



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 3050

DATE FILMED 9/13/90 CAMERA NO. 2

CAMERAMAN AS

90040300368

06C 5969

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

167-05 12 Avenue
Whitestone, New York 11359
April 15, 1990

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

MUR 3050

Certified Mail - Return Receipt Requested

Ladies and Gentlemen:

I should like to file a complaint with your office. The attached public political advertising appeared in the Queens Courier, Bayside Times, Little Neck Ledger, Queens Tribune, as well as other newspapers located in the 8th Congressional District, during the week of April 12, 1990.

This advertising did not include the required notice concerning authorization and financing as mandated by Federal Election Commission regulation and the Federal Election Campaign Act, including but not limited to 2.U.S.C. § 441 d and 11 CFR 110.11 (a).

Copies of this public political advertisement are attached. The alleged violator(s) are candidate James H. Scheuer and/or an authorized political committee.

The Committee to Salute Jim Scheuer does not appear to be an authorized political committee. The names on the ad were solicited by Congressman James H. Scheuer (8th C.D., N.Y.) as well as by members of his congressional staff. A copy of the return envelope addressed to Rhoda Goldberg, Chairwoman, 142-14 26th Avenue, Apartment 6H, Flushing, New York 11354 is also attached. Ms. Goldberg is a member of Congressman Scheuer's congressional staff. There is no authorization or financing statement accompanying the solicitation of names of supporters for his continuation in office as a member of Congress in 1990 and beyond.

This advertisement has been timed in order to influence the party designation, the petition process which commences on June 5, 1990 and the Democratic Primary on September 11, 1990 as well as to discourage an opponent.

Furthermore, I ask that The Committee to Salute Jim Scheuer be required to list itself immediately as an authorized political committee and that the committee be enjoined from distributing this public political advertisement without said filing, authorization and financing identification notice printed on the ad.

Sincerely yours,

Richard Rapp

Sworn to before me
this 16 day of April, 1990.



Notary Public

VALERIE FORBES
Notary Public, State of New York
No. 41-4931305
Qualified in Queens County
Commission Expires May 31, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR 19 AM 1:00

90040300369

Congratulations Jim Scheuer on 25 years in Congress.

We salute your dedication to the causes of fair housing, affordable health care, better schools, social security, consumer protection, a safer environment, and the security of Israel.

Your devotion to just and humane causes has marked you as one of the truly compassionate and effective legislators of our time.

Congressman Jim Scheuer, for 25 years you have been a powerful voice for New York City in the United States House of Representatives. And now, as Dean of New York City's Congressional delegation, you are providing even greater leadership.

In addition, you are acclaimed internationally for your uncompromising efforts to make this a better world for people everywhere, yet you have never forgotten the neighborhoods you serve and the New Yorkers who need your help. You have always been there Jim, whenever we needed you.

We urge you to continue your outstanding service to our community, and to the Nation, for many years to come.



Senator Patrick Moynihan Governor Mario Cuomo Mayor David Dinkins Assemblyman Mel Miller, Speaker, N.Y.S. Assembly
Councilman Peter F. Vallone, Speaker, N.Y.C. Council Congressman Thomas J. Manton, Queens Democratic County Leader
Hon. George Friedman, Bronx Democratic County Leader Hon. John Matthews, Nassau Democratic County Leader
Claire Shulman, Queens Borough President Fernando Ferrer, Bronx Borough President

PUBLIC OFFICIALS

Rafael Castaneda Colon
N.Y.C. Council
Democratic District Leader
Jerry L. Crispino
N.Y.C. Council
Gloria Davis
N.Y.S. Assembly
John C. Daurie
N.Y.S. Assembly
Michael DeMarco
N.Y.C. Council
Hector L. Diaz
N.Y.S. Assembly
Tom Di Napoli
N.Y.S. Assembly
George Friedman
N.Y.S. Assembly
Julia Harrison
N.Y.C. Council
Democratic District Leader
Alan G. Hevesi
N.Y.S. Assembly
Robert T. Johnson
Bronx District Attorney
Stephen B. Kaufman
N.Y.S. Assembly
Stephen S. Lefter
N.Y.C. Council
Nattie Mayersohn
N.Y.S. Assembly
Democratic District Leader
Morton Porman
N.Y.C. Council
Democratic District Leader
Larry B. Schwartz
N.Y.S. Assembly
Democratic District Leader
Saul Weprin
N.Y.S. Assembly/
Democratic District Leader

DEMOCRATIC PARTY OFFICIALS

Michael Benedetto
Democratic District Leader
Adele Bronston
Democratic District Leader
Ruth Casar
Democratic District Leader
Sanford Cohen
Democratic District Leader
Gerald Esposito
Democratic District Leader
Arthur Goldstein
Democratic Zone Leader
Edith Hicks
Democratic District Leader
Frank Lesser
State Committeeman
Linda Loeb
Democratic District Leader
Sandra Love
Democratic District Leader
Fran Mahoney
Democratic District Leader
Anthony J. Menna
Democratic District Leader
Honey Miller
Democratic District Leader
Linda Mule
Democratic District Leader
Dennis Nagle
Democratic District Leader
Mary E. Petro
Democratic District Leader

John Roe
Democratic District Leader
Charlotte Schuman
Democratic District Leader
Leo Seaman
State Committeeman
Robert Simmons
Democratic District Leader
Gerard Terry
Town Leader
Elaine Weinstein
Democratic District Leader
Harriet Windman
Democratic District Leader

COMMUNITY LEADERS

Rabbi Charles G. Agin
Free Synagogue of Flushing
Rabbi Jerome Berkowitz
Marathon Jewish Community Center
Rabbi Stuart Berman
Elechester Jewish Center
Rabbi Louis Bernstein
Young Israel of Windsor Park
John Cichciello
St. Lucy's Church Senior Club
Father Columban Costello
Outreach Project
Rabbi Jerome K. Davidson
Temple Beth El of Great Neck
Peter Della Monica
Catholic Charities
Rabbi Abraham B. Eckstein
Little Neck Jewish Center
Harvey Eresman
Co-President, Temple Emanuel of Parkchester
Rabbi Earl J. Fishbunt
Flushing Jewish Center
Rabbi Harold Frankel
Kissena Jewish Center
Rabbi Moshe L. Fuchs
Congregation Sons of Israel of the Bronx
Rabbi Solomon Goldman
Utopia Jewish Center
Rabbi Morton Gordon
Temple Torah of Little Neck
Rabbi Steven Graber
Whitestone Hebrew Center
Rabbi Israel Greenberg
Beth Jacob-Miriam School
Rabbi Abraham Hartstein
Pelham Parkway Jewish Center
Rabbi Joshua Hertzberg
Jewish Center of Bayside Oaks
Rabbi Scott Hoffman
Temple Emanuel of Parkchester
Rabbi Irwin Isaacson
Rabbi Emeritus -
Oakland Jewish Center
Rabbi Simcha Krauss
Young Israel of Hillcrest
Rabbi Hyman Levine
Bay Terrace Jewish Center
Father Kieran Martin
St. Virgilus Church
Jim McQuade
Holy Family Church Senior Center
Rabbi Dr. Gerald M. Meiser
Free Meadows Jewish Center
St. Thomas Angela Mercuro
Ferrini League
Reverend John H. Meyer
Pastor - Community Church of Douglass

Rabbi Donald Milrod
Temple Judea/Bronx
Rabbi William Ornichter
Bayside Jewish Center
Branan Richman
Co-President, Temple Emanuel of Parkchester
Rabbi Shalom Rubin
Young Israel of Pelham Parkway
Rabbi Pabon Schoenfeld
Young Israel of Kew Garden Hills
Rabbi Seymour Schwartz
Young Israel of Parkchester
Rabbi Sidney Solomon
Jewish Center of Kew Garden Hills
Rabbi Murray Stadman
Jewish Center of Bayside Hills
Rabbi Mordecai Waxman
Temple Israel of Great Neck
Rabbi Ephraim Wolf
Rabbi Emeritus - Great Neck Synagogue

Carole Abramson
L.I. Committee for Soviet Jewry
Peter B. Black
Whitestone Hesi Brith
Susan Diawitz
Sisterhood President
Temple Torah of Little Neck
Maurice Blom
Whitestone Hebrew Center
Leo Bochner
Temple, Men's Club
Temple Judea/Bronx
Manna Caba
Sisterhood President
Congregation Khele Adath/Bronx
Irving Cohen
President, Elechester Jewish Center
Sharon Davidson
Sisterhood President
Young Israel Windsor Park
Annette Davis
Sisterhood President
Garden Jewish Center
Arnold Eisen
Bronx Jewish Community Council
Beatrice Epstein
President, Temple Beth Shalom of Flushing
Louis Gerstle
President, Young Israel Windsor Park
Rhoda Gogatz
Jewish Community Council of Pelham Parkway
Dr. Charles Goldberg
Pelham Parkway Jewish Center
Mike Hassender
President, Jewish Center of Torah Emeth
Dr. Heiner Hoffman
Whitestone Hebrew Center
Abraham Inkeles
President, Men's Club, Jewish Center of Bayside Hills
Muriel Jacobson
Sisterhood President, Oakland Gardens Jewish Center
Eli Kleinman
President, Young Israel of Pelham Parkway
Rita Kreiberg
Sisterhood President
Temple Beth Shalom

Phyllis Landman
Sisterhood President
Temple Judea of the Bronx
Sydney Lishans
President, Jewish Center
Bayside Hills
Norman Lim
Bronx Chapter
American Jewish Congress
Philip Marchant
North Shore Hebrew Academy
Samuel Pasach
President, Men's Club
Young Israel of Parkchester
Stanford Piatner
Jewish Center of Torah Emeth
Choris Pollack
President, Oakland Jewish Center
Milton Panneman
Temple Israel of Great Neck
Seymour Richman
UJA Federation - Queens
Jacqueline Rothman
Sisterhood President, Fresh Meadows Jewish Center
Seymour & Artyne Samuels
Bayside Oaks Jewish Center
Eugene Schuler
President, Queens Jewish Community Council
Lila Schuman
Flushing Jewish Community Council
Jerry Shatz
Jewish Community Council of Pelham Parkway
Abraham Spigel
Kissena Jewish Center
Arno Spiegel
President, Men's Club
Utopia Jewish Center
Julian Steiner
President, Flushing Jewish Center
Art Stricher
President, Men's Club
Bay Terrace Jewish Center
Myra Wallach
Sisterhood President
Bayside Jewish Center
Jerome Weiss
Whitestone Hebrew Center
Harold Zeligowitz
President, Marathon Jewish Center

Hank Auerbach
Vice President, Chemical Bank
Dr. Martin Begun
Dean, NYU Medical School
Herbert Beasstock
Queens College - CUNY
Dr. Cecilia Chang
Dean, Asian Studies Institute - St. John's University
Dominick Ciampa
Queens Businessman
Deanna Donnelly
N.Y. Telephone Co.
Mike Durso
Senior V.P. - Dollar Dry Dock
Frank Farello
President, Edo Corporation
Richard Gelman
President, National Bank of New York - Flushing
Floyd Holloway
First Vice President, N.Y.C. Transit Police

Shirley Strum Kenney
President, Queens College - CUNY
Joseph Mattos
Queens Philanthropist
John P. McKillop
President, N.Y.C. Supreme Court Officers Association
Jim Marley
Chairman, Board of Trustees, City University
Nathan Quinones
Former N.Y.C. Schools Chancellor
Dennis W. Quirk
President, N.Y.C. Court Officers Union
Hon. Edward Sadowsky
Queens Member, N.Y.C. Board of Education
Murray Schindler
President, Council of School Administrators
Karl Weisbaum
Queens Philanthropist

Mary M. Anderson
President, East Flushing Civic Association
Neil Burger
Director, Castle Hill Community Center
Mary Blatz
Bayside Historical Society
Richard Calbo
Commander, John Fraser Bryan Post #19/American Legion
Frank & Rita Canal
Democrats for New Politics
Dominic Cantore
Chairman, Community Planning Board #11 - Bronx
Pauline Chin
Queens Chinese Parents Assoc.
Judith Costa
Americans of Italian Heritage, Inc.
Albert Daly
Chairman, Community Planning Board #6 - Queens
Thal Davis
Northeast Bronx Council on Aging
Virginia Dent
Queens Environmentalist
Emilian Emdorfer
Pelham Parkway Merchants Assoc.
Joseph C. Fegan
President, Unionport Civil Assoc.
Jim Flaherty
Chairman, Little Neck/Douglaston Memorial Day Parade
Michael Fuery
Concerned Citizens of Bayside
Nicholas Garufis
President, Ft. Totten Preservation Council
Aurora Gareiss
Founder, Udall's Cove Preservation Committee
Eli Goldsmith
Windup Tennis Council - Bronx
Jeff Gottlieb
Kew Garden Hills Civic Assoc.
Bernard Haber
Chairman - Community Board #7 - Queens
Lucille Helfat
Douglaston Menor Association

Frank Henry
President, Greater Whitestone Tuxperts
John Hong
Queens Korean Culture Assoc.
Robert House
Bronx Y.M.C.A.
Roy Israel
President, Pelham Parkway Citizens Council
Moham Jethrani
Assoc. of Indo-American Engineers
Joanne Jones
Flushing Council on the Arts
Song Soo Kim
President, Korean American Small Business Service Center of N.Y.C.
Marshall Klein
Director, Flushing Y.M.C.A.
Rosa Kryzsh
Past President, New York Statewide Senior Action Council
Raymond Locascio
Astor Little League - Bronx
Patrick J. Lynch
Parkchester Community Leader
Doug MacKay
Alley Pond Environment Center
Maryann Marinello
President, Bayside Gables Civic Association
Jack & Yolanda Norris
Auburndale Improvement Assoc.
Don Ortl
President, Bay Terrace Coalition
Richard On
Queens Chinese Voters Assoc.
Dr. Margaret Pan-Loo
Queens Chinese-Korean Bilingual Program
Dr. Kantiabhai C. Patel
Bochasawasi Temple
John Procidia
President, Bowne Park Civic Assoc.
Pat Quaranta
President, Morris Park Community Association
Al Rankins
Flushing NAACP
Susan Wu Rathbone
Queens Chinese Women's Assoc.
Blanche Comras Rifkin
Chairwoman, Bronx House
Jonathan Ridgeway
Westmoreland Homeowner's Assoc.
Joseph Saporito
President, Americans of Italian Heritage
S. Gary Schiller
World Veterans Foundation
Herman L. Schneider
Commander, Cpl. Larry Muss Post 415
William Sokol
Whitestone Volunteer Ambulance Corps
Lynda Spelman
Chairwoman, Community Planning Board #7 - Queens
Chester Szarejo
Deerpale Gardens Community Council
Sean Walsh
President, Douglaston Civic Assoc.
Florence Wu Tse
Dean, Asian Studies, Queensborough Community College

The Committee to Salute Jim Scheuer. Thomas J. Manton, Chairman.



SALUTE TO JIM SCHEUER COMMITTEE

RHODA GOLDBERG, CHAIRWOMAN

142-14 26th Avenue, Apartment 611

Hushing, New York 11154

9 0 0 4 0 3 0 3 7 2



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 23, 1990

**Richard Rapp
167-05 12 Avenue
Whitestone, NY 11357**

RE: MUR 3050

Dear Mr. Rapp:

This letter acknowledges receipt on April 19, 1990, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by James H. Scheuer and the Committee to Salute Jim Scheuer. 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 3050. 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

90040300373



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

• April 23, 1990

Rhoda Goldberg, Chairwoman
The Committee to Salute Jim Scheuer
142-14 26th Avenue, Apt. 6H
Flushing, NY 11354

RE: MUR 3050

Dear Ms. Goldberg:

The Federal Election Commission received a complaint which alleges that the Committee to Salute Jim Scheuer 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 3050. 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.

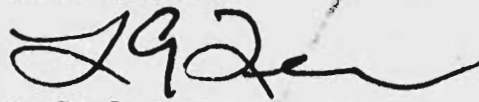
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed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

90040300374

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

90040300375



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 23, 1990

**The Honorable James H. Scheuer
2466 RHOB
Washington, D.C. 20515-3208**

RE: MUR 3050

Dear Congressman Scheuer:

The Federal Election Commission received a complaint which alleges that you and the Committee to Salute Jim Scheuer 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 3050. 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.

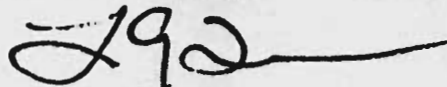
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9004000376

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

90040300377

06L5994
Certified Mail - Return Receipt Requested

167-05 12th Avenue
Whitestone, New York 11357
April 19, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 APR 23 PM 1:07

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

MUR 3050

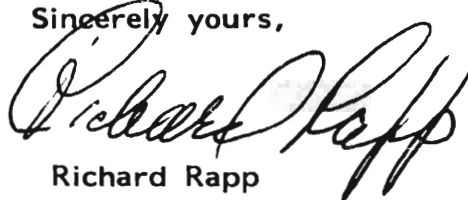
Ladies and Gentlemen:

Supplementing my complaint dated April 15, 1990 concerning Congressman James Scheuer's (8th C.D., N.Y.) public political advertisement, I should like to inform you that on April 18, 1990 Congressman Scheuer distributed the advertisement at a meeting of the Queens Political Committee of the New York City Central Labor Council considering his candidacy.

Approximately twenty labor leaders were in attendance when Mr. Scheuer used the ad (an additional copy is enclosed) to influence the vote regarding his candidacy for re-election.

This advertisement was used as a political advocacy piece in behalf of his campaign for re-election.

Sincerely yours,


Richard Rapp

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR 24 AM 3:06

90004030378



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 26, 1990

Richard Rapp
167-05 12th Avenue
Whitestone, New York 11357

RE: MUR 3050

Dear Mr. Rapp:

This letter acknowledges receipt on April 23, 1990, of the supplement to the complaint you filed on April 19, 1990, against Congressman James H. Scheuer and The Committee to Salute Jim Scheuer. As with the initial complaint, the contents of any supplement or amendment should be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

You must swear before a notary that the contents of your supplement are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. A statement by the notary that the complaint was sworn to and subscribed before her will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

If you have any questions concerning this matter, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "LGL", is written over the typed name of Lois G. Lerner.

BY: Lois G. Lerner
Associate General Counsel

2004030J379

FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

SUNDAY - 7 PM 4:48

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2107

(202) 371-7000

TELEX: 904343
SKARSLAW-WASH
TELECOPIER:
(202) 393-5760
DIRECT DIAL
(202) 371-

BOSTON
CHICAGO
LONDON
LOS ANGELES
NEW YORK
SAN FRANCISCO
TOKYO
WILMINGTON

May 7, 1990

BY HAND

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

Re: MUR 3050, The Honorable James Scheuer and Rhoda Goldberg

Dear Mr Noble:

Enclosed please find Designation of Counsel statements from Congressman Scheuer and Rhoda Goldberg. The respondents in the matter received the complaint on April 26, 1990, making the response due May 11, 1990. We will need a short extension of time to fully develop the facts in this matter. Thus, we request a ten day extension of time so that we may obtain the necessary information to file a complete response.

Thank you for your consideration of this matter.

Sincerely,

Kenneth A. Gross

Enclosures

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY -8 AM 11:34

20040300330

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3050

NAME OF COUNSEL: Kenneth A. Gross

ADDRESS: Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005

TELEPHONE: (202) 371-7000

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.

4/27/90
Date

Rhoda Goldberg
Signature

RESPONDENT'S NAME: Rhoda Goldberg

ADDRESS: 142-14 26th Avenue - Apt. 6H
Flushing, New York 11354

HOME PHONE: (718) 445-3215

BUSINESS PHONE:

90040300381

STATEMENT OF DESIGNATION OF COUNSEL

NR 3050

NAME OF COUNSEL: Kenneth A. Gross

ADDRESS: Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W. 3
Washington, D.C. 20005

TELEPHONE: 202/371-7000

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.

May 7, 1990

Date

Signature

James H. Scheuer

RESPONDENT'S NAME:

James H. Scheuer

ADDRESS:

2466 Rayburn House Office Bldg.
Washington, D.C. 20515

HOME PHONE:

BUSINESS PHONE:

202/225-5471

90040300332

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

00C 6179

167-05 12th Avenue
Whitestone, New York 11357
April 19, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 MAY 10 AM 11:00

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

mwr 3050

Ladies and Gentlemen:

Supplementing my complaint dated April 15, 1990 concerning Congressman James Scheuer's (8th C.D., N.Y.) public political advertisement, I should like to inform you that on April 18, 1990 Congressman Scheuer distributed the advertisement at a meeting of the Queens Political Committee of the New York City Central Labor Council considering his candidacy.

Approximately twenty labor leaders were in attendance when Mr. Scheuer used the ad (an additional copy is enclosed) to influence the vote regarding his candidacy for re-election.

This advertisement was used as a political advocacy piece in behalf of his campaign for re-election.

Sincerely yours,

Richard Rapp
Richard Rapp

State of New York
County of Queens

Sworn to me April 19, 1990. Richard Rapp
appeared and signed before me on this day.

Patrick J. Felt

PATRICK J. FELT
NOTARY PUBLIC, State of New York
No. 41-6225080 - Queens County
Term Expires March 30, 1991

6-30-90

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 10 AM 11:47

90040800383

Congratulations Jim Scheuer on 25 years in Congress.

We salute your dedication to the causes of fair housing, affordable health care, better schools, social security, consumer protection, a safer environment, and the security of Israel.

Your devotion to just and humane causes has marked you as one of the truly compassionate and effective legislators of our time.

Congressman Jim Scheuer, for 25 years you have been a powerful voice for New York City in the United States House of Representatives. And now, as Dean of New York City's Congressional delegation, you are providing even greater leadership.

In addition, you are acclaimed internationally for your uncompromising efforts to make this a better world for people everywhere, yet you have never forgotten the neighborhoods you serve and the New Yorkers who need your help. You have always been there Jim, whenever we needed you.

We urge you to continue your outstanding service to our community, and to the Nation, for many years to come. 

Senator Patrick Moynihan Governor Mario Cuomo Mayor David Dinkins Assemblyman Mel Miller Speaker, N.Y.S. Assembly
Councilman Peter F. Vallone, Speaker, N.Y.C. Council Congressman Thomas J. Manton, Queens Democratic County Leader
Hon. George Friedman, Bronx Democratic County Leader Hon. John Matthews, Nassau Democratic County Leader
Claire Shulman, Queens Borough President Fernando Ferrer, Bronx Borough President

PUBLIC OFFICIALS

Rafael Cananiza Colon
N.Y.C. Council
Democratic District Leader
Jerry L. Crispino
N.Y.C. Council
Gloria Davis
N.Y.S. Assembly
John C. Daurie
N.Y.S. Assembly
Michael DeBarco
N.Y.C. Council
Hector L. Diaz
N.Y.S. Assembly
Tom Di Napoli
N.Y.S. Assembly
George Friedman
N.Y.S. Assembly
Julia Harrison
N.Y.C. Council
Democratic District Leader
Alan G. Hevesi
N.Y.S. Assembly
Robert T. Johnson
Bronx District Attorney
Stephen B. Kaufman
N.Y.S. Assembly
Sheldon S. Lefter
N.Y.C. Council
Nestle Mayerson
N.Y.S. Assembly
Democratic District Leader
Morton Perena
N.Y.C. Council
Democratic District Leader
Larry B. Seabrook
N.Y.S. Assembly
Democratic District Leader
Saul Weprin
N.Y.S. Assembly/
Democratic District Leader

**DEMOCRATIC PARTY
OFFICIALS**

Michael Benedetto
Democratic District Leader
Adele Bronston
Democratic District Leader
Ruth Casor
Democratic District Leader
Sanford Cohen
Democratic District Leader
Gerald Esposito
Democratic District Leader
Arthur Goldstein
Democratic Zone Leader
Edith Hicks
Democratic District Leader
Frank Lesser
State Committeeman
Linda Loeb
Democratic District Leader
Sandra Love
Democratic District Leader
Fran Mahoney
Democratic District Leader
Anthony J. Meana
Democratic District Leader
Honey Miller
Democratic District Leader
Linda Muhl
Democratic District Leader
Dennis Nagle
Democratic District Leader
Mary E. Petro
Democratic District Leader

John Ros
Democratic District Leader
Charles Seidman
Democratic District Leader
Leo Sussan
State Committeeman
Ruben Sussman
Democratic District Leader
Gerald Terry
Bronx Leader
Elaine Weinman
Democratic District Leader
Harriet Windman
Democratic District Leader

COMMUNITY LEADERS

Rabbi Charles G. Agin
Free Synagogue of Flushing
Rabbi Jerome Berkowitz
Marshall Jewish Community Center
Rabbi Stuart Burman
Electchester Jewish Center
Rabbi Louis Bernstein
Young Israel of Windsor Park
John Chichichio
St. Lucy's Church Senior Club
Father Coleman Conello
Outreach Project
Rabbi Jerome E. Davidson
Temple Beth El of Great Neck
Pope Della Monica
Catholic Charities
Rabbi Abraham B. Edelman
Little Neck Jewish Center
Harvey Epstein
Co-President, Temple Emanuel
of Parkchester
Rabbi Earl J. Fluhman
Flushing Jewish Center
Rabbi Harold Frankel
Kissena Jewish Center
Rabbi Moshe L. Fuchs
Congregation Sons of Israel
of the Bronx
Rabbi Solomon Goldman
Utopia Jewish Center
Rabbi Morton Gordon
Temple Torah of Little Neck
Rabbi Steven Graber
Whitestone Hebrew Center
Rabbi Israel Greenberg
Beth Jacob-Miriam School
Rabbi Abraham Harstein
Pelham Parkway Jewish Center
Rabbi Joshua Hertzberg
Jewish Center of Bayside Oaks
Rabbi Scott Hoffman
Temple Emanuel of Parkchester
Rabbi Irwin Isaacson
Rabbi Emeritus -
"Dahland Jewish Center
Rabbi Simcha Krass
Young Israel of Hillcrest
Rabbi Hyman Levine
Bay Terrace Jewish Center
Fletcher Klerman
St. Virgil's Church
Jim McQuade
Holy Family Church Senior Center
Rabbi Dr. Gerald M. Meiner
Fresh Meadows Jewish Center
St. Thomas Aquinas Marcano
Rabbi John H. Meyer
Paseo - Community Church
of Flushing

Rabbi Donald Milrod
Temple Judea/Bronx
Rabbi William Ornatticher
Bayside Jewish Center
Ernest Richman
Co-President, Temple Emanuel
of Parkchester
Rabbi Shalom Rubin
Young Israel of Pelham Parkway
Rabbi Philip Schoenfeld
Young Israel of Kew Garden Hills
Rabbi Seymour Schwartz
Young Israel of Parkchester
Rabbi Sidney Solomon
Jewish Center of Kew Garden Hills
Rabbi Murray Stadenman
Jewish Center of Bayside Hills
Rabbi Mordecai Waxman
Temple Israel of Great Neck
Rabbi Ephraim Wolf
Rabbi Emeritus - Great Neck
Synagogue

Carole Akrumson
L.I. Committee for Soviet Jewry
Peter B. Black
Whitestone Bnai B'rith
Susan Blauowitz
Sisterhood President,
Temple Torah of Little Neck
Maurice Blum
Whitestone Hebrew Center
Leo Buzman
President, Men's Club,
Temple Judea/Bronx
Mamie Cohn
Sisterhood President,
Congregation Khal Adath/Bronx
Irving Cohen
President, Electchester
Jewish Center
Sharon Davidson
Sisterhood President,
Young Israel Windsor Park
Annette Davis
Sisterhood President,
Garden Jewish Center
Arnold Eisen
Bronx Jewish Community Council
Beatrice Epstein
President, Temple Beth Shalom
of Flushing
Louis Gertle
President, Young Israel
Windsor Park
Rhoda Gogatz
Jewish Community Council
of Pelham Parkway
Dr. Charles Goldberg
Pelham Parkway Jewish Center
Mike Hassender
President, Jewish Center
of Torah Emeth
Dr. Heiner Hoffman
Whitestone Hebrew Center
Abraham Inicles
President, Men's Club, Jewish
Center of Bayside Hills
Muriel Jacobson
Sisterhood President, Oakland
Gardens Jewish Center
Eli Kleiman
President, Young Israel
of Pelham Parkway
Rita Kreiberg
Sisterhood President,
Temple Beth Shalom

Phyllis Landmann
Sisterhood President,
Temple Judea of the Bronx
Sydney Liebman
President, Jewish Center
Bayside Hills
Norman Liss
Bronx Chapter,
American Jewish Congress
Philip Machinoff
North Shore Hebrew Academy
Samuel Pasach
President, Men's Club,
Young Israel of Parkchester
Samuel Plotner
Jewish Center of Torah Emeth
Gloria Pollack
President, Oakland Jewish Center
Milton Poterman
Temple Israel of Great Neck
Seymour Richman
UJA Federation - Queens
Jacqueline Rothman
Sisterhood President, Fresh Meadows
Jewish Center
Seymour & Arlene Samuels
Bayside Oaks Jewish Center
Eugene Schesler
President, Queens Jewish Community
Council
Lila Scholman
Flushing Jewish Community Council
Jerry Shatz
Jewish Community Council
of Pelham Parkway
Abraham Spiegel
Kissena Jewish Center
Aron Spiegel
President, Men's Club,
Utopia Jewish Center
Julian Steuer
President, Flushing Jewish Center
Art Stricker
President, Men's Club,
Bay Terrace Jewish Center
Myra Wallach
Sisterhood President,
Bayside Jewish Center
Jerome Weiss
Whitestone Hebrew Center
Harold Zilkowitz
President, Marathon Jewish Center

Hank Autfarth
Vice President, Chemical Bank
Dr. Martin Begun
Dean, NYU Medical School
Herbert Bismack
Queens College - CUNY
Dr. Cecilia Chang
Dean, Asian Studies Institute -
St. John's University
Dominick Ciampa
Queens Businessman
Dennis Donnelly
N.Y. Telephone Co.
Mike Darno
Senior V.P., Dollar Dry Dock
Frank Fariello
President, Edo Corporation
Richard Gelman
President, National Bank
of New York - Flushing
Floyd Holloway
First Vice President,
N.Y.C. Transit Police

Shirley Brown Kennedy
President, Queens College - CUNY
Joseph Mattos
Queens Philanthropist
John P. McKillop
President, N.Y.S. Supreme Court
Officers Association
Jim Murphy
Chairman, Board of Trustees,
City University
Nathan Quinones
Former N.Y.C. Schools Chancellor
Dennis W. Quirk
President, N.Y.S.
Court Officers Union
Hon. Edward Sadowitz
Queens Member, N.Y.C.
Board of Education
Murray Schneider
President, Council
of School Administrators
Kurt Weishaupt
Queens Philanthropist

Mary M. Anderson
President, East Flushing
Civic Association
Neil Berger
Director, Castle Hill
Community Center
Mary Blake
Bayside Historical Society
Richard Calver
Commander, John Pinner Bryan
Post #91/American Legion
Frank & Rita Canal
Democrats for New Politics
Dominic Canova
Chairman, Community Planning
Board #1 - Bronx
Pauline Chin
Queens Chinese Parents Assoc.
Judith Cotte
Americans of Italian Heritage, Inc.
Albert Daly
Chairman, Community Planning
Board #6 - Queens
Thal Davis
Northeast Bronx Council on Aging
Virginia Dean
Queens Environmentalists
Emilian Eisendorfer
Pelham Parkway Merchants Assoc.
Joseph C. Fegan
President, Unionport Civic Assoc.
Jim Flaherty
Chairman, Little
Neck/Douglass Memorial Day
Parade
Michael Feary
Concerned Citizens of Bayside
Nicholas Garofalo
President, Ft. Totten
Preservation Council
Aurora Gareis
Founder, Udal's Cove
Preservation Committee
Eli Goldsmith
Winthrop Tenants Council - Bronx
Jeff Gottlieb
Kew Garden Hills Civic Assoc.
Bernard Haber
Chairman - Community
Board #11 - Queens
Lucille Helms
Douglass Manor Association

Frank Henry
President, Greater Whitestone
Sagevorts
John Hong
Queens Korean Culture Assoc.
Robert House
Bronx Y.M.C.A.
Roy Israel
President, Pelham Parkway
Citizens Council
Mohan Jethwani
Assoc. of Indo-American Engineers
Joanna Jones
Flushing Council on the Arts
Sung Soo Kim
President, Korean American Small
Business Service Center of N.Y.C.
Marshall Klein
Director, Flushing Y.M.C.A.
Rosa Kryash
Past President, New York Statewide
Senior Action Council
Raymond Locascio
Astor Little League - Bronx
Patrick J. Lynch
Parkchester Community Leader
Doug MacKay
Alley Pond Environment Center
Maryann Marinello
President, Bayside Gables
Civic Association
Jack & Yolande Morris
Amherst Improvement Assoc.
Don Orell
President, Bay Terrace Coalition
Richard On
Queens Chinese Parents Assoc.
Dr. Margaret Pan-Loo
Queens Chinese-Korean
Bilingual Program
Dr. Kanithal C. Paul
Bachchanuss Temple
John Presida
President, Bayside Park Civic Assoc.
Pat Quinones
President, Morris Park
Community Association
Al Rankins
Flushing NAACP
Susan Wu Rathbone
Queens Chinese Women's Assoc.
Blanche Conner Ruffin
Chairwoman, Bronx Home
Jonathan Ridgeway
Westmoreland Homeowner's Assoc.
Joseph Saporito
President, Americans of
Italian Heritage
S. Gary Schiller
World Veterans Foundation
Herman L. Schneider
Commander, Cpl. Larry Mass Post 415
William Solot
Whitestone Volunteer
Ambulance Corps
Lynda Spiceman
Chairwoman, Community Planning
Board #7 - Queens
Chester Starzko
Drepsdale Gardens
Community Council
Sean Walsh
President, Douglass Civic Assoc.
Flushing 9th St.
Doug, John Smith
Douglass Community College

The Committee to Sakite Jim Scheuer. Thomas J. Manton, Chairman.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 14, 1990

Kenneth A. Gross, Esq.
Skadden, Arps, Slate,
Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2107

RE: MUR 3050
The Honorable James
Scheuer; Rhoda Goldberg

Dear Mr. Gross:

This is in response to your letter dated May 7, 1990, which we received on May 7, 1990, requesting an extension of 10 days to respond to the complaint in the above-captioned matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on May 21, 1990.

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

Sincerely,

A handwritten signature in cursive script, which appears to read "Anne Weissenborn", is written over a horizontal line.

Anne Weissenborn
Assistant General Counsel

90040300386

066309
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2107

90 MAY 23 PM 12:44

FAX: (202) 393-5760
DIRECT DIAL
(202) 371-1007

(202) 371-7000

BOSTON
CHICAGO
HONG KONG
LONDON
LOS ANGELES
NEW YORK
SYDNEY
SAN FRANCISCO
TOKYO
WILMINGTON

May 21, 1990

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 MAY 23 PM 3:25

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
ATTN: Anne Weissenborn, Esq.
Tony Buckley, Esq.

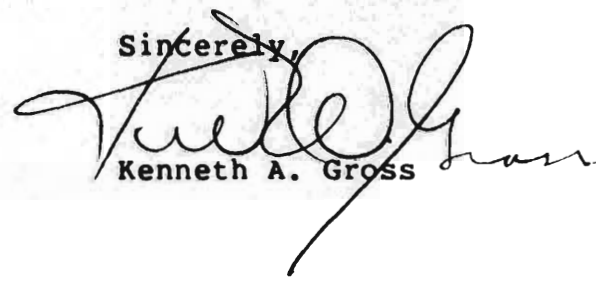
Re: MUR 3050

Dear Mr. Noble:

The enclosed memorandum responds to a complaint filed by Richard Rapp. This response is filed on behalf of Scheuer for Congress, Congressman James H. Scheuer and Rhoda Goldberg.

Please let me know if you need any additional information.

Sincerely,


Kenneth A. Gross

Enclosure

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RESPONSE FOR THE HONORABLE JAMES H. SCHEUER,
SCHEUER FOR CONGRESS AND RHODA GOLDBERG
TO COMPLAINT FILED WITH THE FEDERAL ELECTION COMMISSION

I. ALLEGATIONS.

On April 19, 1990, Richard Rapp filed a complaint alleging violations of the Federal Election Campaign Act ("FECA") and the Federal Election Commission's ("FEC") regulations against "James H. Scheuer and/or an authorized political committee." The FEC notified Congressman James Scheuer and Rhoda Goldberg as respondents in this matter.

The complaint alleges that Congressman Scheuer and his campaign committee violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11(a) for failing to state on a newspaper advertisement and a mailing who paid for and authorized (a) the advertisements taken out in four New York weekly newspapers and (b) a mailing sent out by Congressman Scheuer's campaign committee which asked community leaders if they would like to congratulate Congressman Scheuer for 25 years of congressional service. The complaint also suggests that if "The Committee to Salute Jim Scheuer" is a political committee under the FECA, it should register with the FEC. The complaint does not allege that Rhoda Goldberg violated the law, but mentions Ms. Goldberg in the complaint because her home address

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appears on a return envelope that was included in the mailing in question.

Since the mailing and the advertisement were paid for and authorized by Scheuer for Congress, the only issue in this matter is whether the mailing and advertisements expressly advocate the election or defeat of a candidate or solicit contributions, thereby triggering the notice requirements of 2 U.S.C. § 441d and 11 C.F.R. § 110.11(a).

II. THE LAW.

The Federal Election Campaign Act provides:

Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication -

1. if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or
2. if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

3. if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

2 U.S.C. §§ 441d(a)(1), (2), and (3).

Only those communications expressly advocating the election or defeat of a clearly identified candidate or which solicit contributions through public advertising must state the disclaimer notices required by 2 U.S.C. § 441d(a) and 11 C.F.R. § 110.11.

In Buckley v. Valeo, 424 U.S. 1, 44 (1976), the Supreme Court found that express advocacy language must be precisely and narrowly construed. The Court explained in Federal Election Commission v. Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986) ("MCFL") that "Buckley adopted the 'express advocacy' requirements to distinguish discussions of issues and candidates from more pointed exhortations to vote for particular persons." MCFL at 249. If a communication does not qualify as an independent expenditure, then there is no requirement that it be disclosed as an expenditure and it need not carry a section 441d disclaimer. The Court gave examples of words of express advocacy, including "vote for," "elect," "support," "cast your ballot for," "Smith for

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Congress," "vote against," "defeat," and "reject." Buck-
ley at 44, n. 52.

III. APPLICATION OF THE LAW TO THE FACTS.

A. Scheuer for Congress

Scheuer for Congress, the principal campaign committee for Congressman James H. Scheuer, paid for and authorized the newspaper advertisements and the mailing that is the subject of this complaint. The committee name mentioned in the newspaper advertisement, "The Committee to Salute Jim Scheuer," is not a political committee under the FECA. It has no bank account and does not solicit, receive, or expend funds. It was merely a name used for a project that was paid for and authorized by Congressman Scheuer's principal campaign committee. Consequently, there is no requirement that The Committee to Salute Jim Scheuer register and report the activity related to the advertisements in question. Since the advertisements were paid for by Scheuer for Congress, it is responsible for the disclosure obligations in connection with the mailing and the advertisements. On April 15, 1990, Scheuer for Congress reported an expenditure of \$220 to Pip Printing for the printing of the mailing. The April 15, 1990 filing also discloses the cost of postage. Copy of the receipt for printing and check for

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payment are attached - Attachments A and B. The newspaper advertisements were not billed until after the March 31, 1990 disclosure cut-off date for the April 15, 1990 filing. Those expenditures will be reported in the next report.

During the week of March 19, 1990, Scheuer for Congress mailed a flyer with a tear-off coupon to less than 300 community leaders in New York. A copy of the flyer and coupon is attached - Attachment C. That mailing gave community leaders the opportunity to express their gratitude to Congressman Scheuer for his 25 years of service to the community. The names of the community leaders were not obtained from a commercial mailing list and the mailing was conducted by Scheuer for Congress, the principal campaign committee, not a commercial vendor. The names were accumulated by the Congressman over the years. All the individuals are well known in the community.

Neither the mailing nor the advertisement advocates the election of Congressman Scheuer or solicits contributions. The mailing merely requests community leaders to express their gratitude to Congressman Scheuer and the newspaper advertisement lists the names of those individuals expressing support with a message congratu-

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lating Congressman Scheuer for his years of service. Merely urging the Congressman to continue his service to the community without making any reference to his upcoming election or that he is even a candidate for office falls far short of express advocacy. Moreover, Congressman Scheuer did not have an opponent at the time of the communications and the communications did not occur near the time of the election. The New York primary is on September 11, 1990; the mailing occurred in March 1990, and the advertisements ran in April 1990.

The complaint characterizes the mailing as a "solicitation of names of supporters for his continuation in office as a member of Congress in 1990 and beyond." This characterization is inaccurate because the mailing does not make reference to an election. Cast in a light most favorable to the complainant's allegation, however, the communications still do not trigger the disclaimer requirements under the FECA. A "solicitation of names and supporters" does not constitute a solicitation for contributions. Scheuer for Congress did not solicit the community leaders for campaign contributions and has no intention of doing so.

Even if the mailing constituted a solicitation for contributions or express advocacy, the disclaimer requirement would not come into play because the limited mailing made from a non-commercial list of names does not constitute "direct mail" as contemplated under section 441d. The mailing was not conducted by a commercial vendor nor was the mailing made from commercial lists. See 11 C.F.R. § 100.8(b)(16)(i).

9 0 0 4 0 8 0 0 3 9 4
In addition to the Supreme Court decisions in Buckley and MCFL, the Commission has decided several Matters Under Review ("MURs") involving alleged violations of section 441d. Those decisions support the dismissal of this matter. In MUR 2087 (January 30, 1986), the FEC found no reason to believe that section 441d was violated even though the communication in that case carried an electioneering message. In that case, the General Counsel acknowledged that the communication was "certainly partisan" but was "not unambiguously related to the campaign of a particular federal candidate." The literature was not considered express advocacy because it was "more of a criticism of the leadership of the North Carolina Democratic Party, than it [was] an attempt to boost the chances of the unnamed Republican incumbent." General Counsel's Analysis at 5. In the present MUR, no

reference is made to an upcoming election, the readers are not urged to take any action, no reference is made to an opponent, and no funds are solicited.

In MUR 2275 (March 26, 1987), the Commission issued a Statement of Reasons stating that communication in question did not require a section 441d notice because the "direct mail piece at issue in the complaint did not contain a clear call to action or an exhortation to vote for or against any candidate." The Commission dismissed the matter even though the General Counsel recommended that the communications constituted express advocacy and it was mailed to the voters close to the date of the election.

In MUR 2249 (November 18, 1986), the Commission found no express advocacy because there was no reference in the advertisement in question to the Congressman's party, to whether he was running for reelection, to the existence of an election, or to the act of voting in any election. In the same way, the communications in this matter contain no such electioneering messages. See also MUR 1803 (January 8, 1985); MUR 1804 (December 21, 1984); MUR 1813 (December 20, 1984).

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The communications in the present matter do not come close to raising a disclaimer requirement. This conclusion is supported by decisions of the Supreme Court and the Commission. In fact, if the campaign committee had chosen not to pay for the mailing and advertisements, they would have been permissible as non-electioneering, non-campaign messages.

B. Rhoda Goldberg

The complaint does not allege that Rhoda Goldberg violated the FECA but mentions Ms. Goldberg because her name appeared on a return envelope. We are responding on behalf of Ms. Goldberg because the FEC notified her as a respondent.

Rhoda Goldberg allowed the responses to the mailing in question to be sent to her home address. While she is on Congressman Scheuer's staff, the minimal effort involved in handling the responses sent to her home mail box was expended on her own time, after hours. She did not expend any money in this effort and did not violate any provision of law.

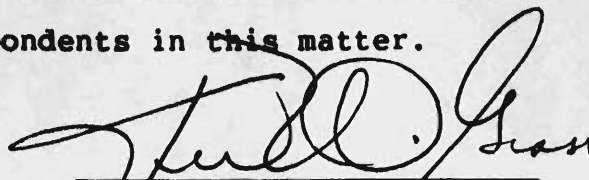
C. Congressman Scheuer

The complaint also names Congressman Scheuer, individually. All the activity in question was conducted by Congressman Scheuer's principal campaign committee.

Beyond that, he had no personal involvement and therefore could not have individually violated any law.

IV. CONCLUSION.

For reasons stated the Commission should find no reason to believe a violation occurred and dismiss the complaint against all respondents in this matter.



Kenneth A. Gross
Skadden, Arps, Slate
Meagher & Flom
Attorneys for
Scheuer for Congress
James Scheuer
Rhoda Goldberg

Attachments

90040300398

ATTACHMENT A

Date 3/14/90 M T W Th F Time

☐ C.O.D.
☐ TUB FILE

Tri Afternoon
PIP PRINTING

CUSTOMER NO.

34025

THIS INVOICE IS

C.M. Scheur

Phone 445-8770

Attn. Jff -

NO. 585
36-09 MAIN STREET
(ENTRANCE ON NORTHERN BLVD.)
FLUSHING, NEW YORK 11354
(718) 358-2300

P.O. #
☐ PHONE WHEN READY
☐ FILE ORIGINALS

PRINTING (P)

ITEM NO.	QUAN.	UP	FINISH	DESCRIPTION	FINISHED PRODUCT SHEETS	PASSES	%	11"	OTHER	COLOR	STOCK WT.	TYPE	INK COLOR	UNIT PRICE	AMOUNT
1	X	-	800	letters			14"								42.00
2	X	-													
3	X	-	800	#10 envelope											46.00
4	X	-													
5	X	-	800	6 1/4 envelope											46.00
6	X	-													20.00

DUPLICATING (D)

ITEM NO.	ORIG. X	SIDES X	QUAN.	- TOTAL	DESCRIPTION	ORIG. COP.	%	11"	OTHER	COLOR	STOCK WT.	TYPE	MACH.	UNIT PRICE	AMOUNT
7	X	X				1 2 1 2									
8	X	X				1 2 1 2									
9	X	X				1 2 1 2									

BINDERY (B1)

ITEM NO.	# CUTS	CUT FINISH SIZE	COLLATE SHEETS	#/ SET	STAPLE POSITION	TOTAL #	FOLD TYPE	IN/OUT	# HOLES	DRILL POSITION	SHEETS PER PAD	PAD POS.	TOTAL PADS	BIND
3		X												
4		X												
5		X												

OTHER BINDERY (B2)

ITEM NO.	DESCRIPTION	AMOUNT
0		
4		

ADDITIONAL SERVICES (A)

ITEM NO.	DESCRIPTION	AMOUNT

GRAPHICS (G)

ITEM NO.	CAMERA NEG	STAT	PLATE	ART/DESIGN	TYPESETTING

NOTES:

Authorized By [Signature] Received By and Date [Signature]

PAY THIS AMOUNT
INCLUDES ALL CHARGES
TOTAL

☐ PREPAID INVOICE

PRINTING	+	DUPLICATING	+	BINDERY	+	GRAPHICS	+	ADD'L SERVS.	-	=	SUB TOTAL	+	TAX/RESALE	+	SHIP/HAND	=	TOTAL
160.00								60.00			220.00						280.00

rec'd
3/26/90
to Barb.
c: Alan

90040300400

ATTACHMENT B

20040300401

SCHUEER FOR CONGRESS 1988

857

PAY
TO THE
ORDER OF

PIP Printing

Mar 28 1990

15-55/540

Two hundred Twenty + 00/100

DOLLARS

AMERICAN SECURITY BANK, N.A.

401 N Street, S.W.
Washington, D.C. 20004

FOR

ON # 34025

[Signature]

⑈000857⑈ ⑆05400055⑆04⑈864 05 83⑈

⑈0000022000⑈

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0520-0027-B
306202455 04-05-90

APR 6 1990
10215085214
100 COMMUNITY DR
9496 BARCLAYS NY
11543794

0102 47697

PAY TO THE ORDER OF
BARCLAYS BANK OF N.Y.
FOR DEPOSIT ONLY
PIP 565 INC.
#71-00093-3

90040300402

ATTACHMENT C

**CONGRATULATIONS
JIM SCHEUER
ON 25 YEARS IN CONGRESS!**

**JAMES H. SCHEUER
NEW YORK 8TH DISTRICT**

Your devotion to just and humane causes has marked you as one of the truly compassionate and effective legislators of our time.

We salute your dedication to the causes of fair housing, affordable health care, better schools, social security, consumer protection, a safer environment, and the security of Israel.

Congressman Jim Scheuer, for 25 years you have been a powerful voice for New York City in the United States House of Representatives. And now, as Dean of New York City's Congressional delegation, you are providing even greater leadership.

In addition, you are acclaimed internationally for your uncompromising efforts to make this a better world for people everywhere, yet you have never forgotten the neighborhoods you serve and the New Yorkers who need your help. You have always been there Jim, whenever we needed you.

We urge you to continue your outstanding service to our community, and to the Nation, for many years to come.

AS A RECOGNIZED LEADER IN THE 8TH CONGRESSIONAL DISTRICT, I WOULD LIKE TO ADD MY CONGRATULATIONS TO JIM SCHEUER ON HIS 25TH YEAR IN CONGRESS.

(Please Print)

NAME _____

ADDRESS _____

TELEPHONE NUMBER _____

AFFILIATION _____

*PLEASE RETURN THIS COUPON AND MAIL IN THE
ENCLOSED ENVELOPE

90040300403



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 13, 1990

Mr. Richard Rapp
167-05 12th Avenue
Whitestone, New York 11357

RE: MUR 3050
James H. Scheuer;
Scheuer for
Congress-1990, and
Frederick C. Buelken, as
treasurer

Dear Mr. Rapp:

This letter acknowledges receipt on May 10, 1990, of the amendment to the complaint you filed on April 19, 1990, against James H. Scheuer and Scheuer for Congress-1990. The respondents will be sent copies of the amendment. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

90040300404



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

June 13, 1990

Kenneth A. Gross, Esq.
Skadden, Arps, Slate,
Meagher & Flom
1440 New York Avenue, NW
Washington, DC 20005-2107

RE: MUR 3050
James H. Scheuer;
Scheuer for
Congress-1990, and
Frederick C. Buelken, as
treasurer

Dear Mr. Gross:

On April 23, 1990, your clients were notified that the Federal Election Commission received a complaint from Richard Rapp alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time they were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On May 10, 1990, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information. As this new information is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Todd Hageman, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner
by [signature]

BY: Lois G. Lerner
Associate General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
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SKADDEN, ARPS, SLATE, MEAGHER & FLOM

1440 NEW YORK AVENUE, N.W.
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(202) 371-7000

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June 29, 1990

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

Attn: Todd Hageman, Esq.

Re: MUR 3050, Scheuer for Congress-1990 and
Frederick C. Buelken, as Treasurer

Dear Mr. Noble:

On April 19, 1990, Richard Rapp filed an amended complaint in the above-referenced matter. The amended complaint concerns the alleged distribution of a copy of a newspaper advertisement saluting Congressman Scheuer at a meeting of the Queens Political Committee of the New York City Central Labor Council. In a letter dated June 13, 1990, the Federal Election Commission forwarded the complaint to counsel for Scheuer for Congress.

The amended complaint does not add to the allegations made in the original complaint of April 15, 1990. It merely cites an instance in which the Scheuer campaign distributed a copy of the "Salute to Congressman Scheuer" advertisement to approximately twenty people at a Labor Council meeting. For the purposes of this response, the Scheuer for Congress Committee is not disputing that the Scheuer campaign distributed approximately twenty copies of the "Salute to Congressman Scheuer" advertisement to attendees of the Labor Council.

The informal distribution of a copy of a newspaper advertisement to approximately twenty individuals does not constitute public dissemination of information as contemplated in 2 U.S.C. § 441d. Moreover, the advertisement does not expressly advocate the election or defeat of a candidate and does not solicit contributions. Thus, there is no requirement that the advertisement

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Lawrence M. Noble, Esq.
June 29, 1990
Page Two

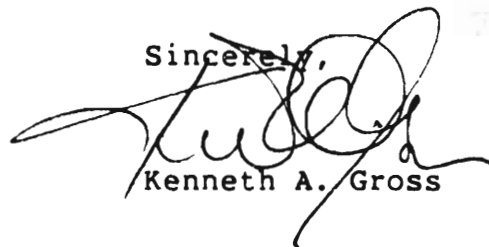
include a section 44ld disclaimer. This is true even if the advertisement is informally distributed at an event where the candidate is seeking political support, as is the case here.

The Scheuer campaign paid for the de minimis cost of reproducing the advertisement that was distributed at the Labor Council meeting. The expenditures associated with the original placement of the advertisement and its publication in newspapers were properly paid for by Scheuer for Congress and such payments will be disclosed in a timely fashion.

Accordingly, for the reasons set forth in our May 21, 1990 response, which we incorporate by reference herein, and the additional points made in this letter, the Commission should find no reason to believe a violation of the Federal Election Campaign Act occurred and close the entire matter.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely,



Kenneth A. Gross

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SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

MUR 3050
DATE COMPLAINT RECEIVED
BY OGC: April 19, 1990
DATE OF NOTIFICATION TO
RESPONDENTS: April 23, 1990
STAFF MEMBER: Todd Hageman

COMPLAINANT: Richard Rapp
RESPONDENTS: James H. Scheuer
Scheuer for Congress-1990, and
Frederick C. Buelken, as treasurer
RELEVANT STATUTES: 2 U.S.C. § 433(a)
2 U.S.C. § 441d(a)(1)
11 C.F.R. § 110.11(a)
INTERNAL REPORTS CHECKED: None
FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On March 19, 1990, Richard Rapp filed a complaint with the Commission. The complaint alleges that Congressman James Scheuer, New York's 8th Congressional District Representative, and/or the "Committee to Salute Jim Scheuer" has violated the Federal Election Campaign Act ("the Act") by failing to include "an authorization or financing statement" on a public advertisement as required by 2 U.S.C. § 441d(a)(1) and 11 C.F.R. § 110.11(a). The complaint also states that "The Committee to Salute Jim Scheuer" is not registered with the

Commission and asks that it register as an authorized committee. Mr. Rapp supplemented his complaint on April 19, 1990 by stating Congressman Scheuer distributed an advertisement at a meeting that did not contain an authorization or financing statement. Responses dated May 21, 1990 and June 29, 1990 have been received from the respondents' counsel, stating that no violations have occurred. See Attachments 1 and 2.

II. FACTUAL AND LEGAL ANALYSIS

The complaint cites an April 12, 1990 advertisement that ran in the Queens Courier and other local newspapers as evidence supporting its allegations. See Attachment 3. The advertisement, entitled "Congratulations Jim Scheuer on 25 years in Congress," praises Congressman Scheuer for his support of certain issues and urges him to continue. Following the message are the names of numerous political and religious leaders. As the complaint notes, no authorization and financing statement is printed on the advertisement; however, credit for the advertisement is given to "The Committee to Congratulate Jim Scheuer." The complaint's supplement notes that the candidate distributed this advertisement to approximately twenty local union leaders at a meeting of the Queens Political Committee of the New York City Central Labor Council, which was considering his candidacy.

The response to the allegations explains that the advertisement was paid for and authorized by Scheuer for Congress, the authorized campaign committee of Congressman Scheuer. The "Committee to Salute Jim Scheuer" is assertedly a

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"project" of the Committee, "has no bank account and does not solicit, receive or expend funds."

The Committee assertedly used Congressman Scheuer's personal list of prominent community citizens for a mailing inviting those citizens to endorse the advertisement congratulating the Congressman. Those citizens who agreed to endorse the advertisement responded by using a self-addressed coupon provided by the Committee. See Attachment 1, page 17.

The Act requires that a statement identifying the person who has authorized and financed a communication made for the purpose of expressly advocating the election or defeat of a clearly identified candidate, or for soliciting contributions, appear on any such communication. 2 U.S.C. § 441d(a)(1). If the advertisement is paid for by a candidate or his or her authorized committee, it must clearly state that it has been paid for by such committee.

The complaint states that the mailing at issue solicited the names of supporters and should have provided a statement of authorization and financing. The complaint also states that the advertisement was timed in order to influence the party designation, the petition process which begins on June 5, 1990, and the Democratic Primary on September 11, 1990, and to discourage potential opponents' entrance into the campaign.

The respondents' counsel argues that the Committee's advertisement, mailing and self-addressed coupon do not reference an election, solicit contributions, or identify Congressman Scheuer as a candidate for office. Also, he argues

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that the advertisement was run on April 12, 1990 and that the Democratic primary in the state of New York is not until September 11, 1990. Although the question is a close one, this Office agrees that under these circumstances the mailing and the subsequent advertisement do not appear to expressly advocate the election or defeat of Congressman Scheuer in his upcoming election.^{1/} Therefore, the authorization and financing statement rules set out at 2 U.S.C. § 441d(a)(1) and 11 C.F.R. § 110.11 do not apply, even if the advertisement is informally distributed to approximately twenty people at a meeting where the candidate is seeking political support. In sum, this Office recommends that the Commission find no reason to believe that James H. Scheuer, or Scheuer for Congress-1990, and Frederick C. Buelken, as treasurer, violated 2 U.S.C. § 441d(a)(1) by not providing an authorization and financing statement.

The complaint also asks that "The Committee to Salute Jim Scheuer" be required to register with the Commission as an authorized Committee. The Act defines an authorized Committee as a principal campaign committee or any other political committee authorized by a candidate to receive contributions or make expenditures on behalf of such candidate.

2 U.S.C. § 431(6).

^{1/} In its praise of an incumbent member of Congress, the advertisement resembles a newspaper advertisement involved in MUR 2737 (Bonior For Congress). There, the Commission concluded that the advertisement praising an incumbent's twelve years of service did not contain an express advocacy message. Although it is not free from doubt, it appears that the advertisement in this matter also lacks an express advocacy message.

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The Committee's response states that "The Committee to Salute Jim Scheuer" was a name given to the project consisting of the mailing and the advertisement which were paid for and authorized by the Scheuer for Congress-1990 Committee. The expenses incurred by the project have been appropriately reported by the Committee. "The Committee to Salute Jim Scheuer" has no bank account and does not solicit, receive, or expend funds. Therefore, this Office recommends that the Commission find no reason to believe that the Scheuer for Congress-1990 Committee, and Frederick C. Buelken, as treasurer, violated 2 U.S.C. § 433(a) by failing to register as an authorized Committee.

III. RECOMMENDATIONS

1. Find no reason to believe that James H. Scheuer violated 2 U.S.C. § 441d(a)(1).
2. Find no reason to believe that Scheuer for Congress-1990, and Frederick C. Buelken, as treasurer, violated 2 U.S.C. § 441d(a)(1) or 2 U.S.C. § 433(a).
3. Close the file.
4. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

Date

8/8/90

By:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response to Original Complaint
2. Response to Complaint Supplement
3. Advertisement



FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS *DH*
COMMISSION SECRETARY

DATE: AUGUST 14, 1990

SUBJECT: MUR 3050 - FIRST GENERAL COUNSEL'S REPORT
DATED AUGUST 8, 1990

The above-captioned document was circulated to the
Commission on Thursday, August 9, 1990 at 4:00 p.m..

Objection(s) have been received from the Commissioner(s)
as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	XXX _____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for TUESDAY, AUGUST 21, 1990.

Please notify us who will represent your Division before the
Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

James H. Scheuer;
Scheuer for Congress-1990, and
Frederick C. Buelken, as treasurer.

)
) MUR 3050
)
)
)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session on
August 21, 1990, do hereby certify that the Commission
decided by a vote of 4-2 to take the following actions
in MUR 3050:

1. Find no reason to believe that
James H. Scheuer violated 2 U.S.C.
§ 441d(a)(1).
2. Find no reason to believe that
Scheuer for Congress-1990, and
Frederick C. Buelken, as treasurer,
violated 2 U.S.C. § 441d(a)(1) or
2 U.S.C. § 433(a).
3. Close the file.
4. Approve the appropriate letters as
recommended in the General Counsel's
report dated August 8, 1990.

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

Attest:

8-27-90
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

September 5, 1990

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Richard Rapp
167-05 12th Avenue
Whitestone, New York 11357

RE: MUR 3050

Dear Mr. Rapp:

On August 21, 1990, the Federal Election Commission reviewed the allegations of your complaint dated April 15, 1990, and found that on the basis of the information provided in your complaint, and information provided by the respondents' attorney, there is no reason to believe that James H. Scheuer or Scheuer for Congress-1990 and Frederick C. Buelken, as treasurer, violated 2 U.S.C. § 441d(a)(1) or 2 U.S.C. § 433(a). Accordingly, on August 21, 1990, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended ("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,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 5, 1990

CLOSED

Kenneth A. Gross, Esq.
Skadden, Arps, Slate,
Meagher & Flom
1440 New York Avenue, NW
Washington, D.C. 20005-2107

RE: MUR 3050
James H. Scheuer;
Scheuer for
Congress-1990, and
Frederick C. Buelken,
as treasurer

Dear Mr. Gross:

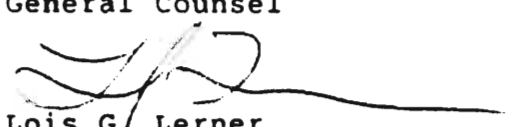
On April 23, 1990, the Federal Election Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On August 21, 1990, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe James H. Scheuer or Scheuer for Congress-1990, and Frederick C. Buelken, as treasurer violated 2 U.S.C. § 441d(a)(1) or 2 U.S.C. § 433(a). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3050

DATE FILMED 9/13/90 CAMERA NO. 2

CAMERAMAN AS

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