. Massachusetts Citizens for Life, 107 S. Ct. 616 (1986). In that case, the Court reviewed an election newsletter published by an anti-abortion group. The newsletter exhorted the reader to "vote pro-life" and identified each candidate's position on the election issue with either a "y" for yes (pro-life) or an "n" for no (pro-abortion). 107 S. Ct. at 620. The Court held that even though the newsletter never stated "vote for," "elect," or "support," as listed in Buckley, 424 U.S. at 44 n.52, it constituted express advocacy, and thus, an



expenditure. Mass. Citizens, 107 S. Ct. at 623. The Court noted that:

The Edition cannot be regarded as a mere discussion of public issues that by their nature raise the names of certain politicians. Rather, it provides in effect an explicit directive: vote for these (named) candidates. The fact that this message is marginally less direct than "Vote for Smith" does not change its essential nature. The Edition goes beyond issue discussion to express electoral advocacy.

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Id. The Court in Massachusetts Citizens expanded the express advocacy definition beyond the limited terms set forth in Buckley. The electioneering import of the anti-abortion newsletter was clear, and thus, it fell within a common-sense definition of "express advocacy." Based on the format of the communication, its distribution and the language employed, the endorsement of pro-life candidates was incontrovertible.

The Commission undertakes this same approach toward the review of event contributions under the present two-part test. For example, in Advisory Opinion 1982-50, the Commission reviewed whether costs associated with organizing a series of luncheons with certain members of Congress would constitute "contributions" to their campaigns. It stated that:

In determining whether payments made for an event, sponsored by a group and involving the active participation of a candidate for Federal office, are expenditures or contributions under the Act, the Commission has considered the nature and purposes of the event.

The Commission has stated in such cases that so long as the event does not involve (i) the solicitation of political contributions, or (ii) the express advocacy of a candidate's election or defeat, then the event would not be viewed as a campaign event for the purpose of influencing a Federal election. If an event is not conducted and financed for an election influencing purpose, payment of costs would not represent contributions to the candidate who is present. Advisory Opinion 1978-4 (testimonial dinner for Member of Congress); Advisory Opinion 1980-89 (reception incident to duties as Federal officeholder); Advisory Opinion 1981-26 (social occasion involving Member of Congress); and Advisory Opinion 1981-37 (participation of a Congressman in a television forum).

Advisory Op. 1982-50. As the circumstances there involved active solicitation of contributions from the attending public, the Commission advised that sponsorship of the luncheon series would be a "contribution." Id. No such circumstances are present in the investigation currently before the Commission.

C. Application of the Two-Part Test to the Clergy-Laity Congress Event.

Review of the nature and purpose of the Clergy-Laity Congress' Tribute to Public Service under the Commission's long-standing definition of event contributions leads to an inescapable conclusion that the honoring of these twenty individuals was not a "contribution" to the Dukakis campaign. The Tribute was one part of the Archdiocese's biennial six-day Clergy-Laity Congress. The Congress is the highest legislative body of the Greek Orthodox Church in North and South America; the Congress' delegates attend many various seminars and meetings. The

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Congress has no political affiliation nor does it endorse any candidates. Its function is to advise the Church in its spiritual and societal mission.

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Focusing on Governor Dukakis' role in the Tribute, no special accommodation was made for Governor Dukakis, nor did he receive from the Archdiocese any extraordinary laudation. Governor Dukakis, just like the other nineteen honorees, received a certificate of the medal of St. Andrew, nothing else. Moreover, Governor Dukakis' address cannot be properly categorized as a prohibited "campaign speech" on its face or when properly viewed in the context of the surrounding circumstances. The overriding theme of his remarks stressed the particular traditions of Greek-Americans and their history of public service as exemplified by the twenty persons honored by the Archdiocese at the Tribute. Although Governor Dukakis stated that he would endeavor to continue that tradition as President of the United States and he negatively alluded to policies endorsed by President Reagan, Governor Dukakis never called on the Congress' delegates to vote for himself. Similarly, he did not call for the defeat of then-Vice President Bush. See Advisory Op. 1981-37 (no in-kind contribution occurs by candidate's appearance at public forum when there is an "absence of any communication expressly advocating [the] nomination or election or the defeat of any other candidate"). Finally, Governor Dukakis made no attempt to solicit any contribution of any kind from the

delegates assembled before him. Id. His statements regarding the presidency did not expressly advocate his election, but instead, exemplified, in his eyes, how Greek-Americans served the United States and ought to pursue careers in public service.

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The Archdiocese remained neutral regarding the presidential campaign throughout the Clergy-Laity Congress and at all subsequent times. To demonstrate its non-partisan position, then-Vice President Bush spoke at the closing banquet of the Congress on July 8, 1988 as keynote speaker. President Bush's remarks likewise focused on issues of general interest to the Clergy-Laity Congress and the Greek Orthodox Church in particular: abortion, importance of the family in today's society, and the moral force of religion. Karloutsos Aff. at ¶22. President Bush also commented favorably on the pride that Greek-Americans must be feeling upon witnessing the candidacy of Governor Dukakis. President Bush's address was well-received by the delegates and other persons who attended the keynote banquet. Id. Like Governor Dukakis, Mr. Bush did not call for the delegates to vote for him in the upcoming election, nor did he call for the defeat of Governor Dukakis. (Indeed, as noted before, he complimented Governor Dukakis). Likewise, President Bush did not solicit any contributions for his campaign.<sup>4</sup>

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<sup>4</sup> The Archdiocese did not pay any honoraria to either Governor Dukakis or President Bush, and no proceeds remaining from the event were sent to either campaign. Any remaining proceeds from the Congress, were distributed to various Greek-American scholarship funds. Karloutsos Aff. at ¶25.

The General Counsel acknowledges that no solicitations took place during these Tribute speeches. Brief at 8. On the issue of express advocacy, the General Counsel equivocates and desperately grasps for some support to his conclusion. Id. at 8-9.

His support is meager. Only one speaker, former congressman John Brademas, made direct remarks concerning Governor Dukakis' candidacy. This remark was made in acknowledged contravention of the Archdiocese's request and purpose behind the Tribute. The master of ceremonies, Ernie Anastos, also made comments alluding to Governor Dukakis' presidential aspirations but he did not advocate Governor Dukakis' election. Likewise, Governor Dukakis did not expressly advocate his election or his opponent's defeat. He spoke of the theme of Greek public service, both historically and in the United States. Mr. Dukakis never mentioned then-candidate George Bush. Indeed to the extent his speech addressed public/societal issues, he spoke only of the incumbent President and certain of his policies. As there was no attributable "express advocacy" of a candidate's election or defeat, then "the event [cannot] be viewed as a campaign event for the purpose of influencing a Federal Election." Advisory Op. 1982-50. Under the two-part test discussed in detail above, the Archdiocesan Tribute to Public Service plainly was not a thing of value given "for the purpose of influencing [a] campaign for

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Federal office." 2 U.S.C. § 431(8)(a). Thus, the Tribute did not contribute to the Dukakis campaign.<sup>5</sup>

D. The General Counsel's Arguments Fail to Butress a Case that the Archdiocese Violated of the Two-Part Event Contribution Test.

In vain, the General Counsel attempts to build his "express advocacy" case upon the following slender reeds:

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(1) Dr. Brademas' statement in acknowledged contravention of the Archdiocese's wishes; (2) Mr. Anastos' allusions to Governor Dukakis' candidacy; and (3) Governor Dukakis' remarks about current affairs. He ignores the background Clergy-Laity Congress, the status and number of the Tribute' other honorees, and the Archdiocese's spiritual, apolitical mission. From these three thin factual strands, the General Counsel spins a web of speculation and wretched insinuations to tie together his weak argument that the Clergy-Laity Congress event was "campaign-related." Brief at 14. Neither of the Advisory Opinions nor the questionable appellate opinion cited by the General Counsel support his recommendation.

The General Counsel cites Advisory Opinion 1988-27 for the proposition that "circumstances [surrounding an event] may

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<sup>5</sup> Even if the Commission were to agree with the General Counsel that express advocacy took place, the amount of that contribution to Governor Dukakis should not exceed 1/20 of the Tribute's costs. As such, the Archdiocese's contribution was below the \$1,000 limitation set in section 441(a)(1)(A).

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indicate that the overall purpose of an event was advocacy of a candidate." Brief at 3. The text of this Opinion nowhere supports this assertion. In that Advisory Opinion, the Commission considered whether an honorarium paid by a sponsoring corporation for a political action committee (PAC) to a candidate/congressman would be deemed a contribution under the Act. The Commission stated that:

The Commission has also concluded, however, that events in which Federal officeholders participate in the performance of their duties as officeholders are not campaign-related simply because the officeholders may be candidates for election or reelection to Federal office, and that payments or donations associated with the expenses of such events are not contributions to that officeholder's campaign, absent any campaign-related activity at the event. See Advisory Opinions 1980-89 and 1980-22. In advisory opinions involving public appearances by candidates for Federal office, the Commission has considered the nature and purposes of an event to determine if it is campaign related so as to implicate the making of contributions or expenditures by those sponsoring or financially supporting the event. The Commission has stated that if an event involves (i) the solicitation of political contributions or (ii) the express advocacy of a candidate's election or defeat, then the event would be viewed as a campaign event for the purpose of influencing an advocacy or solicitations will not preclude a determination that public appearances are campaign-related. See Advisory Opinions 1988-22, 1986-37, 1984-13, 1982-50, and 1982-16.

Advisory Op. 1988-27. The Commission advised that, despite the speech being given as part of a fundraising event for the PAC and that the PAC may later donate funds to the speaker's campaign, the honorarium would not be a contribution so long as the

solicitation and express advocacy strictures were not broken.

Id.

In Advisory Opinion 1984-13, the Commission reviewed a question posed by an incorporated national trade association which deliberately timed its convention to coincide with the Republican National Convention. The association inquired whether its sponsorship of public affairs speeches by candidates would constitute contributions to their campaigns. The association also stated that no speech would advocate the election or defeat of any candidate nor would any speaker solicit contributions. The Commission advised that:

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The event described in your request involves the appearances of candidates or party representatives at an event sponsored and financed in whole or in part by a corporation and held simultaneously with the Republican Party's national convention in Dallas. The event falls only a few weeks prior to the 1984 general election and only shortly before primary elections for congressional candidates in many states. You plan to seek the assistance of the Republican National Committee and related party committees in obtaining candidates to appear at this event and, possibly, in providing a meeting location. Also, you will invite persons to speak at the meeting's afternoon session because they are congressional candidates, not on the basis of any other criteria. The only candidates invited will be candidates of the Republican Party. This event is thus linked by its timing and purpose to Congressional elections and carries partisan overtones . . . . Of course, this characterization would be reinforced if any portion of the audience at the meeting site consisted of part of any candidate's electorate. Thus, the sponsorship and financing by [the trade association], a corporation, of this event makes the provisions of 2 U.S.C. §441b applicable.

Advisory Op. 1984-13.<sup>6</sup>

Neither Advisory Opinion 1988-27 nor 1984-13 buttresses the General Counsel's recommendation. Here, the Tribute was a small event held during an established church's biennial liturgical convocation. The Tribute was not held as a fundraiser for a political action committee. Compare Advisory Op. 1988-27 (even in that situation, no contribution). Further, neither the Clergy-Laity Congress nor the Tribute was deliberately timed to coincide with Governor Dukakis' candidacy. Compare Advisory Op. 1984-13; See Karloutsos Reply Aff. at ¶5.<sup>7</sup>

On this lattermost point, the Counsel's absurd, desperate logic becomes patently obvious. Moreover, to the extent it reflects a belief of Greek Americans and the Archdiocese as homogeneous, naive and conspiratorial, his logic is insulting. In his brief, the Counsel writes that:

In addition to the addresses, the timing of the event and the composition of the audience also causes

<sup>6</sup> The Commission specifically noted that the trade association, as a corporation, was prohibited to make contributions "in connection with" any federal election. Advisory Op. 1984-13 (citing 2 U.S.C. §441b). The statute under which the General Counsel recommends charging the Archdiocese, 2 U.S.C. §441a, contains no similarly broad "in connection with" language. Rather, the General Counsel must prove that the contribution was made "to" the Dukakis campaign. Again, he fails to carry his burden.

<sup>7</sup> Nor did the Tribute feature only Democratic public servants. See Karloutsos Aff. at Exhibit A, listing persons honored at 1988 Tribute.

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concern. References in certain of the speeches reveal that this was the first "Tribute to Public Service" held by Archdiocese. This Office finds it hardly coincidental that this award was inaugurated in the same year that Governor Dukakis was running for the presidency. Likewise, as noted above, representatives from every Greek Orthodox parish in North America were in attendance for the Tribute. Thus, the audience present for this event would have the opportunity, to return to their parishes and promote Governor Dukakis' candidacy.

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Brief at 14 (emphasis added). First, this was not the first time the Archdiocese honored public servants, nor was it the last. See Karloutsos Reply Aff. at ¶¶4, 9. Second, the proposition that the Congress' delegates were being groomed to go forth and "promote Governor Dukakis' candidacy" lacks any foundation whatsoever in the record. This statement plainly implies that the Archdiocese orchestrated the Tribute and thus engaged in activity which is repugnant to its mission as representative of the Greek Orthodox faith in America. The statement also implies that all Greek Americans at the Congress would be inclined to promote Governor Dukakis. These innuendos provide absolutely no basis for the Counsel's recommendation.<sup>8</sup>

Finally, in a last-ditch attempt to circumvent the Commission's longstanding definition criteria relevant to the

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<sup>8</sup> Similarly, the General Counsel's facetious statement that Governor Dukakis described "public service as having Greek origins and thus being in his blood suggested that he was uniquely qualified for the presidency," Brief at 13 (emphasis added), borders on being an ethnic slur. The General Counsel's statement distorts the language and import of Governor Dukakis' speech.



contribution event determination, the General Counsel seizes on the "expenditure" test enunciated by the Court of Appeals for the Ninth Circuit in Federal Election Commission v. Furgatch, 807 F.2d 857 (9th Cir.), cert. denied, 108 S. Ct. 151 (1987).

The General Counsel's use of Furgatch is the true crutch on which he attempts to find support for his recommendation. Indeed, based on the structure and tenor of his brief's entire argument, he plainly sees the Furgatch approach as the only standard under which there may possibly exist grounds for a Commission probable cause finding against the Archdiocese. His extended reliance on Furgatch indicates that he cannot carry his burden under the Commission's two-part "contribution event" test.

In Furgatch, the Ninth Circuit reviewed whether an advertisement that criticized and chastised President Jimmy Carter "expressly advocated" his defeat in the 1980 presidential election. 807 F.2d at 858. The appellate court reviewed the Buckley standard and held that "speech need not include any of the words listed in Buckley to be express advocacy under the Act, but it must, when read as a whole and with limited reference to external events, be susceptible of no other reasonable interpretation but an exhortation to vote for or against a specific candidate." 807 F.2d at 864. The Furgatch court then

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set forth a three-part test to attempt to rein in its loose standard:

First, even if it is not presented in the clearest, most explicit language, speech is "express" for present purposes if its message is unmistakable and unambiguous, suggestive of only one plausible meaning. Second, speech may only be termed "advocacy" if it presents a clear plea for action, and thus speech that is merely informative is not covered by the Act. Finally, it must be clear what action is advocated. Speech cannot be "express advocacy of the election or defeat of a clearly identified candidate" when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action.

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Id. (emphasis added).

The General Counsel's reliance on the Furgatch approach is suspect. First, the Furgatch test has never been endorsed or even cited by the Commission in any context.<sup>9</sup> Second, the Furgatch opinion fails to even cite or discuss the Supreme Court's decision in Massachusetts Citizens, which was decided before Furgatch. This oversight of a major Supreme Court opinion on the very same central issue renders the Furgatch opinion questionable. Most importantly, however, the Furgatch test is an

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<sup>9</sup> If the Commission decides to adopt this standard, it should do so by Advisory Opinion and not apply it post hoc to the Archdiocese's Tribute. The Archdiocese was entitled to rely on the long-standing two-part test endorsed by repeated Commission Advisory Opinions concerning similar circumstances. See 5 C.F.R. §112.5.

inappropriate means by which to review the content of several speeches here filled with religious and ethnic nuances.

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The words spoken at the Tribute must be seen in the context of the achievements of all the honorees and the entire Clergy-Laity Congress. This situation does not involve a straightforward advertisement capable of a four-corners interpretation, as in Furgatch. The context of those Tribute statements challenged by the General Counsel blurs the meaning of the statements. The written clarity of the words analyzed by the Furgatch court is lacking here.<sup>10</sup> The General Counsel bravely contends that solely one message -- "vote for Dukakis" -- emerged from the Tribute. This view is contradicted, however, by the fact that Vice President Bush delivered the Congress' keynote address at the closing banquet. If the Archdiocese had truly structured the Tribute event to promote the Dukakis candidacy, why did it then provide Mr. Bush with a better speaking engagement? It is also contradicted by the opinion of a Tribute attendee and one of those persons presumably targeted to promote Dukakis. Karloutsos Reply Aff. at ¶14. Thus, as "reasonable minds [can] differ as to whether [the Tribute] encourage[d] a vote for or against a candidate . . ." the Tribute failed to

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<sup>10</sup> The General Counsel's application of Furgatch is tantamount to the de facto reinstatement of the "campaign relatedness" presumption that the Commission had employed prior to Buckley. See, e.g., Advisory Op. 1975-8; Advisory Op. 1975-108. This presumption was overruled by the Commission in Advisory Opinion 1981-37.

constitute express advocacy, even under the Furgatch test.

Furgatch, 807 F.2d at 864.

- E. Extension of the Event Contribution Definition to this Situation would Engender Unworkable Guidelines and Constitutional Challenges.

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Finally, the General Counsel's recommendation should be rejected because it would provoke great confusion among candidates, contributors, and event sponsors. In order to avoid possible violations of the Act, organizations such as local civics groups and not-for-profit public awareness organizations would avoid inviting any federal officeholder or candidate to speak on issues of public interest. This chilling effect would dampen and transform American political life in a manner warned against by the Supreme Court in Buckley. See 424 U.S. at 42-43. In Buckley, the Court stated that, particularly with regard to the speech of incumbent officeholders, "express advocacy" must be limited to "explicit and unambiguous reference[s]." 424 U.S. at 43. Without such an emphasis on clear distinctions, no speaker

"safely could assume that anything he might say upon the general subject would not be understood by some as an invitation. In short, the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in these circumstances wholly at the mercy of the varied understanding of his hearers and consequently of whatever inference may be drawn as to his intent and meaning. Such a distinction offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim."

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Id. (quoting Thomas v. Collins, 323 U.S. 516, 535 (1945)). This chilling effect condemned by Buckley would be effectively ensconced by the Commission's adoption of the General Counsel's recommendation.

Moreover, as applied in the particular context of religious group sponsorship of candidate speakers, the General Counsel's recommendation may well infringe on the free exercise of religion guaranteed by the first amendment. Although the Clergy-Laity Congress' Tribute event may not constitute protected worship, the Commission need not exercise much imagination to foresee troublesome possibilities. For example, certain federal officials also serve as Protestant ministers -- if the minister/official's sermon addresses issues of public interest, will the church's costs associated with the service be "contributions?" To avoid these nettlesome questions, the Commission should rebuff the General Counsel's unwarranted recommendation against the Archdiocese.



CONCLUSION

For the foregoing reasons, respondent Greek Orthodox Archdiocese of North and South America requests that the General Counsel's recommendation be rejected and the investigation into MUR 2782 be dismissed.

Dated: New York, New York  
May 24, 1991

Respectfully submitted,

*Sidley & Austin*

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BEFORE THE FEDERAL ELECTION COMMISSION

-----  
 In the Matter of )  
 )  
 GREEK ORTHODOX ARCHDIOCESE ) MUR 2782  
 OF NORTH and SOUTH AMERICA )  
 )  
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GREEK ORTHODOX ARCHDIOCESE  
 OF NORTH AND SOUTH AMERICA'S  
EVIDENTIARY SUBMISSIONS

- TAB 1..... Reply Affidavit of Rev. Alexander  
 Karloutsos, dated May 24, 1991,  
 with Exhibits A and B
- TAB 2..... Affidavit of Rev. Alexander  
 Karloutsos, dated February 28,  
 1990, with Exhibit A
- TAB 3..... Affidavit of Panayiotis Gazouleas,  
 dated February 28, 1990  
 with Exhibits A and B  
 (Exhibit C is videotape already  
 provided to Office of  
 General Counsel)

SIDLEY & AUSTIN  
 Attorneys for Respondent  
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 North and South America  
 875 Third Avenue  
 New York, New York 10022  
 (212) 906-2000

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BEFORE THE FEDERAL ELECTION COMMISSION

-----  
 In the Matter of )  
 )  
 GREEK ORTHODOX ARCHDIOCESE )  
 OF NORTH and SOUTH AMERICA )  
 -----

MUR 2782  
REPLY AFFIDAVIT

ALEXANDER KARLOUTSOS, being duly sworn, deposes and states:

1. I am the Director of Communications for the Greek Orthodox Archdiocese of North and South America ("Archdiocese"). I have read the General Counsel's brief and recommendation in this matter and I make this affidavit in reply to certain misstatements made in the General Counsel's brief.

2. I find the General Counsel's brief to rely on incorrect assumptions, absurd logic and insulting insinuations.

3. I planned and attended the June 6, 1988 Tribute to Public Service held as part of the Archdiocese's biennial Clergy-Laity Congress. During the six days that the 1988 Congress was in session, it engaged in a broad range of liturgical functions, Greek-American cultural issue forums, Church decision-making, and social issue discussions. A copy of the complete 1988 Congress program is attached hereto as Exhibit A.

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4. At the past three Archdiocesan Congresses, the Archdiocese has honored prominent public servants by awarding a certificate during the biennial Congress. Thus, at the 1986 Congress held in Dallas, Texas, the Archdiocese honored then Vice-President Bush. In 1988, the Archdiocese honored twenty public servants of Greek-American ancestry. Their backgrounds included work in federal, state, and local government, the military, business, and foreign service. The program listing the 1988 honorees is attached to my prior affidavit at Exhibit A. At the most recent Congress, held in July 1990 in Washington, D.C. and attended by His Holiness Dimitrios, Patriarch of the Orthodox Church, the Archdiocese held another Tribute. The 1990 Tribute ceremony took place in the Capitol Rotunda and honored Representative Helen Bentley, Representative Michael Bilirakis, Representative William Broomfield, Senator Robert Dole, Representative Thomas Foley, Representative George Gekas, Representative Nicolas Mavroules, Senator George Mitchell, Senator Paul Sarbanes, Representative Olympia Snowe, and Representative Gus Yatron. See Exhibit B (copy of 1990 Tribute program).

5. As mentioned above, I personally oversaw the planning of the 1988 Tribute. The Tribute never was timed, designed, intended, or viewed as a means to promote the candidacy of Governor Michael Dukakis. The event planning began in 1986, and the sole intention was to honor twenty Greek-Americans, of which Governor Dukakis was one. In his capacity as governor of

the host state of Massachusetts, it was deemed appropriate that Governor Dukakis provide one of the four Tribute addresses.

6. The Tribute format and honorees were chosen before Governor Dukakis announced his candidacy for the presidency.

7. The purpose behind the 1988 Tribute was to voice pride in the achievements of Greek persons in the United States and to give thanks for the many opportunities provided by the United States to persons of Greek ancestry. It was not designed to promote one man's election.

8. The diverse backgrounds and affiliations of the twenty honorees and the four Tribute speakers reflect the range of achievements by persons of Greek-American ancestry.

9. At the Archdiocese's 1992 Congress to be held in New Orleans, it plans to honor similarly the mayors of San Francisco, California and Moscow, U.S.S.R.

10. I attended the 1988 Tribute, I have viewed the videotape presented to the office of General Counsel, and I have read the transcript prepared by the General Counsel and annexed as Attachment 1 to his brief. The so-called transcript focuses solely on the remarks made by Governor Dukakis and thus fails to transcribe the entire Tribute which the General Counsel challenges with his recommendation.

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11. In fact, as demonstrated by a viewing of the videotape, the theme of the 1988 Tribute was to emphasize Greek heritage, Orthodox faith and pride in America.

12. In the preparation of the 1988 Tribute, the Archdiocese reminded the four speakers that these limited areas characterized the focus of the Tribute. At no point did I or any Archdiocesan representative ever advise the speakers to address or promote Governor Dukakis' candidacy.

13. The Archdiocese has never endorsed or supported the candidacy of any person seeking elective office. Any such electioneering activity would be repugnant to the Church's mission. Further, any such activity at a Clergy-Laity Congress attended by hundreds of delegates of every political background would be doubly repugnant.

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14. I attended the entire 1988 Tribute to Public Service and I did not view the event, either in whole or in part, as promoting the candidacy of Governor Dukakis. Indeed, no other person to whom I have spoken viewed the Tribute as a Dukakis campaign event.

Alexander Karloutsos  
Alexander Karloutsos

Sworn to and subscribed  
before me this 24 day  
of May, 1991

Patricia A. Humphreys  
Notary Public

**PATRICIA A. HUMPHREYS**  
Notary Public, State of New York  
No. 60-4689188  
Qualified in Westchester County  
Commission Expires July 25, 1992

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... and your young men shall see visions.

Joel, 2:28

Exhibit A 1



Greek Orthodox Archdiocese  
of North and South America  
Twenty-ninth Biennial  
Clergy-Laity Congress

Boston, Massachusetts July 3-8, 1988

**SCHEDULE**

**29th BIENNIAL CLERGY-LAITY CONGRESS**  
**AND NATIONAL PHILOPTOCHOS CONVENTION**

**THURSDAY, JUNE 30**

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All Day	YAL	Arrival & Registration Office opens (MIT)
10:00 am (At Seminary)	YAL	Archdiocesan GOYAL Committee Meeting
	Congress/ Philoptochos	Arrival of Executive Committee, Holy Synod, Guests
	Congress	Press Meetings at the Diocese
12:30 pm	Holy Synod	Luncheon at the Diocese
1:30-4:30 pm	Holy Synod	Meetings at the Diocese
1:30-6:00 pm	Congress/ Philoptochos	Congress Office opens (Harvard) Philoptochos Office opens (Northeastern) Orthodox Observer Office opens (Brandeis)
6:00-9:00 pm	CHOIR	Rehearsal (Regis)
8:00 pm	Bishops	Dinner (not at the Hotel)
8:30 pm-1:00 am	YAL	Reception for Participants (Salons G-J)
12:30 am-2:00 am	YAL	Cafeneio (Atrium, 3rd Floor)
	Congress/ Philoptochos	Night Free



FRIDAY, JULY 1

7:30 am	GOYA Reunion	See GOYA desk in registration area
8:00-9:15 am	YAL	Divine Liturgy (Salons H-K)
All Day	Congress	Exhibit Set-up (University Hall)
9:15-11:45 am	YAL	Brunch (Salons E-G) Official Opening of YAL Conference
12:15-1:45 pm	YAL	YAL Program of Workshops (Suffolk, Wellesley, Radcliffe, Bentley, Simmons, Boston College, B.U., Regis, Yarmouth, Tufts, Provincetown, Nantucket, Cape Cod, Hyannis, Falmouth, Vineyard, Vermont, Salons A,B,C,D)
1:00-4:00 pm	CHOIR	Rehearsal (Salons H-K)
1:00-9:00 pm	YAL	Beach Party Set-up (Salons F & G)
2:15-3:45 pm	YAL	Workshop #2 (same rooms as above)
4:00-5:30 pm	YAL	Forum with Archbishop (Salon E)
4:00-6:00 pm	YAL	Choir Rehearsal (Salons H-K)
5:30-6:30 pm	YAL	Diocese Awareness Workshop (Suffolk, Wellesley, Radcliffe, Bentley, Simmons, Tufts, Boston College, Regis and B.U.)
6:00-9:00 pm	CHOIR	Rehearsal (Salons H-K)
7:00 pm	Arch.Council/ Bishops	Executive Committee Dinner (Vineyard/Yarmouth)
7:30 pm	GOYA Reunion	Reception-see registration area
9:00 pm-1:00 am	YAL	Beach Party - Grand Ballroom (Salons F & G)
12:30 am-2:00 am	YAL	Cafeneio (Atrium, 3rd Floor)

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SATURDAY, JULY 2

8:30-12:00 noon & 3:00-5:00 pm	Congress	Hospitality Room Open (University Hall)
8:30 am-9:00 pm	Congress	Exhibits Open (University Hall)

9:00 am	GOYA Reunion	Tour of Seminary - see registration area
8:30-9:00 am	YAL	Prayer Service (Salons H-K)
9:00-10:40 am	YAL	(1) HOPE in Action; (2) LOGOS; (3) HC/HC (All in Salon E)
9:00-12:00 noon	Archdiocesan Council	Meeting (Salons A-D)
9:30 am-9:00 pm	Congress/ Philoptochos	Registration of Delegates (4th Floor)
10:00 am-1:00 pm	CHOIR	Rehearsal (Salons H-K)
10:30 am	YAL	Depart for and spend day at Holy Cross
12:00-1:00 pm	Philoptochos	Diocese Presidents Workshop (Falmouth)
1:00-3:00 pm	Arch. Council/ Philop. Brd.	Luncheon at Hotel (Salon G)
1:30-3:00 pm	Oratorical Festival	Reception (Nantucket)
12:30-2:00 pm	YAL	Workshop #3 at Seminary
2:00 pm	YAL	Clambake at Seminary
2:00-6:00 pm	CHOIR	Rehearsal for 200 (Hynes Convention Center)
	Philoptochos	National Board Meeting (Salons A & B)
2:30-4:30 pm	Leadership Advisory	Leadership aDvisory Committee Meeting (Salons C & D)
All Day	YAL	Art Exhibit at Maliotis Center
3:30-5:00 pm	YAL	Leadership Workshop at Maliotis Center
4:30-6:00 pm	Finance Comm.	Meeting (Massachusetts)
5:00-9:00 pm	National Forum	National Forum of Musicians Meeting (Vermont)
6:00 pm	YAL	Bus back to Hotel
7:00 pm	Congress	Reception for Leadership "100" hosted by James Pappas
	Arch. Council/ Philop. Brd.	Free evening



GOYA  
Reunion

Banquet - see registration area

9:00-12:00 pm

YAL

Comedy Night at Hotel (Salon E-F)

### SUNDAY, JULY 3

Morning

All

Divine Liturgy at Hynes Convention Center

12:30 pm

Bishops

Brunch for Synod and invited guests at the Hotel  
(Vineyard/Yarmouth)

1:00 pm

Congress

Exhibits - Official Opening/Ribbon Cutting  
(University Hall)

1:00-9:00 pm

Congress

Hospitality Area Open (University Hall)

1:00-2:30 pm

Philoptochos

Workshops

- 1) Finance Budget (Bentley)
- 2) Public Relations, Membership,  
Stewardship (Maine)
- 3) By-Laws/Procedures (Simmons)
- 4) Leadership (Suffolk)

1:00-10:00 pm

Church Musicians

Meeting (Vermont)

2:00-3:30 pm

YAL

Workshop--Married Couples (Regis)

2:00-5:00 pm

YAL

Oratorical Festival  
(Provincetown, Hyannis, Cape Cod, Orleans)

Congress

Oratorical Festival (Salons A-D)

Oratorical Festival Judges (Nantucket)

2:45 pm

Philoptochos

Ecumenical Tea Reception (Atrium, 4th Floor)

3:00-5:00 pm

Philoptochos

Ecumenical Tea (Salons G-K)

CHOIR

Rehearsal - Boston University School of the Arts

5:00-6:30 pm

Philoptochos

Dinner Break

6:00-7:00 pm

YAL

VIP Reception (Vineyard/Yarmouth)

YAL

Cash Bar Reception (Atrium, 4th Floor)

7:00 pm-1:00 am

YAL

GOYAL Reception and Grand Banquet (Salons A-K)

6:30-11:00 pm Philoptochos Workshops:  
 1) Finance Budget (Bentley)  
 2) Public Relations, Membership,  
 Stewardship (Regis)  
 3) By-Laws/Procedures (Maine)  
 4) Leadership (Suffolk)

12:30 am-2:00 am YAL Cafeneio (Atrium, 3rd Floor)

### MONDAY, JULY 4

7:00-8:15 am All Divine Liturgy (Salons H-K)

8:30 a.m.-10:00 pm Church Musicians Meeting (Vermont)

8:30-9:30 am Philoptochos Completion of workshops (Same rooms as previous night)

8:30 am Presbyters Brotherhoods Breakfast Meetings: Pittsburgh Diocese (Cape Cod)  
 Denver Diocese (Hyannis)  
 Atlanta Diocese (Nantucket)  
 Toronto Diocese (Orleans)  
 New Jersey Diocese (Provincetown)

Oratorical Festival Breakfast (Salons C & D)

Logos Breakfast (Salons A & B)

8:30-10:30 am & 3:30-5:00 pm Congress Hospitality Area Open (University Hall)

All Day Congress/Philoptochos Registration of Delegates (4th Floor)

Congress Children's Activities Program (University Hall)

9:00 am-9:00 pm Congress Exhibits Open (University Hall)

9:30-12:00 noon All Opening Session, KEYNOTE ADDRESS (Salons E, F, G)

12:30 pm Congress Reception for Dais (Salons H & I)

1:00-2:45 pm Congress Opening Luncheon "Salute to Education"  
 Dr. John Silber (Salons E,F,G)

1:00 pm-4:00 pm CHOIR Rehearsal at Trinity Church

Hellenic College/HC Faculty will be available in Connecticut Room throughout the week

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3:30-4:30 pm	Philoptochos	Official Opening of Philoptochos Convention & General Assembly (Salon F)
3:30-5:00 pm	Congress Committees	Finance Committee (Salons A, B, C D) Administration Committee (Cape Cod/Hyannis)
	Congress Workshops	A. <u>Church, Life &amp; Witness</u> 1. Social & Moral Issues (Provincetown) 2. Youth (Simmons) 3. St. Michael's Home (Nantucket) 4. Ecumenical Relations (Falmouth) B. <u>Education</u> 5. Greek Education & Studies (B.U.) 6. Religious Education (Tufts) 7. Hellenic College/Holy Cross (B.C.) 8. St. Basil's Academy (Wellesley) 9. Missions/Monasticism/St. Photios Shrine (Suffolk) C. <u>Mass Media</u> 10. Radio, T.V., News & Information (Orleans) 11. Orthodox Observer (MIT)
6:00-7:45 pm	All	Ecumenical Vespers at Trinity Church
7:00 pm	YAL	Harborside Cruise
8:00 pm	Bishops	Dinner (Regis)
	Presbyteres Sisterhood	Meeting (Maine)
8:00-10:00 pm	Church Musicians	Meeting (Vermont)
8:00-11:00 pm	Congress	Committees & Workshops (same rooms as above)
	Philoptochos	General Assebly (Salon F)
11:00 pm	All	Compline Service (Salons H-K)

**TUESDAY, JULY 5**

7:00 am	All	Divine Liturgy (Salons H-K)
8:30 am	Pomfret Clergy	Breakfast with Archbishop (Salons C & D)
8:30 am-12:00 noon	Church Musicians	Meeting (Vermont)
<del>9:00-10:15 am</del>	<del>Delegates</del>	<del>Stewardship; Finance Seminar (Salon E)</del>

12:00-2:00 pm	Church Musicians	Luncheon (Salons C & D)
2:00-5:00 pm	Church Musicians	Meeting (Vermont)

**PROGRAM AT HELLENIC COLLEGE/HOLY CROSS**

**CLERGY/PRESBYTERES PROGRAM**

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8:15 am	All Clergy bus to the Cathedral Center
9:30-12:15 pm	Clergy Program at the Cathedral Center
9:30-12:15 pm	Presbyteres Program at the Diocese Center
12:15 pm	Proceed to Holy Cross for Lunch
12:30-2:15 pm	Luncheon Period on Campus
2:30-4:30 pm	Clergy proceed to Maliotis Center for Clergy Program
4:30 pm	Bus back to Marriott Hotel

**PHILOPTOCHOS DELEGATES PROGRAM**

8:15 am	All delegates bus to Maliotis Center on Campus of Seminary
9:15 am	Arrival on Campus
9:30-11:00 am	All delegates proceed to Maliotis Center for the Seminar Presentation on Hellenic College/Holy Cross
11:30-12:45 pm	Lunch
1:00-2:15 pm	Tour of the Campus
2:15-2:30 pm	All delegates board buses to return to the Marriott Hotel

**CLERGY-LAITY CONGRESS DELEGATES**

9:00-10:15 am	<i>Laity on the Plenary Session 3-</i> Stewardship/Finance Seminar (Salon E) - <i>M.D.</i>
10:15-10:30 am	All laity will board buses for the Seminary
11:00-11:15 am	Group One delegates arrive at Seminary. Proceed to Maliotis Center

11:30 am-12:45 pm	Seminar Presentation for Group One
1:00-2:30 pm	Luncheon for Group One delegates
11:30 am-12:45 pm	Lunch for Group Two
1:00-2:15 pm	Seminar Presentation for Group Two
3:00 pm	Buses available for return to Marriott Hotel

---

**Upon returning to the Marriott Hotel**

3:00-5:30 pm	Philoptochos	General Assembly at Hotel (Salon F)
	Congress	Hospitality Area Open (University Hall)
4:30-6:15 pm	Lay Delegates	Stewardship Seminar continues (Salon G)
5:30-7:00 pm	Church Musicians	St. Romanos Medallion Reception (Atrium, 3rd Floor)
7:00 pm	All Delegates	Buses leave for the POPS
8:00 pm	All Delegates	Night at the POPS
11:00 pm	All	Compline Service (Salons H-K)

**WEDNESDAY, JULY 6**

7:00 am	All	Divine Liturgy (Salons H-K)
8:00 am-7:00 pm	Church Musicians	Meeting (Vermont)
8:15-9:15 am	Corporate Leaders/ Leadership "100"/Archons	Breakfast (Salons A, B, C, D)
	Chicago Philoptochos	Breakfast (Regis)
	San Francisco Diocese	Breakfast (Atrium)
	Denver Diocese Delegates	Meeting

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8:30-12:00 noon & 2:30-5:00 pm	Congress	Hospitality Area Open (University Hall)
9:00 am-9:00 pm	Congress	Exhibits Open (University Hall)
	Presbyteres Sisterhood	Meeting (Maine)
9:00-10:30 am	Congress/ Philoptochos	<u>"Forum 88"</u> .. "Straight Talk & You/Aids" (Salons E, F, G)
10:45 am-12 noon	Congress/ Philoptochos	<u>"Forum 88"</u> Workshops: (Salons E, F, G) 1. Religious Alliance Against Pornography-Dr. Kirk -Children in Pornography 2. Council on Aging 3. Dept. of Church Life
12:45 pm	Dais	Luncheon Reception (Salons H & I)
1:00-2:45 pm	All	Philoptochos Luncheon (Salons E, F, G)
3:15-5:00 pm	Congress/ Philoptochos	<u>"Forum 88"</u> Workshops (Salons A,B,C,D) 4. Abused Children 5. Death & Choice 6. Drugs/Alcohol
3:00-5:00 pm	Congress	Workshops: A. <u>Church, Life &amp; Witness</u> 1. Social & Moral Issues (Provincetown) 2. Youth (Simmons) 3. St. Michael's Home (Nantucket) 4. Ecumenical Relations (Falmouth) B. <u>Education</u> 5. Greek Education & Studies (B.U.) 6. Religious Education (Tufts) 7. Hellenic College/Holy Cross (B.C.) 8. St. Basil's Academy (Wellesley) 9. Missions/Monasticism/St. Photios Shrine (Suffolk) C. <u>Mass Media</u> 10. Radio, T.V., News & Information (Orleans) 11. Orthodox Observer (MIT)
3:00-5:00 pm	Church Musicians	Mini Symposium (Vermont)
4:15 pm	Reception	For Public Officials (Nantucket)
5:00 pm	All	General Assembly "Tribute to Public Service" (Salons E,F,G)
7:00 pm	All	Buses to the State House

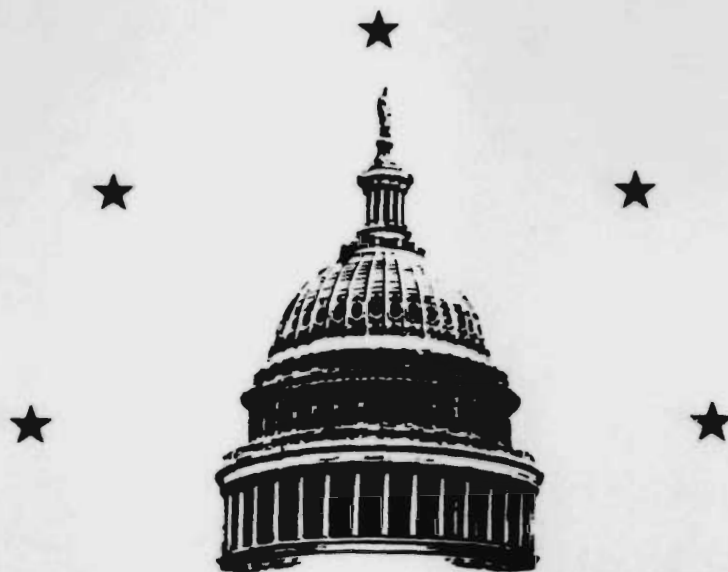
7:30-9:30 pm	All	State House Reception
10:00 pm	Philoptochos	General Assembly (Salon F)
	Congress	Workshops continue (same rooms as above)
11:00 pm	Congress	Compline Service (Salons J & K)

### THURSDAY, JULY 7

7:00-8:15 am	All	Divine Liturgy (Salons H-K)
8:15 am	UHAC	Breakfast (Salons A,B,C)
8:15-9:15 am	Philoptochos	Breakfast sponsored by Philoptochos Board (Salon F)
8:30-12 noon & 2:30-4:00 pm	Congress	Hospitality Area Open (University Hall)
9:00 am-5:00 pm	Congress	Exhibits Open (University Hall)
9:45 am	Congress/ Philoptochos	General Assembly/Plenary Session (Salons E-G) Memorial Service for Patriarch Athenagoras
12:30-2:00 pm	All	Lunch Break
2:00-4:00 pm	Congress/ Philoptochos	General Assembly (Salons E-G)
6:30 pm	Congress	Grand Banquet Reception (4th Floor Atrium)
7:30 pm	Congress	Grand Banquet (Salons A-K)

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Exhibit B



The Speaker of the U.S. House of Representatives  
The Senate Majority Leader  
The Senate Republican Leader  
The House Republican Leader

Honor

His All Holiness Dimitrios  
Ecumenical Patriarch of Constantinople  
in a Congressional ceremony

July 10, 1990

Rotunda  
U.S. Capitol Building

93040981037

The visit to the United States by His All Holiness Dimitrios represents the first time in history that the Ecumenical Patriarch of Constantinople has visited the Western Hemisphere.

His All Holiness Dimitrios is the Ecumenical Patriarch and spiritual leader of over 250 million Orthodox Christians worldwide. He was born in 1914, ordained to the priesthood at the age of 28, and was elected the 269th Ecumenical Patriarch of Constantinople on July 16, 1972. His most noted accomplishments have been establishing a serious dialogue with church leaders and his arch-pastoral ministry to the Orthodox Faithful worldwide. In 1987 he made a historic year-long pastoral pilgrimage to Orthodox Patriarchates around the world, the churches of Greece and Poland, the World Council of Churches in Geneva, the Archbishop of Canterbury in London, and Pope John Paul II at the Vatican. He also in 1989 presided over the dedication ceremonies of the new Patriarchate building made possible after many years of perseverance and due to the efforts of former President Jimmy Carter and His Eminence Archbishop Iakovos.

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## PROGRAM

CALL TO ORDER	Andrew E. Manatos Coordinator, Patriarchal Congressional Events
PROCESSIONAL	"Unto Thee, Invincible Champion" National Anthem
INVOCATION	His Eminence Archbishop Iakovos
MASTER OF CEREMONIES	Andrew A. Athens President, Archdiocesan Council
WELCOME	The Honorable Thomas S. Foley Speaker, U.S. House of Representatives The Honorable George J. Mitchell Majority Leader, U.S. Senate
CONFERRAL OF THE ST. ANDREW MEDAL OF PUBLIC SERVICE Recipients:	The Honorable Paul S. Sarbanes U.S. Senator of Maryland The Honorable Gus Yatron U.S. Congressman of Pennsylvania The Honorable Nicholas Mavroules U.S. Congressman of Massachusetts The Honorable Olympia J. Snowe U.S. Congresswoman of Maine The Honorable Michael Bilirakis U.S. Congressman of Florida The Honorable George W. Gekas U.S. Congressman of Pennsylvania The Honorable Helen Delich Bentley U.S. Congresswoman of Maryland
RESPONSE ON BEHALF OF RECIPIENTS	The Honorable Paul S. Sarbanes U.S. Senator of Maryland
CHORAL PRESENTATION	"America the Beautiful"
CONFERRAL OF THE CROSS OF ST. ANDREW AND RESPONSES BY RECIPIENTS	The Honorable Thomas S. Foley Speaker, U.S. House of Representatives The Honorable George J. Mitchell Majority Leader, U.S. Senate The Honorable Robert J. Dole Senate Republican Leader The Honorable William S. Broomfield U.S. Congressman of Michigan
PATRIARCHAL BLESSING	His All Holiness the Ecumenical Patriarch
RECESSIONAL	"The Battle Hymn of the Republic"
MUSIC BY: Metropolitan Singers/the Greek Choral Society The Brass Ensemble, Little Orchestra Society of New York, Dino Anagnost, conductor	

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BEFORE THE FEDERAL ELECTION COMMISSION:

-----X

Investigation of Greek Orthodox :  
Archdiocese of North and South :  
America : MUR 2782

-----X

STATE OF NEW YORK )  
 )ss.:  
COUNTY OF NEW YORK )

I, Alexander Karloutsos, being first duly sworn state on oath that:

1. I have read the letter written by Sidley & Austin, dated February 28, 1990, consisting of 8 pages, and find the factual statements made therein to be true and correct, based upon my personal knowledge and on information and belief.

2. On April 2, 1987, the Greek Orthodox Archdiocese of North and South America ("Archdiocese") sponsored a dinner at its offices at 10 East 79th Street, New York, New York to honor Governor Michael S. Dukakis. I attended this dinner.

3. This event was a formal dinner, by invitation only, and was attended by approximately 38 persons. Those in attendance were overwhelmingly Greek-Orthodox Americans from throughout the United States.

4. The purpose of the dinner was to honor Governor Dukakis as a prominent and successful Greek-American. The dinner itself involved no award for Governor Dukakis. No testimonials were given in Governor Dukakis' honor.

5. At this dinner, discussion focussed on Greek-American concerns and personal stories.

6. His Eminence Archbishop Iakovos briefly remarked that he was proud of Governor Dukakis and stated that he would pray for him. Governor Dukakis spoke briefly, and stated his thanks to the Archbishop for hosting the dinner. Governor Dukakis expressed his continuing concern about Greek-American affairs as well as his pride in being a Greek-American.

7. At no point during the dinner did Governor Dukakis or any other guest advocate his nomination or election or the defeat of any other candidate. Neither Governor Dukakis, nor any other dinner guest, solicited any monetary contributions to the Dukakis

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campaign, nor were any contributions voluntarily offered by any guest at the event.

8. I attended the Archbishop Iakovos Nameday Dinner in Cleveland, Ohio on October 24, 1987.

9. At this event, which was held at the Stouffer Tower City Plaza Hotel in Cleveland, numerous persons spoke in tribute to the Archbishop. See Gazouleas Aff. at Exhibit A (1987 Nameday Program).

10. Governor Dukakis, like all other speakers, spoke about the Archbishop and the impact that His Eminence has had on his life. Particularly, Governor Dukakis spoke about his childhood memories of life in Brookline, Massachusetts where the Archbishop (then his parish priest) served as spiritual advisor and friend to the Dukakis family.

11. At the 1987 Nameday Dinner, Governor Dukakis never advocated his nomination or election or the defeat of any other candidate. Similarly, Governor Dukakis never solicited any monetary contribution to his campaign.

12. No other speaker made any other type of electioneering comment at the 1987 Nameday Dinner.

13. I attended the Tribute to Public Service on July 6, 1988, as part of the biennial Clergy-Laity Congress of the Archdiocese. See Exhibit A attached (program of Tribute).

14. The Clergy-Laity Congress is the highest legislative assembly in the Archdiocese and meets biennially at various locations throughout the United States. The purpose of the Congress is to consider various issues of concern to members of the Greek Orthodox Church. Like the Archdiocese, the Congress does not endorse any political candidates or political platforms.

15. The 1988 Congress was held in Boston, Massachusetts on July 3-8, 1988.

16. At the 1988 Tribute, Archbishop Iakovos presented 20 persons of Greek-American heritage with the Certificate of the Medal of St. Andrew, recognizing that person for outstanding service to the Greek-Orthodox Church and the United States.

17. After an invocation and the presentation of the certificates, four honorees made brief comments to the Congress. These speakers were: Helen Boosalis, former mayor of Lincoln, Nebraska; Peter Peterson, chairman of the Council of Foreign Relations; Dr. John Brademas, president of New York University; and Michael S. Dukakis, governor of the host state of Massachusetts.

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18. All four speakers spoke about Greek-American heritage and the role played by their parents and grandparents in helping shape their lives and this nation.

19. Governor Dukakis began his remarks by first welcoming the delegates to his host state of Massachusetts. He then reminisced about his boyhood in Brookline and his many encounters with Archbishop Iakovos, who then served as his parish priest.

20. Like the previous speakers, Governor Dukakis acknowledged the important role that had been played by Greek-American parents and grandparents in generations past in helping better the lives of their own families and this country.

21. At no point during Governor Dukakis' speech did he expressly advocate his nomination or election or the defeat of any other candidate. Moreover, he did not solicit any contribution towards his campaign.

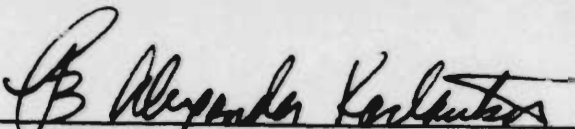
22. On the following and concluding day of the Congress, now-President Bush spoke to the Congress as the keynote speaker at the closing banquet. President Bush's well-received remarks focus on issues of interest to the Clergy-Laity Congress and the Greek Orthodox Church: abortion, importance of the family in today's society, and the moral force of religion.

23. President Bush complimented Governor Dukakis and noted that Governor Dukakis' candidacy must be a source of great pride for the entire Greek-American community.

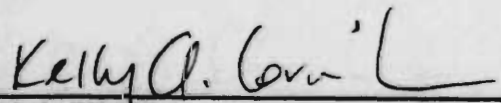
24. President Bush did not expressly advocate his nomination or election, nor did he solicit any contributions to his campaign.

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25. The Archdiocese did not pay any honoraria to either Governor Dukakis or President Bush, and no proceeds remaining from the event were sent to either campaign. Any remaining proceeds from the Congress, were distributed to various Greek-American scholarship funds.

  
ALEXANDER KARLOUTSOS

Subscribed and sworn to me  
this 28 of February, 1990

  
NOTARY PUBLIC

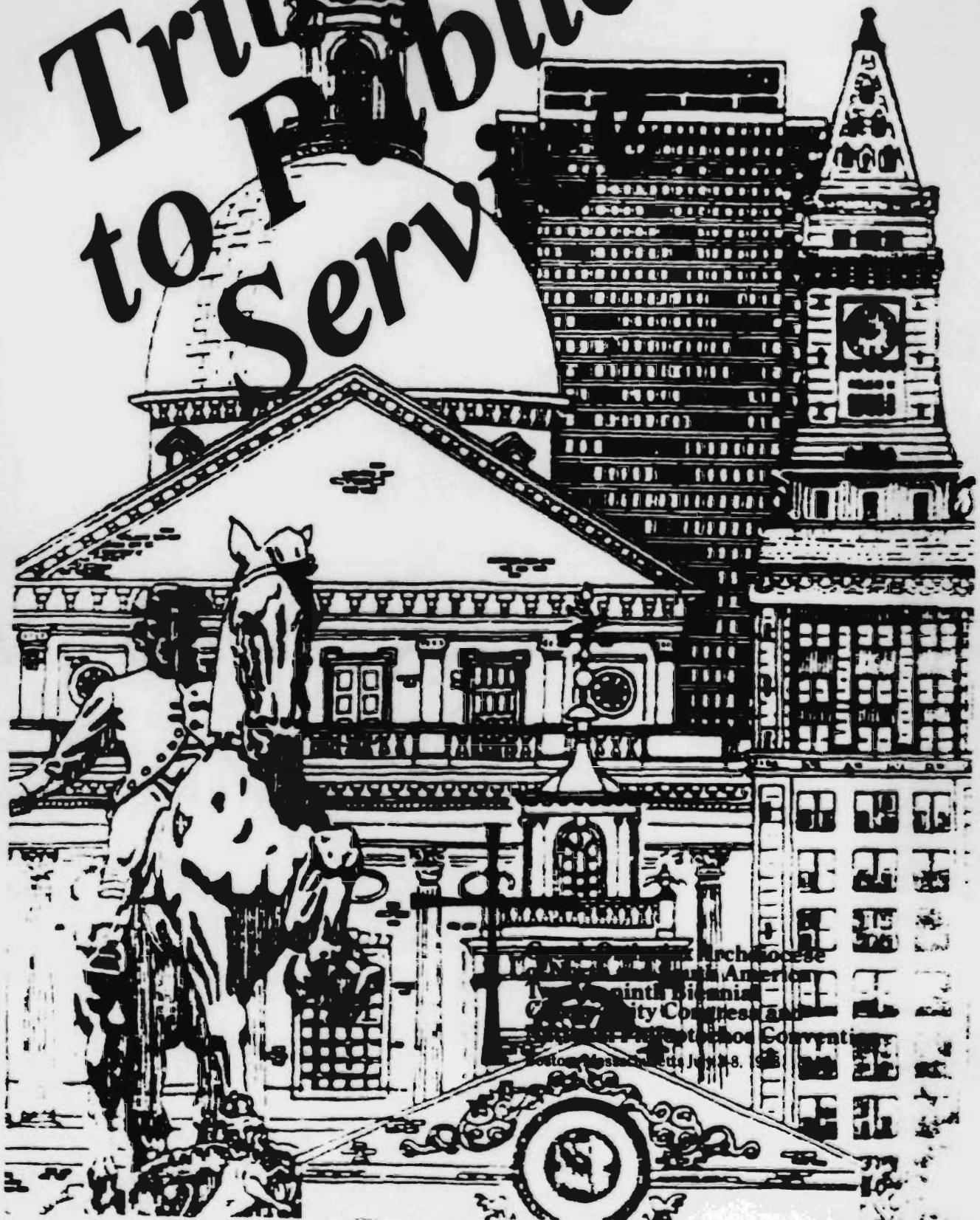
KELLY A. CORSON  
Notary Public, State of New York  
No. 31-488894  
Qualified in New York County  
Commission Expires March 16, 1991

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# Tribute to Public Service

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National Archdiocese  
 of North America  
 50th Anniversary  
 City Congress and  
 School Convention  
 Boston, Massachusetts July 28, 1958



καὶ ἔσται μετὰ ταῦτα καὶ ἐκχεῶ ἀπὸ  
τοῦ πνεύματός μου ἐπὶ πᾶσαν σάρκα,  
καὶ προφητεύσουσιν οἱ υἱοὶ ὑμῶν καὶ  
αἱ θυγατέρες ὑμῶν, καὶ οἱ πρεσβύτεροι  
ὑμῶν ἐνύπνια ἐνυπνιασθήσονται, καὶ οἱ  
νεανίσκοι ὑμῶν ὄρασεις ὄψονται.

And it shall come to pass afterward that  
I will pour out my spirit upon all flesh;  
and your sons and your daughters shall  
prophesy, your old men shall dream  
dreams, your young men shall see visions.

*Joel 2.28*

# HONOREES

The Honorable George A. Athanson  
*Former Mayor of Hartford (CT)*

Mr. Andrew A. Athens  
*President*  
*United Hellenic American Congress*

The Honorable Helen Boosalis  
*Former Mayor of Lincoln (NE)*

Dr. John Brademas  
*President, New York University*  
*Former United States Congressman*  
*of Indiana*

Mr. Philip Christopher  
*President*  
*PanCyprian Association of America*

The Honorable Michael S. Dukakis  
*Governor of Massachusetts*

The Honorable Nicholas Galifianakis  
*Former United States Congressman*  
*of North Carolina*

Rear Admiral Michael P. Kalleres  
*Director*  
*General Planning and Program Division*  
*Office of the Chief of Naval Operations*

Ambassador C. William Kontos  
*Retired*  
*Senior Vice President*  
*Executive Council on Foreign Diplomats*

The Honorable Andrew E. Manatos  
*Former Assistant Secretary of Commerce*

The Honorable Peter G. Peterson  
*Chairman, Council of Foreign Relations*  
*Former Secretary of Commerce*

The Honorable Eugene T. Rossides  
*Chairman/Founder American Hellenic Institute*  
*Former Assistant Secretary of Treasury*

The Honorable John P. Rousakis  
*Mayor of Savannah (GA)*

The Honorable Paul S. Sarbanes  
*United States Senator of Maryland*

The Honorable Michael Sotirhos  
*United States Ambassador to Jamaica*

The Honorable Barbara Spyridon Pope  
*Deputy Assistant Secretary of Defense*

Mr. Nicholas L. Strike  
*Supreme President, Order of AHEPA*

The Honorable Nick A. Theodore  
*Lieutenant Governor of South Carolina*

The Honorable Paul E. Tsongas  
*Former U.S. Senator of Massachusetts*

Ambassador Nicholas A. Veliotis  
*Retired President*  
*Association of American Publishers*

# PROGRAM

## WELCOME

Chris Papoutsy, *Congress Co-Chairman*

## NATIONAL ANTHEMS

Penelope Bitzas, *Soprano*

## INVOCATION

His Eminence Archbishop Iakovos  
assisted by the Rev. Alexander Karloutsos  
*Director, Department of Communications*

## MASTER OF CEREMONIES

Ernest Anastos  
*Anchorman, WABC-TV Eyewitness News, New Jersey*

## TRIBUTE TO PUBLIC SERVICE

### REMARKS

The Honorable Paul Tsongas  
*Former Senator of Massachusetts*

The Honorable Peter G. Peterson  
*Former Secretary of Commerce*

The Honorable Paul S. Sarbanes  
*United States Senator of Maryland*

### ADDRESS

His Excellency Michael S. Dukakis  
*Governor, Commonwealth of Massachusetts*

### RESPONSE

His Eminence Archbishop Iakovos

### BENEDICTION

His Eminence Archbishop Iakovos  
assisted by The Rev. Dr. Milton Erthimiou  
*Director, Department of Church, Life, Society*

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# Host Committee Chairmen 29th Biennial Clergy-Laity Congress

## CHAIRMAN

His Grace Methodios, Bishop of Boston

## CO-CHAIRMEN

James Argeros, Christos Papoutsy,  
Michael Sophocles

## WORSHIP

Rev. Dr. Peter Chamberas, Arhanasios Nikolopoulos

## ECUMENICAL DOXOLOGY

Rev. Athanasios Demos, Van Benno

## ECUMENICAL TEA

Maria Foundas

## PRESBYTERS COUNCIL

Rev. John Maheras

## PRESBYTERES

Susan Maheras

## PHILOPTOCHOS

Elaine Kevgas

## YOUTH YAL

Rev. Dean N. Hountalas, Valerie Philips

## JOURNAL

Christos Papoutsy, Greg Filias

## FINANCE

Bill Galatis

## REGISTRATION/CREDENTIALS

James Kaloyanides, Constantine Katsoris

## PUBLISHING SECRETARLAT

Angelo Stamoulis, Taso Markatos

## BANQUET FOOD

Chris Dionis, James John, Emmanuel Milias

## HOSPITALITY

Merope Kapetanakis

## CHILDREN'S PROGRAM

Vivianne Chiuasis, Jeanne Providakis

## EXHIBITS

George Sgourakes

## ADVERTISING

Stavros Cosmopoulos

## TRANSPORTATION

Michael Pagos, Constantine Calivas

## ARCHDIOCESAN COUNCIL LIAISON

D. M. Moschos

## DIOCESAN COUNCIL LIAISON

George Kalambokis

## SECURITY

James Bichakas

## HOUSING

William Tsafaras

## CONGRESS SECRETARY

Joanna Bakas

## DIOCESE SECRETARY

Sophia Nibi

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The Host Committee of the 29th Biennial Clergy-Laity Congress  
expresses its gratitude to the following benefactors:

### Great Benefactors

Christos Papoutsy Charitable Foundation  
Stephen & Catherine Pappas  
Thomas Anthony Pappas Charitable Foundation

### Benefactors

Arthur C. Anton, Anton's Cleaners  
Alpha Omega Organization  
Crown Linen Services  
Frank Giuffrida

Christy's Markets  
West Lynn Creamery  
Christos N. Kritikos  
Frank Kachuris

The Judge John C. Pappas Charitable Foundation

BEFORE THE FEDERAL ELECTION COMMISSION:

-----X  
 Investigation of Greek Orthodox : MUR 2782  
 Archdiocese of North and South  
 America :  
 ----- X

STATE OF NEW YORK )  
 )ss.:  
 COUNTY OF NEW YORK )

I, Panayiotis Gazouleas, being first duly sworn, state on oath that:

1. I have read the letter written by Sidley & Austin, dated February 28, 1990, consisting of 8 pages, and state that the factual statements made in the letter to be true and correct, based upon my personal knowledge and on information and belief.

2. I attended the October 24, 1987 Nameday Dinner in honor of His Eminence Archbishop Iakovos in Cleveland, Ohio.

3. At this event, many speakers gave tribute to the Archbishop. See Exhibit A attached (1987 Nameday Program). No speaker at any time ever advocated the nomination or election of Governor Dukakis or the defeat of any other candidate; moreover, no speaker solicited contributions for Governor Dukakis' campaign.

4. Governor Dukakis, when he spoke, briefly made a few personal remarks about his memories of growing up in Brookline, Massachusetts, where the Archbishop (then his parish priest) served as spirtual advisor and friend to the Dukakis family.

5. At no point during this event did Governor Dukakis expressly advocate his nomination or election or the defeat of any other canditate, or seek any contributions to his campaign.

6. I attended the Greek Orthodox Archdiocese's Clergy-Laity Congress held on July 3, 1988 in Boston, Massachusetts. I attended the "Tribute to Public Service" program held on July 6, 1988 as part of the Congress.

7. At this event, Archbishop Iakovos presented 20 persons of Greek-American descent a certificate of the Medal of St. Andrew. See Exhibit B attached (certificate presented to Senator Paul Tsongas).

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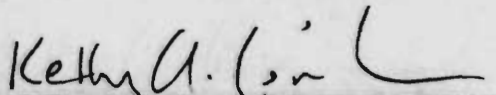
8. Part of the Tribute was videotaped by the Greek Orthodox Archdiocesan Public Relations Office and is referenced in this Affidavit as Exhibit C. (A copy of the videotape is being provided with the Archdiocese's submission.)

9. During the Tribute, Governor Dukakis never expressly advocated his nomination or election or the defeat of any other candidate, or seek any contributions to his campaign.

10. The Archdiocese or the Clergy-Laity Congress has never endorsed any political candidate or political program. Moreover, the Archdiocese has never contributed toward any political campaign.

  
P. NAYIOTIS GAZOULEAS

Subscribed and sworn to me  
this 28<sup>th</sup> day of February, 1990

  
NOTARY PUBLIC

KELLEY A. CORBIN  
Notary Public, State of New York  
No. 51-488884  
Qualified in New York County  
Commission Expires March 16, 1991

93040981050

Exhibit A

*Greek Orthodox Archdiocese  
Diocese of Pittsburgh*



*The National Nameday Celebration*

*Honoring His Eminence*

*Archbishop Iakovos*

*Primate of the Greek Orthodox Church in the Americas*

*Saturday, October 24, 1987*

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His Eminence Archbishop Iakovos  
Primate of the Greek Orthodox Archdiocese  
of North and South America

May the grace of the  
precious and life-giving  
Cross, upon which our  
Lord and Saviour Jesus  
Christ signed the New  
Testament - covenant of  
our salvation be with you  
now and forever.

*Archbishop Iakovos*

*His Grace Bishop Maximos  
and the  
Diocese of Pittsburgh*

*present*

*The 29th Anniversary  
National Nameday Banquet*

*Honoring*

*His Eminence Archbishop Jakovos  
commemorating the  
Centennial of the Birth of Patriarch Athenagoras  
and the  
Fiftieth Anniversary of Hellenic College / Holy Cross School of Theology*

*for the benefit of  
The Archbishop Jakovos Scholarship Fund*

*Saturday evening the twenty-fourth of October  
nineteen hundred eighty-seven  
Grand Ballroom  
Stouffer Tower City Plaza Hotel  
Cleveland, Ohio*

93040981053



*"I have not journeyed alone  
 I have not climbed any heights without  
 having you by my side to encourage me  
 I have accomplished absolutely nothing  
 without your help and understanding,  
 my fellow bishops and priests,  
 my fellow leaders in the ecumenical movement —  
 and all of you, my brothers and sisters in Christ.  
 You are the benefactors,  
 while I am the beneficiary."*

*Archbishop Iakovos*

9 3 0 4 0 9 8 1 0 5 4



Ecumenical Patriarch Athenagoras I  
 1886-1972

*We Celebrate the Centennial of the Birth of  
 His Holiness Patriarch Athenagoras I*

The Annual Archbishop Iakovos Nameday Dinner allows us to recall, with love and appreciation, the Patriarch's concern, efforts and achievements in uniting the Greek Orthodox communities in America and for fostering Christian unity throughout the world. He founded Holy Cross School of Theology in 1937.

*"There was a man named Athenagoras. None he was nothing, just a grain of sand in the unlimited universe. The only thing that made him worthwhile was that he devoted all his love to mankind."*





Holy Cross  
Greek Orthodox Chapel  
Hellenic College

## HELLENIC COLLEGE & HOLY CROSS GREEK ORTHODOX SCHOOL OF THEOLOGY

Hellenic College and Holy Cross Greek Orthodox School of Theology have begun the celebration of the 50th Anniversary of the founding of the Seminary. The School was established in 1937 in Pomfret, Connecticut, by Archbishop Athenagoras and moved to Brookline, Massachusetts in 1947. For five decades, the School has been the only seminary of the Greek Orthodox Church in the Americas. In more recent decades, the School has developed into an accredited undergraduate College and Graduate School of Theology in order to serve better its students and the needs of the Church.

Hellenic College, the undergraduate school, offers to qualified men and women a program of studies in the Liberal Arts leading to the Bachelor of Arts degree. A student may concentrate either in Religious Studies or Greek Studies. With its special emphasis upon the heritage of the Orthodox people, the program offers a distinctive alternative to the ordinary collegiate experience. Moreover, the program of studies, centering on the humanities, is especially valuable for those who seek to enter the graduate School of Theology.

Holy Cross offers a number of graduate level programs designed for men and women who wish to pursue studies in the various disciplines of Orthodox Theology. The graduate school offers the following degrees: Master of Divinity (M.Div.), Master of Theological Studies (M.T.S.), Master of Arts in Church Service (M.A.C.S.), and the Master of Theology (Th.M.). The program of studies leading to the M.Div. degree is especially designed for seminarians and it is the required program for all graduate level seminarians seeking to serve in the Greek Orthodox Church in the Americas.

Hellenic College is accredited by the New England Association of Schools and Colleges, Inc., which accredits schools and colleges in the six New England States. Accreditation by the NEASC indicates that the institution has

been carefully evaluated and found to meet those standards agreed upon by qualified educators.

Holy Cross Greek Orthodox School of Theology has a dual accreditation. It is accredited, together with the undergraduate school, Hellenic College, by the New England Association of Schools and Colleges, and holds full institutional accreditation with the Association of Theological Schools in the United States and Canada.

Holy Cross maintains ongoing relationships with other Orthodox Christian Schools of Theology in the United States, Europe and elsewhere. It sponsors faculty and student exchange with St. Vladimir's Orthodox Theological Seminary in New York. Holy Cross has been recognized as a graduate school of Orthodox theology by the Schools of Theology of the Universities of Athens and Thessaloniki. Holy Cross enjoys and nurtures special ties with the faculties of these two schools. It also shares its faculty and educational resources with the Melkite Seminary of Saint Gregory the Theologian in Newton, Massachusetts. Holy Cross is also a member of the Boston Theological Institute, a consortium of nine theological schools in the Greater Boston area.

Hellenic College and Holy Cross serve the Church through their active concern for the advancement of Orthodox life and thought, as well as the preservation of our heritage and the cultivation of Greek Letters. Through teaching, research, publications and ecumenical witness, the faculty provides sound theological reflection by which the faith is related to the issues which effect the people of the Church today. Moreover, the School is a source of renewal and continuing education for those engaged in the ministry. The School also provides special programs in Theology, Religious Studies and Greek Studies for the laity in cooperation with local dioceses and parishes.

Menu

*Iced Shrimp with Twin Sauces*

*Chef's Specialty Salad  
with Champagne Vinaigrette Dressing*

*Filet Mignon  
with Bearnaise Sauce  
in Artichoke*

*Pea Pods with  
Carrots Mousse*

*French Bread and Croissants  
Butter Rosettes*

*Wine*

*Swimming Swan  
Nested in Chocolate Sauce*

*Coffee, Tea and Fresh Brewed  
Decaffeinated Coffee*

\* \* \* \* \*

*Music by the James Meyers String Ensemble*

*Flowers by Stazzone*

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# Programme

Introduction of Dais Guests

Rev. Dr. Alexander N. Karloutsos  
Director, Office of Public Affairs

National Anthems

Michael McMurray

Invocation

His Eminence Archbishop Iakovos  
assisted by Rev. Dr. John Protopapas

Toastmaster

Ted J. Theodore  
Diocesan Council Member

Welcome

George C. Chimples  
Archdiocese National Finance Committee  
Committee Chairman

Remarks

Rev. Joseph J. Hlurish  
Catholic Diocese of Cleveland

Rev. Thomas O'Leary  
Interchurch Council of Cleveland

Rabbi Armond Cohen  
Park Synagogue

George V. Vainovich  
Mayor, City of Cleveland

Andrew Athens  
President, Archdiocesan Council

John Plumides  
Past Supreme President, AHEPA

Howard Metzbaum  
United States Senator

Edward Feighan  
United States Congressman

Judge John M. Manos  
U. S. Federal Court

His Excellency Metropolitan Silas  
President, Hellenic College and  
Holy Cross School of Theology

Ambassador George Papoulas  
Ambassador of Greece to U. S.

Introduction of Principal Speaker

Address

Michael Dukakis  
Governor, State of Massachusetts

Musical Selections

Combined Chorus

Introduction of Archbishop Iakovos

His Grace Bishop Maximus  
of Pittsburgh, General Chairman

Response

His Eminence Archbishop Iakovos

Special Presentation

Benediction

His Eminence Archbishop Iakovos  
assisted by Rev. Dr. George Barz

God Bless America

Entire Assembly

93040981057

*His Grace Bishop Maximos of Pittsburgh*



GREEK ORTHODOX ARCHDIOCESE OF NORTH AND SOUTH AMERICA  
ΙΕΡΑ ΑΡΧΙΕΠΙΣΚΟΠΗ ΒΟΡΕΙΟΥ ΚΑΙ ΝΟΤΙΟΥ ΑΜΕΡΙΚΗΣ

DIOCESE OF PITTSBURGH  
3271 FULLMOUTH AVENUE  
PITTSBURGH, PENNSYLVANIA 15201

BISHOP MAXIMOS

TELEPHONE 412-261-2528

October 24, 1987

To the Beloved Guests  
of the Archbishop's Nameday Banquet  
Grand Ballroom, Stouffer Tower City Plaza Hotel  
Cleveland, Ohio

Dearlly Beloved,

Our Diocese is extremely honored to host this year's annual Nameday Banquet for our spiritual leader His Eminence Archbishop Iakovos. This is one of the few occasions the banquet is being held outside of New York, where it has always been a highlight in the life of the Archdiocese.

The organizing committee in Cleveland has done its utmost to make certain that the high standards set by New York will be kept as much as possible.

On behalf of the hard working Organizing Committee, on behalf of our entire Diocese of Pittsburgh, I would like to welcome all of you to this year's banquet, honoring our inspired and inspiring Spiritual Leader, His Eminence Archbishop Iakovos, whose spiritual leadership has received world recognition.

We are also observing the centennial of the birth of our late Patriarch Athenagoras I, a man of vision, who opened new horizons in the relationships between the various Christian bodies, helping them to come closer together and to seek that unity desired by the Founder of our Christian Church, the Lord Jesus.

Finally, we are especially pleased to take part in the celebration of the 50th anniversary of our Theological School in Brookline, MA.; our Theological School is the heart of our Archdiocese, for without it our church cannot accomplish its mission in the USA and in today's world.

Thanking you for coming to honor our Archbishop and our great late Ecumenical Patriarch, and to support our Theological School in Brookline, I remain,

Yours in Christ's service,

*J. Bishop Maximos*  
MAXIMOS  
BISHOP OF PITTSBURGH

MBP/lsk

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# In Appreciation

We gratefully acknowledge with thanks the following generous sponsors and patrons  
and all the participants in this celebration.

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Mr. Arthur Marros  
His Grace, Bishop Maximos  
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# Addendum

## In Appreciation

We gratefully acknowledge with thanks the following generous sponsors and patrons  
and all the participants in this celebration.

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Judge Nicholas Tsoucalas

Mr. and Mrs. John J. Veronis

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### Special Acknowledgement

George Catavolos, Limousine Service for dignitaries

Peter Vrettos and EDR Corp., Video Services

*National NAMEDAY Celebration Committee  
GREEK Orthodox Archdiocese  
DIOCESE of Pittsburgh*

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Rev. Fr. Nicholas Frangakis  
Irene Karavolos*

*Hospitality*

*Maribeth Collis Lehas  
William Mitchell*

*Music*

*Mike Hadgis  
Nick Theodorou*

*Menu—Decorations—Entertainment*

*Cleo Anton  
Mary Anton  
Helen Collis*

*Program*

*Cleo Anton  
Ted Theodore*

*Finance*

*Alex Mehedis  
George Papadorotheou  
Christopher Pasiadis*

*Dignitaries*

*Rev. Fr. Peter Metallinos*

*Committee Members*

*Thalia Anton  
Rev. Fr. George Bartz  
Ted Constantine  
Dr. Des Dandalides  
Rae Elliott  
Rev. Fr. Michael G. Gulgas  
George Kappos*

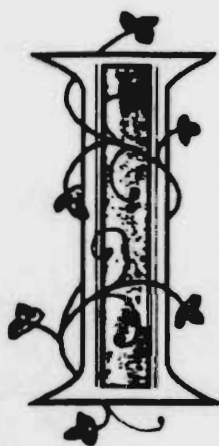
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greek orthodox archdiocese  
of north and south america



*N* RECOGNITION OF  
outstanding service to Church and Community,  
devotion to human rights and social justice,  
commitment to the American Spirit and faith in  
this Nation, the Greek Orthodox Archdiocese of  
North and South America bestows upon

The Medal of St. Andrew

July 6, 1988

*Archbishop Iakovos*  
**Iakovos**  
Primate and Exarch  
of the Western Hemisphere

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
SECRET

91 MAY 21 PM 4:12

**SENSITIVE**

May 21, 1991

**MEMORANDUM**

TO: The Commission

FROM: Lawrence M. Noble  
General Counsel *LMN*

SUBJECT: MUR 2782  
Dukakis for President Committee, Inc.  
and Robert A. Farmer, as treasurer  
Request for Discovery Materials and  
Extension of Time

**I. BACKGROUND**

On April 25, 1991, this Office mailed the General Counsel's Brief and letter to the above-named respondents. The letter and brief informed Respondents that this Office is prepared to recommend the Commission find probable cause to believe that they violated 2 U.S.C. §§ 434(b) and 441a(f). Included with the brief was a copy of a partial transcript this Office had made from a videotape of the 1988 Clergy-Laity Congress, an awards ceremony at which it had been alleged violations had occurred. This videotape had been provided in response to discovery request to another respondent, the Greek Orthodox Archdiocese of North and South America. On May 8, 1991, this Office received a letter from Respondents.

**II. ANALYSIS**

In the letter, Respondents request a full transcript of the videotape, arguing that the partial transcript prepared by this Office contains only one sentence of John Brademas' speech, and that they need to be able to put this sentence into its proper context. The sentence to which Respondents refer is relevant to the probable cause to believe recommendation in the brief. Respondents additionally request that after this information is provided, that an extension of ten days in which to respond to the brief be granted.

In S.E.C. v. O'Brien, 467 U.S. 735 (1984), the Supreme Court determined that an administrative agency is not required to inform the target of an investigation of actions taken in

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furtherance of that investigation. Broadly read, O'Brien would seem to support the notion that the Commission is not obligated to provide the requested documentation.

Although Respondents do not appear to be legally entitled to the requested information, this Office believes that the request should nevertheless be granted. The transcript is an important basis for this Office's recommendations and, in all fairness, Respondents should have an opportunity to make arguments based on a complete view of the event. Because creation of a full written transcript would be time-consuming, this Office recommends that a copy of the videotape be provided to counsel. Because Respondents will understandably require additional time to construct their response in light of the Commission's action, this Office further recommends that the Commission grant them an extension of 10 days from the receipt of the videotape.

### III. RECOMMENDATIONS

1. Authorize the Office of the General Counsel to provide a copy of the videotape of the awards ceremony at the Clergy-Laity Congress to the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer.
2. Grant an extension of 10 days from Respondents' receipt of the videotape to respond to the General Counsel's Brief.
3. Approve the appropriate letter.

#### Attachment

1. May 8, 1991 letter

Staff assigned: Tony Buckley

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Dukakis for President Committee, Inc. ) MUR 2782  
and Robert a Farmer, as treasurer; )  
Request for Discovery Materials and )  
Extension of Time. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 24, 1991, the Commission decided by a vote of 6-0 to take the following actions in MUR 2782:

1. Authorize the Office of General Counsel to provide a copy of the videotape of the awards ceremony at the Clergy-Laity Congress to the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer.
2. Grant an extension of 10 days from Respondents' receipt of the videotape to respond to the General Counsel's Brief.

(Continued)

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3. Approve the appropriate letter, as recommended in the General Counsel's Memorandum dated May 21, 1991.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

May 24, 1991  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat: Tues., May 21, 1991 4:12 p.m.  
Circulated to the Commission: Wed., May 22, 1991 11:00 a.m.  
Deadline for vote: Fri., May 24, 1991 11:00 a.m.

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 4, 1991

HAND DELIVERED

Carol C. Darr, Esq.  
2123 R Street, N.W.  
Apartment G  
Washington, D.C. 20008

RE: MUR 2782  
Dukakis for President  
Committee, Inc. and Robert A.  
Farmer, as treasurer

Dear Ms. Darr:

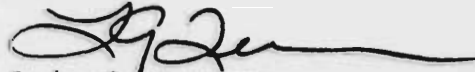
This is in response to your letter dated May 8, 1991, which we received on that same date, requesting a copy of the transcript of the Clergy-Laity Congress Ceremony which is at issue in the above-captioned matter, and further requesting an extension of ten days after your receipt of the transcript in order to respond to the General Counsel's Brief in this matter.

After considering the circumstances presented in your letter, the Federal Election Commission has decided that, rather than constructing a full transcript of the ceremony, a copy of the Commission's videotape of the ceremony should be provided to you. That videotape is enclosed. Additionally, the Commission has granted your request for an extension of time to respond. Accordingly, your response is due within ten days of your receipt of this letter.

If you have any questions, please contact Tony Buckley, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

  
BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Videotape

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Dukakis for President Committee, Inc.  
2123 R Street, N.W.  
Washington, D.C. 20008

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91 JUN 17 AM 10:45

June 14, 1991

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

Attention: Anthony Buckley, Esq.

Re: MUR 2782

Dear Mr. Buckley:

This constitutes the response of the Dukakis for President Committee, Inc. (the "Committee"), to the notification of the Federal Election Commission (the "Commission") that the Commission has found "reasonable cause to believe" that the Committee accepted an impermissible contribution from the Archdiocese of the Greek Orthodox Church.

BACKGROUND

The original complaint, dated November 4, 1988, alleged that three events held by the North American Archdiocese of the Greek Orthodox Church were for the purpose of influencing the election of Michael Dukakis, and that the costs associated with these events therefore count as contributions to the Committee. The three events were:

1. An April 2, 1987 Reception and Dinner;
2. The October 24, 1987 Namesday Dinner; and
3. The June 6, 1988 Clergy Laity Congress Ceremony.

According to the General Counsel's Brief dated April 24, 1991, the evidence related to the first two events does not support a "probable cause" to believe finding that the Federal Election Campaign Act of 1971, as amended (the "Act"), has been violated. Accordingly, the only event still at issue is the Clergy Laity Congress' "Salute to Public Service" Ceremony.

RESPONSE

Summary

The "Salute to Public Service" Ceremony (the "Ceremony"), which was part of the six-day Clergy Laity Congress of the Archdiocese, honored twenty Greek-Americans for contributions to public service. One of the honorees was Michael Dukakis.

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In his brief, the General Counsel twice hedges his conclusion that the purpose of the event was to expressly advocate the election of Michael Dukakis. On page 9 the General Counsel states that "the purpose of the event was to expressly advocate Governor Dukakis' election or, in the very least, that it was campaign related." On page 14 the General Counsel states that "even should express advocacy be absent, this event was campaign related."

The very wording of the General Counsel's Brief demonstrates the inherent weakness of his conclusion that "express advocacy" -- even the kind that falls short of the exhortatory phrases listed in Buckley -- was expressed at the Ceremony. In implicitly conceding that express advocacy is absent, the General Counsel is attempting to institute in its place a new and less rigorous standard, one of "campaign relatedness."

Respondent Committee argues, first, that the remarks at the Ceremony fall far short of express advocacy; and second, that instituting a new and lesser standard will open a floodgate of complaints in the 1992 election cycle.

### Discussion

#### I. The Remarks at the Ceremony Do Not Constitute Express Advocacy.

In Advisory Opinion 1988-27, the Commission reiterated its long-held standard that an event will be treated as campaign related, and thus the costs associated with it a contribution, if there was (1) a communication soliciting contributions to the candidate or candidate's campaign, or (2) if there was a communication expressly advocating the nomination, election or defeat of a candidate.

With regard to the event at issue, the General Counsel states at page 9 of his Brief that "[t]his office does not question that Dukakis never solicited contributions during his address." The issue, then, is whether the remarks of Governor Dukakis or others at the event constitute "express advocacy" of his election.

As to the issue of "express advocacy," the General Counsel cites the decision of the Ninth Circuit Court of Appeals in Massachusetts Citizens for Life for the proposition that "speech need not include any of the words listed in Buckley to be express advocacy under the Act, but must, when read as a whole, and with limited reference to external events, be susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." (Page 4).

The General Counsel also cites the Ninth Circuit's Furgatch decision that speech is express "if its message is unmistakable and unambiguous, suggestive of only one plausible meaning," and

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constitutes advocacy only if "it presents a clear plea for action," and it is clear what that action is. (Page 4).

The General Counsel points to speeches by three separate individuals -- Ernie Anastos, the master of ceremonies; former Congressman John Brademas; and Governor Michael Dukakis -- which, he says, taken together constitute express advocacy. However, as the discussion below makes clear, the remarks of these individuals fall far short of the "unmistakable and unambiguous" express advocacy" standard enunciated in these two decisions.

The first comments by Mr. Anastos include two reference to the 1988 election. One is that New England, along with its "great restaurants" and "interesting historical attractions," has "36 electoral votes." He also stated that Michael Dukakis is "the first choice of the Democratic Party for the presidential nomination." By anyone's standards, this is hardly the stuff of an unmistakable, unambiguous, clear plea for action.

The second speech in question was that of former Congressman John Brademas. The topic of his remarks is the the importance of public service, and the special affinity for those of Hellenic heritage for public service -- a speech wholly appropriate for, and in keeping with, the nature of the event. He makes reference to several of the honorees as worthy of emulation, including Senator Paul Sarbanes, former Congressman Nick Galafanakis, and Governor Dukakis. In fact, in a speech lasting five minutes, only three sentences make reference to Michael Dukakis. Given the fact that Governor Dukakis is the highest ranking official present, Mr. Brademas states that it would be "discourteous" not to mention Governor Dukakis. In reviewing the videotape of the event, it is clear that Mr. Brademas's remarks are not intended as a campaign speech for Governor Dukakis, nor do they have that effect.

The third speech was that of Michael Dukakis. The focus of Governor Dukakis's speech was his Greek origins, the struggles of his immigrant parents and others who had made his successes possible, the successes of others sons of immigrants such as John F. Kennedy, and the contributions of ancient Greek philosophy to Western ideas of public service. Like the remarks of Mr. Brademas, Governor Dukakis's remarks were wholly in keeping with the nature of, and appropriate for, the "Salute to Public Service" Ceremony.

Governor Dukakis recalled that the Archbishop was his parish priest when he was a child, and expressed his pride and admiration for his immigrant parents. He expressed his excitement that ABC News "is going to be broadcasting live from Mitilini, my dad's home village during the convention."

Governor Dukakis then talked briefly about John Kennedy, who was descended from Irish immigrants. He, too, Governor Dukakis said, "was enthused about public service. He exulted in public service." Governor Dukakis mentioned President Kennedy's

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recreation of the Peace Corps, and the importance of public service. Public service, he said, was in the blood of Greek people "because we started it." He also cited the rule of law as "perhaps the most important contribution" of the ancient Greeks.

Expanding on the concept of the rule of law, Governor Dukakis spoke of the necessity for public officials to earn public trust. He ended his speech with a recitation of ancient Greek pledge about never bringing dishonor to one's country, and striving to transmit a better, stronger country.

With regard to Governor Dukakis' message alone, or the message of Messrs. Anothos, Brademas, and Dukakis taken together, it stretches the concept of "express advocacy" beyond recognition to argue that either the test of Massachusetts Citizens for Life or that of Furgatch has been met. That is to say, the message or messages cannot be considered "susceptible to no other reasonable interpretation but as an exhortation" to vote for Governor Dukakis; nor can they be considered unmistakably and unambiguously suggestive of only one plausible meaning [i.e., the election of Dukakis], and coupled with a clear plea for action [i.e., voting for Dukakis]. The hedged language of the General Counsel's Brief implicitly recognizes that this test has not been met.

The General Counsel is equally unpersuasive in his argument that the timing of the event and composition the audience gives rise to an inference that the event was "campaign related" and therefore related to the advocacy of a candidate. As to the timing, the Ceremony was but one aspect of a six-day conference held by the Archdiocese. This conference is a regularly held (mostly annual) event that convenes to discuss the administrative aspects of the Archdiocese. The nature of the event is not, nor has it ever been, that of a political convention. It is a religious gathering.

The General Counsel also cites the "composition of the audience" as a "cause for concern." Concern about what? Concern, according to the General Counsel, that the audience would have the "opportunity" to "return to their parishes and promote Governor Dukakis' candidacy." It goes without saying that Greek-American individuals interested enough in their heritage to participate in the six-day conference of the Greek Orthodox Church would have been inclined in that direction regardless.

II. The Substitution of a "Campaign Related" Test for an Express Advocacy Test Will Open a Floodgate of Complaints

If the Commission retreats from its "express advocacy" test and substitutes a less stringent "campaign related" test for determining when the costs of an event that is held for other purposes will count as a contribution to a candidate, it will

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open a floodgate of complaints. By replacing a "bright line" of express advocacy with a vaguer, and necessarily more elusive standard, the Commission thereby establishes a political "smell test" for each non-campaign event at which a candidate speaks.

Such a situation would prove especially troublesome for incumbent candidates who are often called upon to appear at quasi-official events with respect to which there is a thin line between their official duties and their campaigns. With no clear standards, and with the Commission placed in the role of arbiter, the temptation for the candidates' opponents to challenge their every appearance would be irresistible. Regardless of how the complaints were eventually resolved (in most cases, years after the election), the initial political value, and indeed, harassment value, of such a complaint would make it a tempting tactic.

Admittedly, the present "bright line" test of express advocacy is open to misuse by candidates who come with a hair's breadth of crossing the line. But a vaguer standard will deny candidates and their campaigns needed guidance about what speech triggers a contribution and what does not.

III. Even If the Commission Decides the Activity In Question Constitutes Express Advocacy, Governor Dukakis Should Be Charged with Only 1/20 of the Costs

According to the General Counsel's Brief at page 7, the "Salute to Public Service" Ceremony honored "twenty persons of Greek descent." If the Commission decides that the message of Governor Dukakis, or the messages of Governor Dukakis and Messrs. Anothos and Brademas taken together, constitute express advocacy of Dukakis's election, then only that portion of the event related to Governor Dukakis should be counted as a contribution to him. To count the entire event as express advocacy would require the Commission to look behind the facts of every event featuring multiple candidates to determine who the sponsors "really" intended to promote. The havoc such a ruling would wreak, for example, on ticket-wide events sponsored by a political party is difficult to imagine.

IV. Conclusion

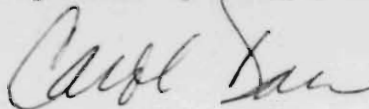
The Commission should continue to use its bright line express advocacy test -- including the clarifications described in Massachusetts Citizens for Life and Furgatch -- for determining when an event whose main purpose is not campaign related should be treated as a contribution. Under that test, the speeches of Governor Dukakis, and Messrs. Anothos and Brademas fall far short of express advocacy, as the carefully worded arguments of the General Counsel implicitly concede. But even if the Commission were to find that express advocacy

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occurred, only 1/20 of the cost should be counted as a contribution.

Finally, the implications for substituting a less stringent, and necessarily more elusive "campaign-relatedness" standard are enormous and troubling. To do so is a prescription for a floodgate of litigation.

Respectfully submitted,



Carol C. Darr, Esq.  
Counsel for the Committee

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MUR # 2782

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY  
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM  
LOCATIONS.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2782

DATE FILMED 10/27/93 CAMERA NO. 2

CAMERAMAN MC

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FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

Microfilm  
 Public Records  
 Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2782.

12/10/95

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**THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS  
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE**

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report. See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System. See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993. See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993. See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993. See Reel 354, pages 1741-1746.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

**CERTIFIED MAIL -  
RETURN RECEIPT REQUESTED**

Peter T. Flaherty, Chairman  
Conservative Campaign Fund  
Suite 500  
1156 15th Street, N.W.  
Washington, D.C. 20005

RE: MUR 2782

Dear Mr. Flaherty:

On November 10, 1988, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). On December 19, 1989, the Commission found reason to believe that the Greek Orthodox Archdiocese of North and South America ("the Archdiocese") violated 2 U.S.C. § 441a(a)(1)(A), and that the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer ("the Committee"), violated 2 U.S.C. §§ 434(b) and 441a(f). Also on that date, the Commission determined to take no action at that time against Michael S. Dukakis, Archbishop Iakovos Coucouzes, the Reverend Alexander Karloutsos, and Takis Gazouleas. On April 25, 1991, the Office of the General Counsel issued briefs to the Archdiocese and the Committee, informing each that this Office was prepared to recommend to the Commission that it find probable cause to believe that violations had occurred. A response brief was received from the Archdiocese on May 28, 1991. A response was received from the Committee on June 14, 1991.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no further action against the Greek Orthodox Archdiocese of North and South America, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, Michael S. Dukakis, Archbishop Iakovos Coucouzes, the Reverend Alexander

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Peter T. Flaherty, Chairman

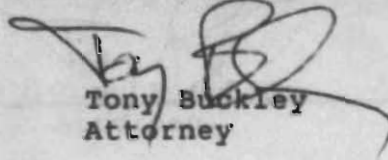
MUR 2782

Page 2

Karloutsos, and Takis Gazouleas. Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,



Tony Buckley  
Attorney

Date the Commission voted to close the file: DEC 09 1997

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

Carol C. Darr, Esq.  
2123 R Street, N.W.  
Washington, D.C. 20008

RE: MUR 2782

Dear Ms. Darr:

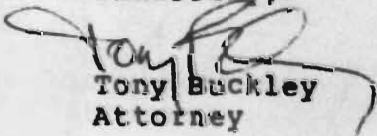
On January 17, 1990, your co-counsel in this matter, Daniel A. Taylor, was notified that the Federal Election Commission had found reason to believe your client, the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer, violated 2 U.S.C. §§ 434(b) and 441a(f). On March 13, 1990, you submitted a response to the Commission's reason to believe findings. On April 25, 1991, the Office of the General Counsel issued a brief to the Committee, informing it that this Office was prepared to recommend to the Commission that it find probable cause to believe that violations had occurred. A response was received from you on June 14, 1991.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no further action against the Dukakis for President Committee, Inc. and Robert A. Farmer, as treasurer. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receipt of your additional materials, any permissible submissions will be added to the public record when they are received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

  
Tony Buckley  
Attorney

Date the Commission voted to close the file:

DEC 09 1993

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

DEC 10 1993

The Honorable Michael S. Dukakis  
85 Perry Street  
Brookline, MA 02146

RE: MUR 2782

Dear Mr. Dukakis:

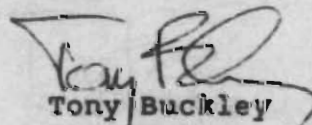
On November 16, 1988, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification. On January 17, 1990, you were notified that the Commission had determined to take no action against you at that time.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no further action against you. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

  
Tony Buckley  
Attorney

Date the Commission voted to close the file:

DEC 09 1993

93043542123





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 10 1993

Michael F. Reilly, Esq.  
Sidley & Austin  
875 Third Avenue  
New York, NY 10022

RE: MUR 2782

Dear Mr. Reilly:

On January 17, 1990, you were notified that the Federal Election Commission had found reason to believe your client, the Greek Orthodox Archdiocese of North and South America ("the Archdiocese"), violated 2 U.S.C. § 441a(a)(1)(A), and that the Commission had further determined to take no action at that time against your other clients: Archbishop Iakovos Coucouzes, the Reverend Alexander Karloutsos and Takis Gazouleas. On February 27, 1990, you submitted a response to the Commission's reason to believe finding. On April 25, 1991, the Office of the General Counsel issued a brief to the Archdiocese, informing it that this Office was prepared to recommend to the Commission that it find probable cause to believe that a violation had occurred. A response brief was received from you Archdiocese on May 28, 1991.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no further action against your clients. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record

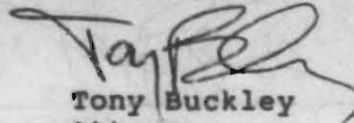
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Michael F. Reilly, Esq.  
MUR 2782  
Page 2

before receipt of your additional materials, any permissible submissions will be added to the public record when they are received.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

  
Tony Buckley  
Attorney

Date the Commission voted to close the file: DEC 09 1993

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